



Application by Five Estuaries Offshore Wind Farm Limited for the Five Estuaries Wind Farm

The Examining Authority's DRAFT written questions and requests for information (dWQ1)

Issued on 30 August 2024

The following table sets out the Examining Authority's (ExA's) draft written questions and requests for information - dWQ1. Following the Examination's commencement the ExA will change the status of this set questions to Examination written questions 1 (ExQ1) for response at Deadline 2 (22 October 2024), as explained in in the third Procedural Decision included in Annex D of the Rule 6 letter issued on 20 August 2024 [\[PD-007\]](#). If necessary, the Examination Timetable enables the ExA to issue further rounds of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2 and ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 20 August 2024 [\[PD-007\]](#). Questions have been added to the issue-based framework as they have arisen from representations and to address the assessment of the Application against relevant legislative provisions and policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique topic prefix identifier (capital letters), a reference number which starts with 1 (indicating that it is from the first round of written questions) and then a question number. For example, the first question on Navigation and Shipping issues is identified as NS.1.01. When you are answering a question, please start your answer by quoting the unique reference number.

An editable version of this table in Microsoft Word is available on request from the case team: please contact fiveestuaries@planninginspectorate.gov.uk and include Five Estuaries Wind Farm in the subject line of your email.



Abbreviations used:

AEoI	Adverse Effect on the Integrity of the Site
ANS	Artificial Nesting Structure
BMV	Best and most versatile agricultural land
CA	Compulsory Acquisition
CEMP	Construction Environmental Management Plan
CoCP	Code of Construction Practice
dDCO	Draft Development Consent Order
DML	Deemed Marine Licence
EACN	Proposed National Grid East Anglia Connection Node
EIA	Environmental Impact Assessment
EM	Explanatory Memorandum
ES	Environmental Statement
ECC	Export Cable Corridor
ExA	Examining Authority
FFC SPA	Flamborough & Filey Coast Special Protection Area
GW	Gigawatt
HE	Historic England
HoTs	Heads of Terms
HRA	Habitats Regulations Assessment
IP	Interested Party



ISH	Issue Specific Hearing
LBBG	Lesser Black Backed Gull
LIR	Local Impact Report
LPA	Local Planning Authority
MCA	Maritime and Coastguard Agency
MLS SAC	Margate and Long Sands Special Area of Conservation
MMO	Marine Management Organisation
MRF	Marine Recovery Fund
NE	Natural England
NGET	National Grid Electricity Transmission Plc
NRA	Navigational Risk Assessment
NSIP	Nationally Significant Infrastructure Project
OnSS	Onshore substation
OSP	Offshore Substation Platform
OWF	Offshore wind farm
PA2008	The Planning Act 2008
Proposed Development	The proposed Five Estuaries Offshore Wind Farm
RIAA	Report to Inform Appropriate Assessment
RR	Relevant Representation
SAC	Special Area of Conservation
SoCG	Statement of Common Ground



SoR	Statement of Reasons
SoS	Secretary of State
SPA	Special Protection Area
m²	Square metre
WR	Written Representation
WTG	Wind Turbine Generator

The Examination Library

References in these questions set out in square brackets (eg [APP-001, PD-001 etc]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link: [EN010115-000464-Five Estuaries OWF Exam Library.pdf \(planninginspectorate.gov.uk\)](#)

It will be updated as the Examination progresses.



Index

General and Cross-topic questions (GC)	6
Climate Change (CC)	11
Draft Development Consent Order (dDCO)	11
Historic Environment including Marine Archaeology (HE)	20
Land Rights (Compulsory Acquisition (CA) and Temporary Possession (TP) etc) (LR)	20
Marine Ecology (ME)	23
Navigation and Shipping (NS)	27
Terrestrial Transport and Traffic (TT)	29
Onshore Water, Hydrology and Flood Risk (WE)	30
Land Use and Agriculture (LU)	31

	Question to:	Question
General and Cross-topic questions (GC)		
GC.1.01	Applicant	<p>Status of Application documents</p> <p>The majority of the Application’s written documents are prefaced by a generic liability statement which, amongst other things, states “... <i>Five Estuaries Offshore Wind Farm Ltd makes no warranty as to the accuracy or completeness of material supplied by the client or their agent ... Any persons intending to use this document should satisfy themselves as to its applicability for their intended purpose ...</i>”. The Applicant must clarify what credence the Secretary of State, the Examining Authority and Interested Parties can place on the accuracy or completeness of any of the Application documentation that is subject to previously quoted liability statement.</p>
GC.1.02	Applicant	<p>Status of the description of the Proposed Development and reporting on it in the Environmental Statement (ES) submitted with the Application</p> <p>Paragraph 1.3.3 of the Offshore Project Description [APP-069] states:</p> <p><i>“The description of the Proposed Development will be refined as the design continues to evolve through the key subsequent stages of the design, consultation and EIA process culminating in the Environmental Statement (ES) that will accompany the Development Consent Order (DCO) Application.”</i></p> <p>Given what is stated in paragraph 1.3.3, does the description for the Proposed Development reflect what it is being proposed and has that development been comprehensively assessed for the purposes of the Environmental Impact Assessment Regulations and reported on in the submitted ES?</p>
GC.1.03	Applicant	<p>Generating capacity of the Proposed Development</p> <p>Provide the following information:</p> <ol style="list-style-type: none"> The anticipated generating capacity for the Proposed Development and the contribution that generating capacity would make to the Government’s objective of delivering 50 gigawatts (GW) of offshore wind generation by 2030. The anticipated generating capacity for the “<i>small</i>” and the “<i>large</i>” wind turbine generators referred to in [APP-069], for example Table 1.8. With respect to connecting with the electricity transmission system, confirm what grid capacity limit has been allocated to the Proposed Development.

	Question to:	Question
		The ExA finds it necessary to ask this question because a number of Application documents vaguely refer to the Proposed Development having an overall capacity of greater than 100 Megawatts (MW) with there being no indication of its actual anticipated generating capacity. 100MW is simply a threshold for determining whether a proposed offshore generating station in England would or would not be a Nationally Significant Infrastructure Project (NSIP) and be within the scope of the Planning Act 2008 (PA2008). The ExA considers that it and the Secretary State need to know what the anticipated generating capacity for the Proposed Development would be, because that is information which would need to be taken account of should it become necessary to weigh any effects arising from the Proposed Development against any public interest benefits, particularly when exercising duties under s122 of the PA2008 (Purpose for which compulsory acquisition may be authorised) and The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).
GC.1.04	Applicant	<p>Significance of the Proposed Development's contribution to the United Kingdom's electricity generating capacity</p> <p>In paragraph 4.1.76 of the Habitats Regulations Assessment Derogation Case (Derogation Case) [AS-003] it is stated "...If VE is abandoned, a relatively low cost and low risk project with the scope to provide a large generational capacity producing clean and renewable energy estimated capacity of at least 100 MW before 2030 would be lost. ..." (emphasis added by the ExA). That quote appears to be inconsistent with the claims made in the first bullet point of paragraph 5.3.30 "<i>The VE development proposes a substantial infrastructure asset, capable of delivering large amounts of low-carbon electricity ...</i>" and paragraph 5.3.31 "VE can make a large, meaningful, and timely contribution to decarbonisation and security of supply ..." of the Derogation Case. Explain what is meant by the emphasised text in paragraph 4.1.76 of the Derogation Case and calculate what 100 megawatts (MW) would be as a proportion of the Government's objective for delivering 50 gigawatts (GW) of offshore wind generation by 2030.</p>
GC.1.05	National Grid Electricity Transmission Plc (NGET)	<p>Grid connection limit for the Proposed Development</p> <p>Confirm what grid connection limit has been agreed with the Applicant as part of the connection offer that has been secured.</p>
GC.1.06	Applicant	<p>Time limits for commencing the Proposed Development</p> <p>Comment on the compatibility of a time limit of seven years for commencing the Proposed Development, sought under the provisions of Requirement 1 of Schedule 2 of the draft Development Consent Order (dCO) [APP-024] with:</p>

