




F I V E   
ESTUARIES  
OFFSHORE WIND FARM

# FIVE ESTUARIES OFFSHORE WIND FARM

## 10.4 APPLICANT'S RESPONSE TO RELEVANT REPRESENTATIONS

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## ACRONYMS

Term	Definition
AA	Array Area
AADL	Automobile Association Developments Limited
AD	Air Defence
ADR	Air Defence Radar
AEOI	Adverse Impact on Site Integrity
AIL	Abnormal Intervisible Loads
ALAR	Abnormal Load Assessment Report
ALARP	As Low As Reasonably Possible
ALO	Agricultural Liaison Officer
ANS	Artificial Nesting Structure
AOE	Alde-Ore Estuary
AONB	Area of Outstanding Natural Beauty
APC	Ardleigh Parish Council
ASB	Anti-Social Behaviour
ASNW	Ancient Semi Natural Woodland
ATC	Automatic Traffic Count
BGS	British Geological Survey
BMV	Best Most Versatile
BNG	Biodiversity Net Gain
CBC	Community Benefit Contribution
CBRA	Cable Burial Risk Assessment
CCTV	Closed-Circuit Television
CD	Candela
CFWG	Commercial Fisheries Working Group
CLO	Community Liaison Officer
CPO	Compulsory Purchase Order
CPS	Counterfactual of Population Size
CSIP	Cable Specific and Installation Plan
CTMP	Construction Traffic Management Plan
CVU	Commercial Vehicle Unit
DAS	Digital Aerial