	Question to:	Question
		<p>a) the Government’s policy ambition for delivering 50GW of offshore wind generation by 2030, as referred to for example in paragraph 3.3.21 of National Policy Statement (NPS) EN-1; and</p> <p>b) the claim within paragraph 5.3.70 of the Derogation Case [AS-003] that the Proposed Development “... <i>can be deployed within a relatively short time frame (before 2030) ...</i>”.</p>
GC.1.07	Applicant	<p>Site Selection and Alternatives (Offshore)</p> <p>–Paragraph 4.1.8 in [APP-066] states that “... <i>VE, along with North Falls and Sea Link (National Grid Electricity Transmission), applied as a consortium for grant funding as part of the Offshore Coordination Support Scheme (OCSS)</i>”.</p> <p>Given the relationship between these three projects why has the Applicant chosen to discount an alternative offshore connection solution, via Sea Link (EN020026), which would not necessitate any development onshore?</p> <p>The ExA considers that it and the Secretary State need to understand why an offshore connection to a proposed NSIP transmission project due for submission in the first quarter of 2025 [RR-078] has been discounted and not included as an option given the existing relationship with National Grid/North Falls and an application for grant funding (OCSS). Paragraph 2.13.14 of NPS-5 states “<i>Co-ordinated transmission proposals ... are expected to reduce the overall environmental and community impacts associated with bringing offshore transmission onshore compared to an uncoordinated, radial approach. These reduced impacts could, for example, relate to: fewer landing sites and reduced landfall impacts; reduced overall cable length and impacts; and fewer cable corridors and reduced impacts from these</i>”. Paragraph 2.13.17 of NPS-5 states “<i>Applicants are expected to be able to indicate how co-ordination including reduction in impacts have been considered ...</i>”</p>
GC.1.08	Applicant	<p>Site Selection and Alternatives (Onshore)</p> <p>Natural England (NE) in paragraph 5.10 of [RR-081] states “<i>where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land</i>”.</p> <p>Provide an explanation as to why the proposed onshore substation (OnSS) and export cable corridor (ECC) cannot be located in an area that is not Grades 1 to 3a best and most versatile (BMV) agricultural land?</p>

	Question to:	Question
		The ExA considers that it and the Secretary State need to understand the justification for locating the OnSS on Grade 1 BMV and the disturbance to Grade 2 and 3a BMV along the ECC. Paragraph 2.13.19 of NPS EN-5 states <i>“There may be exceptional circumstances where multiple coordinated solutions have been explored and all those solutions would lead to adverse impacts (for example adverse effects on an environmentally protected site and where these could be avoided through radial connections. In these circumstances radial connections may be more appropriate. Evidence of the co-ordinated solutions assessed and likely adverse impacts would need to be provided by the applicant to clearly substantiate this. This includes demonstration of consideration of alternative co-ordination solutions which may not be in proximate locations”</i> .
GC.1.09	Applicant	<p>Implications for the Proposed Development if the proposed Norwich to Tilbury reinforcement project did not proceed</p> <p>Should the proposed Norwich to Tilbury reinforcement project, including the provision of the proposed East Anglian Connection Node (EACN) substation, not proceed, explain what the implications would be for the Proposed Development?</p>
GC.1.10	Local Planning Authorities (LPAs)	<p>Development Plan policies</p> <p>Confirm whether you are content with the Applicant’s policy analysis. The local planning authorities in responding to this question should also advise on whether there have been any changes to the Development Plan operative in their respective areas following the submission of the Application for the Proposed Development and/or as to whether any changes are anticipated prior to 17 March 2025 the latest date by which the Examination must be completed.</p>
GC.1.11	LPAs	<p>Neighbourhood Plans</p> <p>Are there any relevant made or emerging neighbourhood plans that the ExA should be aware of? If there are, please:</p> <ol style="list-style-type: none"> Provide details, confirming their status and, if they are emerging, the expected timescales for their making. Provide copies of the relevant parts of any made plan or emerging plan. <p>Indicate what weight it is considered the ExA should give to these documents.</p>
GC.1.12	LPAs	<p>Updates on other development</p> <p>Provide an update on any planning applications that have been submitted or any permissions that have been granted following the submission of the Application for the Proposed Development which could either affect</p>

	Question to:	Question
		the Proposed Development or be affected by the Proposed Development and whether those developments would affect the conclusions reached in the Environmental Statement (ES).
GC.1.13	Applicant	<p>Design parameters for the proposed onshore export cable corridor (ECC)</p> <p>Provide a note setting out the technical assumptions that have been used to determine the width and depth for the proposed individual cable ducts and their spacing relative to one another within the onshore ECC, for example as shown on Figure 1.10 of the Onshore Project Description [AS-004]. In answering this question, the Applicant should amongst other things:</p> <ul style="list-style-type: none"> a) cite and submit evidence of any relevant legislation, policy and technical guidance; b) identify any local geotechnical conditions affecting the indicative cross-sectional profile for excavating the cable trenches; explain why the stockpiles shown on Figure 1.10 appear to have around twice the volume of the cable trenches; c) provide evidence that there is sufficient sub-soil available to achieve the volume of backfilling proposed in Figure 1.10; d) identify the thermal rating required for backfill material and provide evidence that the indigenous sub-soil meets the required rating; e) provide commentary on a fallback position should there be insufficient sub-soil of the required thermal rating necessary to backfill; and f) provide evidence that 0.9 metres is sufficient depth to restore the sub-surface hydraulic connectivity to its former state, or better, and to ensure that the efficiency of existing/re-instated agricultural irrigation and drainage infrastructure would not be compromised.
GC.1.14	Applicant	<p>Overall width of onshore cable corridor</p> <p>Explain how the overall width of the onshore cable corridors quoted in Figures 1, 2 and 3 in the Coordination Document [APP-263], respectively for scenarios 1, 2 and 3, have been calculated given that the sum of the widths for the top and subsoil stockpiles, cable trenches and haul roads do not add up to the overall widths quoted in the previously mentioned figures.</p>

	Question to:	Question
GC.1.15	Applicant	<p>Designing the proposed onshore substation</p> <p>Section 2.3 of the onshore substation design principles document [APP-234] refers to a design review process being used to finalise the design for the proposed onshore substation. Who would be the “<i>Project Design Champion</i>” and who would be the members of the “<i>Design Review Panel</i>”?</p>
GC.1.16	Applicant	<p>Onshore substation design principles</p> <p>In terms of selecting a location for the proposed onshore substation, paragraph 3.2.5 of the OnSS design principles document [APP-234] refers to, amongst other things, “<i>The Horlock Rules</i>”. What are the Horlock Rules? In answering this question a copy of the Horlock rules should be submitted.</p>
GC.1.17	Applicant	<p>Offshore Decommissioning</p> <p>Within the Application documentation it is submitted that the effects associated with the decommissioning of the offshore works would be similar to the offshore construction works for the Proposed Development, is that proposition correct? For example, would the process of dismantling the wind turbine generators, including removing their piled foundations, have effects for marine ecology similar to those associated with the undertaking of piling and the pouring of concrete?</p>
Climate Change (CC)		
No Questions at this time		
Draft Development Consent Order (dDCO)		
DCO.1.01	Applicant	<p>References to units of distance, area or volume</p> <p>Units of distance, area and volume, kilometres, metres and square metres etc, should be quoted in long form throughout a Development Consent Order (DCO). Within the submitted dDCO metre, square metre and cubic metre have been abbreviated to “<i>m</i>”, “<i>m²</i>” and “<i>m^[3]</i>”, see for example Table 1 in Requirement 2 in Schedule 2.</p> <p>The Applicant must therefore review the use of distance, area and volume units throughout the entirety of the dDCO and ensure they are quoted in their long form throughout the next version of the dDCO that is submitted as an Examination document.</p>

	Question to:	Question
DCO.1.02	Applicant	<p>Article 2 (Interpretation)</p> <p>a) Include, in the next version of the dDCO the full citation for “<i>the 2016 Regulations</i>” ie the Environmental Permitting (England and Wales) Regulations 2016 and thereafter amend all of the references to these regulations to refer to the short form.</p> <p>b) “<i>address</i>” includes any number or address used for the purposes of electronic transmission. As Article 44 (Services of notices) is the only article referencing “address” and provides clarity with respect to electronic transmission, why is it necessary to list address in Article 2?</p> <p>c) “<i>apparatus</i>” has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act. See Articles 18, 30 36 and 37 below. Why has an interpretation been included in Article 2 when there are other articles not related to street works referencing the term apparatus?</p> <p>d) “<i>buoy</i>”, “<i>cable crossings</i>” and “<i>cable protection</i>” interpretations included in Article 2 have been replicated in full, amended or expanded upon in Schedule 11 Part 1 (1). Only one interpretation is necessary and the dDCO should be revised accordingly. The entire dDCO should be checked for any other duplication of interpretations included in both Article 2 and any other parts (schedules) of the dDCO and any duplications beyond Article 2 should be deleted.</p> <p>e) “<i>foundation</i>” appears to reference construction associated with offshore only. However, throughout the dDCO foundation is also mentioned in relation to onshore construction. Amend this interpretation for clarity to include any onshore foundation types.</p>
DCO.1.03	Applicant	<p>Article 37(2)(b) (Felling or lopping of trees and removal of hedgerows)</p> <p>states “...<i>from constituting an unacceptable source of danger (whether to children or to other persons)</i>”. There is no justification for this particular provision given in the Explanatory Memorandum. A justification for Article 37(2)(b) should be included in the Explanatory Memorandum or this provision should be deleted from the dDCO.</p>
DCO.1.04	Applicant	<p>Article 45 (No double recovery) What is the justification for Article 45’s inclusion and would the inclusion of this Article in any made DCO be consistent with recent practice? Should the Applicant remain of the view that there is a need for Article 45 it should provide examples where this type of article has been included in very recent DCOs.</p>
DCO.1.05	Applicant	<p>Numbering and formatting for the works comprising the proposed authorised works in Schedule 1</p> <p>The ExA considers the Applicant’s approach to the numbering and formatting of works within Schedule 1 to be inconsistent with normal practice. For example, for Work Numbers 1 and 2 for each work three sub-works are</p>

	Question to:	Question
		<p>listed, however, for Work Number 2 rather than its sub-works being listed as (a) to (c) they have been listed as (d) to (f) rather than (a) to (c). Thereafter in later Work Numbers sub-works start at (g) and culminate in (aa) to (cc) in Work Number 15B. However, for Work Numbers 15C, 15D and 16 the listing of the sub-works commence at (a). For the associated development for Work Numbers 1 to 3, the listing commences with (e) running initially running through to (l), while the associated development for Work Numbers 4 to 18 the listed items commence at (a). Work Numbers 15C to 15E are randomly preceded by paragraph numbers (49 to 51), suggesting injudicious cutting and pasting from another document. The inclusion of “<i>Work No. 4B</i>” as an unused work number amounts to poor drafting practice.</p> <p>The Applicant must therefore correct and simplify the way the proposed works are listed in Schedule 1 and ensure that in reformatting this schedule normal drafting conventions are used.</p> <p>In revising Schedule 1 of the dDCO the Applicant will also need to review all of the Application documents that refer to Works Numbers, including the onshore Works Plans [APP-010] and make any amendments as necessary to ensure consistency with the revisions that need to be made to Schedule 1.</p>
DCO.1.06	Applicant	<p>Schedule 2 (Requirements) – references to paragraphs and sub-paragraphs within individual requirements</p> <p>Some requirements (R) with multiple parts, make cross reference to paragraphs in other parts of the same R, see examples in R3(3), R21 and R22. There is a lack of consistency in other Rs in which crossing referencing uses the term sub-paragraph, for example 4(3), 5(2) and 6(1).</p> <p>The ExA considers that the usual convention is to use the term sub-paragraph, rather than paragraph, as the means for making cross references to other parts in Rs.</p> <p>The Applicant should review the drafting for all multi part Rs in Schedule 2 of the dDCO and replace the word paragraph with the word sub-paragraph as necessary.</p>

	Question to:	Question
DCO.1.07	Applicant	<p>Clarification with respect to the form in which details for discharging requirements should be presented</p> <p>Example: R5 (1) (Construction of Work No. 15B [the electrical substation]) states Work No. 15B “... <i>must not commence until details of ... have been submitted to and approved ...</i>”</p> <p>Clarity is required as to how the details to be submitted for approval by the relevant planning authority should be presented, ie in drawn form on plans or drawings and/or in a written specification.</p> <p>The Applicant should review all of the Rs in Schedule 2 requiring the submission of details for approval and amend their wording to make clear whether the details to be submitted should be in drawn and/or written form.</p>
DCO.1.08	Applicant	<p>Enforceability</p> <p>Example: R5 (2) states “<i>The details submitted under sub-paragraph (1) of this requirement must be in accordance with requirement 6 (detailed design parameters onshore) and substantially in accordance with the onshore substation design principles document.</i>”</p> <p>The term “<i>substantially</i>” in this R and other Rs in Schedule 2 is imprecise for the purposes of enforcement.</p> <p>The Applicant should review all of the Rs in Schedule 2 and remove the word “<i>substantially</i>”.</p>

	Question to:	Question
DCO.1.09	Applicant	<p>Implementation</p> <p>Example:</p> <p>R7(3) (Provision of landscaping) lacks precision with respect to the implementation of the landscaping works pursuant to any approval granted under sub-paragraph (1). R7(3) should be amended to state that the landscaping must be carried in accordance with the details approved under sub-paragraph (1).</p> <p>The Applicant should review all of the Rs in Schedule 2 and amend them as necessary to ensure they make it clear that implementation must be carried out in accordance with the details to be approved under the provisions of a preceding sub-paragraph.</p>
DCO.1.10	Applicant	<p>Omissions</p> <p>Example:</p> <ul style="list-style-type: none"> • R8(1) (Code of construction practice [CoCP]) refers to sub-paragraph (3) – there is no sub-paragraph (3), which appears to be an omission. Is the CoCP a draft or final document? At this stage of the planning for an NSIP the ExA would expect the CoCP to be a draft document, to be finalised once the detailed design has been completed and a contractor has been appointed. If the submitted CoCP [APP-253] is an outline document then R8 needs to be amended to include an approval mechanism for a final version by the relevant local planning authority. • R9 (3) should reference sub-paragraph (1). <p>The Applicant should review all of the Rs in Schedule 2 and ensure that they are complete, ie include all of the necessary limbs to make the R precise, implementable and enforceable etc.</p>
DCO.1.11	Applicant	<p>Clarity</p> <p>Examples:</p> <ul style="list-style-type: none"> • R6 (Detailed design parameters onshore) and R7 (Provision of landscaping)

	Question to:	Question
		<p>R6 and R7 appear to be related to works specifically for Work No. 15B (onshore substation) as set out in R5. Given that there are other onshore works listed within Schedule 1 of Part 1 (Authorised development), for clarity consideration should be given to combining R5, R6 and R7 or amending R6's subheading to read "Detail design parameters for the onshore substation" and R7 to read "Provision of landscaping for the onshore substation". If R5, R6 and R7 are combined all subsequent requirements should be renumbered. Irrespective of whether R5, R6 and R7 are to be combined or remain as separate Rs the design parameters currently included in R6 should precede what is currently stated in R5 because it is those parameters that inform the nature of the details to be submitted for approval, with any departures, in effect, meaning that the submitted details could not be approved because they would not accord with the parameters.</p> <ul style="list-style-type: none"> • R9 appears to relate wholly to construction traffic management. To avoid confusion with R8 (CoCP) should R9 be preceded by a subheading of something like "Construction traffic management". • R13 (1) (Soil management plan) states "<i>in accordance with the measures set out in the code of construction practice</i>" however, R8 (1) does not include sufficient clarity to ensure that a soil management plan would form part of the code of construction practice. Would it be clearer in R13(1) if the reference was to a draft CoCP (see the point raised above to the status of [APP-253]) or would it be more appropriate for a draft soil management plan to be submitted as a standalone document? <p>The Applicant should review all of the Rs in Schedule 2 and amend the wording, where duplication of terms or lack of detail is present and may lead to a lack of clarity.</p>
DCO.1.12	Applicant	<p>R14 (European protected species onshore)</p> <p>The subheading for R14 is inconsistent with the range of species covered in the R's wording. R14 is not restricted to the consideration of European protected species, given the references to the Wildlife and Countryside Act 1981. R14's subheading should be amended to accurately reflect the coverage R14.</p>
DCO.1.13	Applicant	<p>R15 (Ground water monitoring)</p> <p>Paragraph 6.9.2 of ES Chapter 6 (Hydrology, Hydrogeology and Flood Risk) [APP-088] states "<i>The mitigation includes measures such as design changes and applied mitigation which is subject to further study or approval</i></p>

	Question to:	Question
		<p><i>of details; these include avoidance measures that will be informed by pre-construction surveys, and necessary additional consents where relevant. The composite of standard and applied mitigation measures apply to all parts of the VE development works, including pre-construction, construction, O&M and decommissioning.”</i></p> <p>The scope of R15, as written, does not fully address impacts in both the hydrological and hydrogeological environments. The Applicant should consider expanding this requirement to include all aspects of the water environment using the mitigation identified in the ES as the starting point for R15.</p>
DCO.1.14	Applicant	<p>R19 (Onshore build options)</p> <p>a) The Proposed Development under “<i>build option 2</i>” would be a ‘paired back’ development involving the installation of two buried cable circuits alone for the proposed Five Estuaries Wind Farm. While R19, as drafted, would require the relevant local planning authority to be notified by the Undertaker that either build option 1 or build option 2 was being pursued under build option 2 there would be no requirement for a revised set of drawings, most particularly an amended set of Onshore Works Plans [APP-10], to be submitted. The ExA considers that omission to be a deficiency of the wording of R19 or any other part of the dDCO. That is because under build option 2 it would be unclear precisely what land was to be used to implement what would be a ‘lesser’ development in land take terms. The Applicant should therefore incorporate a mechanism within R19 that would ensure that if build option 2 was being pursued a revised set of Onshore Works Plans would be submitted to the relevant local planning authority.</p> <p>b) Part of R19’s purpose is to ensure that the compulsory acquisition powers included in any made DCO could not be exercised until the notification of which build option was to be pursued had been submitted to the relevant local planning authority. Articles 21 to 34 in Part 5 of the dDCO address the proposed powers of acquisition. Affected Persons would be more likely to be drawn to the provisions of Part 5 of the dDCO and would not necessarily be minded to undertake a search of the relevant local planning authority’s planning register to determine which build option was being pursued and how that might ultimately affect an Affected Person’s land. Accordingly, the ExA is of the view that within Part 5 of the dDCO a provision should be incorporated that would ensure that there would be notification by the undertaker to all of the Affected Persons of a determination having been made as to which build option was to be pursued, with those notifications being issued concurrently with the notification required under R19 being submitted to the relevant local planning authority. The ExA is further of the view that the</p>

	Question to:	Question
		revision to Part 5 of the dDCO to be made in this regard should include an obligation ensuring the Affected Persons' notification would be accompanied by an updated Works Plan confirming the land to which the works to be implemented would apply.
DCO.1.15	Applicant	<p>R21 (Reuse of temporary works with the onshore works for North Falls)</p> <p>The penultimate line in R21 refers to “<i>paragraph (2)</i>”, however, there is no second paragraph. Are R21 and R22 intended to be distinct or is R22 intended to part of R21? Paragraphs 5.15 and 5.16 in the Explanatory Memorandum [APP-025] suggest that R21 and R22, as numbered in the dDCO, were intended to be one R. Are R21 and R22 intended to be one requirement?</p> <p>The Applicant must review the drafting of R21 and R22 and amend as necessary. In the event that R21 and R22 are to be merged then subsequent requirements will need to be renumbered.</p>
DCO.1.16	Applicant	<p>R26 (Requirement for written approval)</p> <p>R26 is a freestanding R which requires that approvals and agreements for details being discharged be issued in writing.</p> <p>Is R26 a requirement? It does not seem to relate to any specific requirement bearing upon the undertaker but rather to actions to be taken by the relevant planning authority. This appears to be an adjunct paragraph and the ExA considers it would be more appropriate for any R requiring details to be submitted for approval to include the phrase ‘... submitted to and approved in writing by the relevant local planning authority’. Making that amendment to the relevant Rs would make R26 unnecessary.</p> <p>Additionally, as none of the details to be submitted for approval pursuant to Rs contained in Schedule 2 would be for the Secretary of State’s approval or another person, the inclusion of “... the Secretary of State ... or another person ...” appears to be unnecessary and should be deleted from R26 if this R is to be retained.</p>
DCO.1.17	Applicant	<p>Process for discharging requirements</p> <p>Schedule 2 sets out all of the proposed Rs, while Schedule 13 sets out the means for seeking approvals under the provisions of the requirements (discharge mechanism). It is common DCO drafting practice for</p>

	Question to:	Question
		requirements and the discharge mechanism to be included in a single two part schedule. The Applicant is requested to merge Schedules 2 and 13 with one another to create a two part Schedule 2. If the Applicant is unwilling to make this drafting change to the dDCO it should give its reasons for that. If the Schedules are combined then Schedules 14 to 17 should be renumbered and any other amendments to the dDCO necessitated by that change should be made to ensure there is consistency between any relevant Articles and Schedules.
DCO.1.18	Applicant	<p>Schedule 7 (Land in which only new rights etc. may be acquired)</p> <p>a) For column 2 in the table within Schedule 7 explain the source/meaning for the emboldened numbers “28.”, “29.”, “30.” and “31.” or delete/correct as necessary.</p> <p>b) With respect to the formatting in column 2 in the table within Schedule 7 from the bottom of page 67 of the dDCO onwards, clarify whether:</p> <ol style="list-style-type: none"> i. the list of “<i>Access rights</i>” restrictions relating to plots 02-002 through to 17-018 should commence at (f), as drafted, or (a); ii. the rights relating to the National Grid substation works area should commence with a paragraph numbered 1, followed by sub-paragraphs commencing at (p) (a continuation of the list included in the preceding “<i>Access rights</i>” section) or commence at (a). iii. “(f) 1. <i>Drainage rights</i>” (top of page 71) and “(w) 2. <i>Restrictive Covenant</i>” (towards the top of page 72) these are subheadings that should be unnumbered or differently numbered; iv. “(bb) <i>Compensatory works, works rights</i>” has been correctly labelled and/or is needed as entry in the table; and v. items “(cc)”, “(jj)” and “(qq)” (on pages 72 and 73) should respectively be followed by “1.”, “2.” and “1.”. <p>The formatting in this table needs to be fully reviewed and amended as necessary.</p>
DCO.1.19	NGET	<p>Schedule 9 (Protective Provisions)</p> <p>Submit details of your preferred Protective Provisions for inclusion in the Applicant’s dDCO.</p>

	Question to:	Question
DCO.1.20	Affinity Water	<p>Schedule 9 (Protective Provisions)</p> <p>Submit details of your preferred Protective Provisions for inclusion in the Applicant’s dDCO.</p>
Historic Environment including Marine Archaeology (HE)		
No Questions at this time		
Land Rights (Compulsory Acquisition (CA) and Temporary Possession (TP) etc) (LR)		
LR.1.01	Applicant	<p>Meeting the conditions under section 122 of the PA2008 in respect of the Onshore Export Cable Corridor (onshore ECC)</p> <p>The ExA notes that the Applicant is seeking CA powers that would facilitate the construction of onshore cable ducting for the proposed North Falls offshore wind farm (OWF). Having regard to:</p> <ul style="list-style-type: none"> • the provisions of section 122 of the PA2008, most particularly the condition stated in section 122(2)(a) that the land “... is required for the development to which the development consent relates”; and • paragraph 11 of the “Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land” (Department for Communities and Local Government, September 2013) (CA guidance), stating: <p style="padding-left: 40px;"><i>“... the applicant should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.”</i></p> <p>Explain how the powers sought in connection with the onshore cable ducting for the proposed North Falls OWF would meet the conditions stated in section 122 of the PA2008.</p>

	Question to:	Question
LR.1.02	Applicant	<p>Land required for the onshore ECC for the Proposed Development and the onshore ECC for the proposed North Falls OWF</p> <p>In paragraph 5.3.3 of the Statement of Reasons [APP-030] it is stated “<i>Scenario 1 would mean that land and rights beyond those strictly required to allow VE to be constructed and operated are sought ...</i>”. In light of that comment and allied to question LR.1.01 the Applicant must quantify the amount of land (in square metres) for each work shown on the onshore Works Plans respectively allocated to the onshore ECC for the Proposed Development and the onshore ECC for the proposed North Falls OWF. In answering to this question, the Applicant should:</p> <ol style="list-style-type: none"> Identify in a table the Land Plots and show on plan(s) the plots, subject to the CA powers being sought, required for the Proposed Development, intended for the proposed North Falls OWF and required for both projects; and Clarify the minimum amount of land that would reasonably be required to provide an onshore ECC for the Proposed Development.
LR.1.03	Applicant	<p>Delay to Heads of Terms (HoTs) negotiations prior to the Application’s submission</p> <p>Explain:</p> <ol style="list-style-type: none"> Why for a significant number of land interests HoTs negotiations have been delayed and had not been commenced prior to the Application’s submission, as recorded in Schedule of Negotiations [APP-027]. Whether HoTs have been issued to the land interests that had not been in receipt of them prior to the Application’s submission. What progress has been made towards agreeing HOTS with all land interests following the Application’s submission.
LR.1.04	Applicant and North Falls Offshore Windfarm Limited	<p>Land required for the Proposed Development’s onshore substation and the proposed North Falls OWF’s onshore substation</p> <p>Allied to questions LR.1.01 and LR.1.02, having regard to the provisions of s122(2)(a) of the PA2008 and the CA guidance, explain why it is considered to be reasonably necessary to seek powers for the freehold acquisition of the entirety of Land Plots 17-024 (296,427 square metres (m²)) and 17-025 (182,196 m²) [APP-008] as part of the Proposed Development, when some of that proposed freehold acquisition would be for the construction of the onshore substation for the proposed North Falls OWF’s onshore substation.</p>

	Question to:	Question
LR.1.05	Applicant	<p>Case for the freehold acquisition of Land Plots 17-024 and 17-025</p> <p>Signpost where the case for the freehold acquisition on Land Plots 17-024 and 17-025, associated with the Proposed Development's onshore substation and the substation for the proposed North Falls can be found in the Statement of Reasons (SoR) [APP-030]. If no such case has been included in the SoR then an amended version of the SoR must be submitted that includes the Applicant's case for the freehold acquisition of Land Plots 17-024 and 17-025.</p>
LR.1.06	Applicant and NGET	<p>Acquisition of rights for the proposed National Grid East Anglia Connection Node (EACN)</p> <p>Allied to question LR.1.01, having regard to the provisions of s122(2)(a) of the PA2008 and the CA guidance, explain why it is considered to be reasonably necessary to acquire any rights or acquire rights of the scale proposed in respect of Land Plots 17-031 (338,602 m²), 18-001 (34,524 m²) and 18-002 (35,988 m²) [APP-008] when the rights sought are intended to facilitate a connection between the Proposed Development's onshore substation and the proposed EACN. Should any such rights be sought in connection with the Proposed Development or would it be more appropriate for NGET to include provision for a connection between EACN and the Proposed Development's onshore substation as part of the scheme NGET intends to promote?</p>
LR.1.07	Applicant	<p>Notation discrepancy for The Crown Estate Commissioners' land shown on the Onshore Crown Land Plans [APP-022]</p> <p>Through the submission of an amended set of Crown Land Plans [APP-022], resolve the inconsistency between the yellow hatching for The Crown Estate Commissioners' land and the brown hatching shown for Land Plot 20-002 (sheet 2 of the Onshore Crown Land Plans). The ExA presumes the previously mentioned inconsistency is an error and that there are no further categories of Crown Land that were intended to be depicted on this set of Application plans.</p>

	Question to:	Question
LR.1.08	Applicant	<p>Adequacy of Consultation – Pre-application</p> <p>In line with Human Rights legislation all reasonable efforts should be made to engage with Affected Parties as defined in s42(1) (d) of the Planning Act 2008. It is stated in the s51 advice to the Applicant [PD-003]: <i>‘It is noted that the Book of Reference [APP-026] (Doc 4.1) (BoR) contains several parties who appear not to have been consulted under s42(1)(d) at the stage 2 and 3 consultations. The Applicant is advised to review the BoR and amend it before it serves notice under s56(2)(a) of PA2008.’</i></p> <p>a) The applicant should provide a list of all those parties, listed in the BoR, not consulted during the second and third rounds of consultation at the pre-application stage; and</p> <p>b) The applicant should provide an explanation as to why in the later consultation rounds no direct consultation has taken place with those parties?</p>
Marine Ecology (ME)		
General Question		
ME.1.01	Applicant	<p>Duration of offshore construction period</p> <p>In section 7.5 (Construction Programme) of the Report to Inform Appropriate Assessment [APP-040] it is explained that under the indicative constructive programme that: 1) preliminary survey and clearance works would potentially taking place between 2026 and 2028; 2) main offshore construction works would be commenced in 2029; and 3) the wind farm becomes operational by 2030. However, the programme outlined in paragraph 7.5.2 does not appear to be consistent with what is shown in Figure 7.1 when the indicative durations for foundation, array cable and turbine installations and commissioning/snagging are aggregated. Provide the following clarifications:</p> <p>a) Estimates for how long (in months) it is expected it would take to install (in their entirety) the offshore: substation(s); cabling in the export corridor; and wind turbine generators (foundations, supporting structures and turbines etc).</p> <p>b) An estimate (in months) for undertaking the offshore construction works from start to completion in their entirety.</p>

	Question to:	Question
		c) The date by which the Proposed Development would be capable of generating at full capacity. For the purposes of answering this question it should be assumed that if a Development Consent Order is made that decision would be made in the second half of 2025.
Assessment Methodologies		
ME.1.02	Applicant	<p>IP Methodological Concerns</p> <p>A number of methodological concerns have been raised by NE [RR-081], the Maritime Management Organisation (MMO) [RR-070] and the RSPB [RR-094]. An update should be provided explaining how the Applicant is addressing the IPs' methodological concerns.</p>
Compensatory Measures		
ME.1.03	Applicant	<p>Without Prejudice Derogation Conclusion – Gannet</p> <p>NE does not agree with the Applicant's conclusions of no adverse effect on integrity (AEoI) for the Gannet feature of the Flamborough and Filey Coast (FFC) Special Protection Area (SPA) (NE issue C41 in [PD2-005]). Table 1.1 in the Habitats Regulations Derogation Case [APP-046] shows that gannets were included in the "without prejudice derogation" conclusion of the Report to Inform Appropriate Assessment (RIAA). What compensatory measures would be associated with gannets under this scenario?</p>
ME.1.04	Applicant	<p>Kittiwake Compensatory Measure - Artificial Nesting Structure (ANS)</p> <p>a) Provide an update in relation to negotiations with the undertaker for the Dogger Bank South OWF with regards to sharing the compensatory ANS.</p> <p>b) Is it the Applicant's intention that Kittiwake pairs occupying the ANS would be divided/shared between participating Projects? If so, what would the mechanism for that be and how would this be apportioned?</p>
ME.1.05	Applicant	<p>Marine Recovery Fund (MRF)</p> <p>a) Identify any effective strategic compensatory measures for delivery through the MRF that could be applicable for this Proposed Development.</p> <p>b) What would be the timeframes for the delivery of any such measures?</p> <p>c) Unlike for Guillemot and Razorbill, the MRF does not appear to be included as a possible measure for Kittiwake compensation. Are there different approaches to the MRF for different seabird species? If so, why? Is the MRF an option for Kittiwake compensation?</p>

	Question to:	Question
ME.1.06	Applicant	<p>Lanterns Marches Compensatory Site</p> <p>Following the Applicant's recent engagement with the National Trust [PD2-001], it would appear that Lanterns Marshes is now being considered as a potential Lesser Black Backed Gull (LBBG) compensation site. That was not included in the initial Application. The Applicant should provide a plan showing the location of the Lantern Marshes site relative to the proposed compensatory sites included in the submitted Application.</p> <p>The Applicant should advise on:</p> <ol style="list-style-type: none"> Whether it intends to promote Lantern Marshes as a compensation site during the Examination; How the provision of Lantern Marshes as a potential compensatory site might be secured through a provision or provisions (Requirement or any other means) of the dDCO; Any compulsory acquisition implications for potentially introducing Lantern Marshes as a compensatory site; Any implications under the Environmental Impact Assessment Regulations and the Habitat Regulations, including how the site's use for LBBG compensation could affect other habitat for protected species; and Any other legal considerations.
ME.1.07	Applicant	<p>Assessing Compensatory Measure Success</p> <p>Can the Applicant explain how the success (or otherwise) of compensatory measures will be monitored and assessed? Additionally, can it clarify the course of action that would be taken in the event that measures are found to be unsuccessful.</p>
Benthic and Marine Mammal Ecology		
ME.1.08	Applicant	<p>Cable Protection</p> <ol style="list-style-type: none"> How has maximum length of cable protection required within Margate and Long Sands (MLS) Special Area of Conservation (SAC) been determined? What effects would the presence of cable protection within and outside of the MLS SAC have in relation to sediment transport processes, with particular regard to Annex I Sandbanks. Has the potential for the addition of further scour/cable protection, including any required as a result of cable repair and replacement or cable exposure during operation, been included within the calculations for

	Question to:	Question
		<p>the worst-case scenario for cable protection within the MLS SAC? If so, what assumptions have been made for worst-case assessments concerning cable protection exposure?</p> <p>d) What is proposed in terms of any cable protection at the decommissioning stage for the Proposed Development? How has this been considered in the assessments?</p>
ME.1.09	Applicant	<p>Cable Burial Likelihood</p> <p>Item F10 in NE’s RR Appendix F [PD2-008] advises that further geotechnical data is needed to inform the cable burial likelihood (and therefore any potential compensation level). Will any such geotechnical data be provided? If not, why not?</p>
ME.1.10	Applicant	<p>Decommissioning Mitigation</p> <p>The Schedule of Mitigation – Routemap [APP-264] states that the decommissioning phase for the Proposed Development would be a similar process to the construction phase but in reverse. Would the decommissioning mitigation measures be similar to those for the construction phase?</p> <p>a) Can the Applicant clarify the processes involved in decommissioning, with particular regard to those that differ from construction activities.</p> <p>b) Can the Applicant explain how differing decommissioning activities would be similar to construction activity in terms of noise generation, noting that they will likely include the breaking of concrete.</p>

	Question to:	Question
Navigation and Shipping (NS)		
NS.1.01	Applicant	<p>Plan or plans showing the location of navigation and shipping features referred to in the ES and Navigational Risk Assessment (NRA)</p> <p>Figures based on navigation charts have been included in Chapter 9 of the ES (Shipping and Navigation) [APP-078] and the NRA [APP-240], however, it is difficult to identify the names, locations and full extent for some of the cited navigation and shipping features. A simplified and fully legible plan or plans must be submitted showing the offshore Order Limits for the Proposed Development and the names (i.e. legible labels) and extents of navigation and shipping features including, amongst other things:</p> <ul style="list-style-type: none"> • North Hinder Junction; • the Traffic Separation Scheme areas; • The Sunk, Trinity and DR1 Light Buoy deep water routes; • Harwich Deep Water Channel; • any other fairways used as routes to and from the ports of Harwich and Felixstowe and the ports accessed via the river Thames and the river Medway; • the pilot boarding stations and anchorages serving the ports of Harwich and Felixstowe; • the Long Sand Head Two-Way Route; • The Sunk Inner and Sunk Outer Precautionary Areas.
NS.1.02	Applicant	<p>Vessel traffic surveys</p> <p>Explain why it was necessary to obtain from the Maritime Coastguard Agency “... <i>an exemption to the MGN 654 24-month requirement between completion of vessel traffic surveys and the submission of the consent application</i>” (paragraph 50 in the Navigational Risk Assessment [APP-240]).</p>
NS.1.03	Applicant	<p>NRA worst case array layout</p> <p>Explain the rationale for the worst case array layout including the proposed offshore substation platforms being “...located in proximity to areas where exposure to vessel to structure allision risk is deemed to be greatest ...” (paragraph 77 in the NRA [APP-240]).</p>

	Question to:	Question
NS.1.04	Applicant	<p>NRA array layout</p> <p>Explain the reasoning for the minimum spacing between Wind Turbine Generators (WTGs) of 830 metres and between WTGs and the Offshore Substation Platforms (OSPs) of 500 metres as set out in the offshore design parameters (paragraph 77 in the NRA [APP-240]).</p>
NS.1.05	Applicant	<p>Potential concurrent working in the Sunk area</p> <p>Further to the Harwich Haven Authority's representations made in [RR-043] concerning potential concurrent offshore works for the Proposed Development, the proposed North Falls OWF and National Grid's Sea Link, provide an indicative timetable for the offshore construction works for the three previously mentioned projects. The indicative timetable should show any expected concurrency for the three projects' offshore construction works.</p>
NS.1.06	Maritime and Coastguard Agency (MCA), Trinity House, UK Chamber of Shipping, and any other IP	<p>NRA methodology</p> <p>Are you content with the methodology that has been applied to assess the Proposed Development's shipping and navigational risks in the submitted NRA (Chapter 3 in [APP-240])?</p> <p>If you are not content, what are your concerns and how might they be addressed?</p>
NS.1.07	MCA, Trinity House, UK Chamber of Shipping and any other IP	<p>NRA data sources</p> <p>Are you content that the NRA has been informed by the correct sources of data (Chapter 5 in [APP-240])?</p> <p>If you are not content, what other data do you think should be taken into account when assessing the navigational and shipping risks associated with the Proposed Development?</p>
Seascape, Landscape and Visual (SLV)		
SLV.1.01	Applicant	<p>Rationale for the siting of the proposed Onshore substation</p> <p>Explain the rationale for the sighting orientation for the proposed Onshore substation shown on the "Drawing Number 1" (page 17) included in the Outline Landscape and Ecological Management Plan [AS-006].</p>

	Question to:	Question
SLV.1.02	Applicant	<p>Onshore substation photomontages for the Proposed Development and the proposed North Falls OWF</p> <p>a) With respect to the photomontages for Viewpoint 1 (Ardleigh Road near Norman’s Farm) clarify whether what is depicted in the first image, Figure 2.16d [page 3 in APP-182] shows the substation for the Proposed Development, as per the title for this image “<i>Photomontage showing Project 2 GIS Substation (Left)</i>” or that substation together with a substation for the proposed North Falls OWF as per the image title for the photomontage Figure 2.16e [page 5 in APP-182]. It appears to the ExA that the aforementioned photomontages are identical and that there is an inconsistency between what is shown on the Figure 2.16d left, ie two substations, and the title for this image. The photomontage set included in [APP-182] should be corrected and resubmitted.</p> <p>b) Comment on the likelihood of the Five Estuaries and the North Falls projects having substations with different insulation arrangements, ie one substation being air insulated and the other being gas insulated, as depicted in the suite of onshore substation photomontages submitted with the Application.</p>
Terrestrial Transport and Traffic (TT)		
TT.1.01	Applicant	<p>Scope of the traffic and transportation issues assessed</p> <p>The Traffic and Transport Chapter of the Environmental Statement (ES) [APP-090] focuses on the implications of the onshore works of the Five Estuaries project for terrestrial traffic and transportation.</p> <p>a) Are the offshore elements of the Proposed Development anticipated to generate any onshore vehicular movements, particularly during the construction phase?</p> <p>b) If yes, what would be the expected volume of onshore vehicular movements resulting from offshore activities during the construction and operational phases? Why do these not appear to have been acknowledged in the ES assessment of onshore traffic and transport implications?</p>
TT.1.02	Applicant	<p>Implications of the onshore cable route for railway services</p> <p>How would the safe running of the Sunshine Coast Line train service during construction (and also any subsequent maintenance) of the onshore cable route be ensured where it intersects with the railway track between the Thorpe-le-Soken and Kirby Cross stations? Would there be any disruption to the timetable for this service as a result of the proposed works?</p>

	Question to:	Question
TT.1.03	National Highways, Essex County Council, Suffolk County Council and any other IP	<p>Assessment of onshore traffic and transport impacts</p> <p>Do you consider that the assessment of onshore traffic and transport impacts for the Proposed Development, as set out in Chapter 8 of the ES [APP-090] and the Traffic and Transport Baseline Report [APP-172 and APP-173] addresses all relevant issues?</p> <p>If not, what are your concerns and how might they be addressed?</p>
Onshore Water, Hydrology and Flood Risk (WE)		
WE.1.01	Applicant	<p>Hydrology, Hydrogeology and Flood Risk</p> <p>In [APP-088] it is indicated that there are existing systems of agricultural irrigation/drainage infrastructure within the Order limits.</p> <p>What evidence is there that the sub-surface infrastructure, including trenches, cable connection at the proposed OnSS and joint pits for the ECC would not need to be buried at greater depths to avoid compromising the function of the irrigation/drainage required for agriculture?</p>
WE.1.02	Farming Affected Persons	<p>Agricultural Irrigation and Drainage</p> <p>a) Provide land maps showing the locations of known agricultural irrigation/drainage infrastructure. These maps should also show the relevant Land Plots, as identified on the onshore Land Plans [APP-008].</p> <p>b) Identify the maximum depth, citing Land Plot number to which it relates, of the agricultural irrigation/drainage infrastructure?</p>
WE.1.03	Applicant	<p>Hydrology, Hydrogeology and Flood Risk</p> <p>In paragraph 6.7.33 of [APP-088] it is stated <i>“This ground investigation data indicates groundwater levels typically between 2.3 m and 3.3 m below ground level...it should be noted that the investigations were completed in mid May and mid October respectively and therefore winter peak water levels will potentially be higher”</i>.</p>

		Question to:	Question
			<p>a) Have further ground investigations been undertaken or piezometric monitoring points been installed to establish winter peak water levels?</p> <p>b) Paragraph 6.10.33 in [APP-088] states "... <i>Excavations for the cable route will be shallow (up to 2 m depth)</i>" and paragraph 1.4.16 in [AS-004] advises "... <i>Where water enters the trenches during installation, this will be pumped via settling tanks or ponds to remove sediment, before being discharged into local ditches or drains via temporary interceptor drains.</i>"</p> <p>i) Given that ground investigations were only carried out mid May and mid October, how confident is the Applicant that the proposed pumping would be sufficient to cope with infiltration during wetter periods of the year?</p> <p>ii) How would these drainage measures interact with existing field irrigation/drainage systems and not compromise their efficiency?</p> <p>c) Table 6-8 "<i>Permitted Abstraction Points</i>" and Table 6-9 "<i>Private Water Supplies</i>" in [APP-088]</p> <p>i) Should it be necessary to carry out dewatering for prolonged periods, provide evidence demonstrating that activity would not adversely impact on the abstraction points and private water supplies in and around the ECC.</p> <p>ii) What modelling has been undertaken to demonstrate that there would be no adverse impacts arising from prolonged periods of dewatering?</p>
Land Use and Agriculture (LU)			
LU.1.01	Applicant		<p>Mineral Safeguarded Areas</p> <p>Provide maps showing the relationship between the proposed onshore cable corridor and the mineral safeguarded areas in the Essex Minerals Local Plan.</p>
LU.1.02	Applicant		<p>Outline Landscape and Ecological Management Plan (OLEMP) [AS-006]</p> <p>Paragraphs 2.6.7 and 2.6.26 in [AS-006] refer to the management of soils during construction and decommissioning. Given those references, the Applicant appears to be committing to reinstating the OnSS site</p>

	Question to:	Question
		<p>back to agricultural land use. However, in Table 1.14 of the Onshore Project Description [AS-004] top soil is identified as waste for use elsewhere. Table 1.9 also identifies 134,084 tonnes of Native Soils as waste.</p> <p>a) Given that to restore land back to agriculture, the preservation and correct storage of soils is important, confirm whether the Applicant is committed in principle to restoring the OnSS site back to BMV?</p> <p>b) Clarify what is meant by "Native Soil"?</p> <p>c) Given the importance of preserving BMV soils and the statement at paragraph 2.6.26 in the OLEMP, why is there no indication that topsoil/sub-soil would be stored for the reinstatement of the site to Grade 1 following decommissioning?</p>
LU.1.03	Applicant	<p>Ground Conditions and Land Use [APP-087]</p> <p>Tables 5.4 and 5.5 in [APP-087] provide analysis of the sensitivity and magnitude of loss of Grade 1 BMV land. Table 5.9 identifies the distribution of Grades 1 and 2 BMV land but does not differentiate Grade 3a and 3b. Table 5.9 provides a percentage value to BMV as follows:</p> <ul style="list-style-type: none"> • Within DCO Order Limits: Grade 1 – 29.79%, Grade 2 – 19.58%, Grade 3 (undifferentiated) 39.47%; and • Within Essex: Grade 1 – 1.77%, Grade 2 – 0.04%, Grade 3 (undifferentiated) 0.08%. <p>a) Have ground investigations been undertaken to establish the full extent of BMV Grade 3a within the ECC?</p> <p>b) Has any assessment been carried out (and by whom) as to whether the restored land would be of the same or better agricultural land classification prior to any construction works being undertaken?</p>
LU.1.04	Applicant	<p>Ground Conditions and Land Use [APP-087]</p> <p>With respect to soil management in Table 5.13 of [APP-087] reference is made to the Construction Soil Management - Best Practice cites 'Good Practice Guide for Handling Soils (Institute of Quarrying, 2021) and it is stated <i>"No decision has yet been made regarding the final approach to decommissioning for the Project as it is recognised that industry best practice, rules and legislation change over time"</i>.</p> <p>a) Explain why that quote has been included as best practice, given there is no provision in the CoCP for the long-term storage of topsoil and sub-soil in respect of the OnSS site.</p>

	Question to:	Question
		b) Given the lack of commitment to a restoration strategy and as a precaution, the Applicant should provide details for the long-term storage of topsoil and sub-soil for the restoration of the OnSS site back to Grade 1 BMV land.
LU.1.05	Applicant and North Falls Offshore Windfarm Limited	<p>Proximity of the onshore ECCs for the Proposed Development and the proposed North Falls OWF</p> <p>Further to the Relevant Representation submitted by Brooks Leney on behalf of various farmers and landowners [RR-010]:</p> <p>a) Would there be any sterilisation of farm land between the proposed onshore ECC easements for the Proposed Development and the proposed North Falls OWF? If so, the sterilised land must be identified on a plan and the area of affected land should be quantified; and</p> <p>b) What steps are being taken by the respective projects to minimise any sterilisation of farmland?</p>
LU.1.06	Farming Affected Persons	<p>Crop Rotation and Crops</p> <p>a) Provide the proposed crop rotation schedule for land subject to the ECC for any five year period. This information can be provided in tabular form referencing Land Plot numbers/Year or illustrated and annotated on scaled plans;</p> <p>b) Provide the proposed crop rotation schedule for land subject to the construction of the OnSS for any five year period. This information can be provided in tabular form referencing Land Plot numbers/Year or illustrated and annotated on scaled plans; and</p> <p>c) In providing the information requested in a) and b) an overview of the management of individual crop types within any 12 month period i.e. land preparation, planting, spraying, irrigating, harvesting, should be provided.</p>
LU.1.07	Cobra Mist Ltd (Mines and Minerals)	<p>RR-014 states "submitted plan seem to indicate the encroachment onto unsuitable or unacceptable areas"</p> <p>a) Provide a plan showing the precise area referenced in RR-014 (include Land Plot numbers); and</p>

	Question to:	Question
		b) Explain why these areas are unsuitable or unacceptable.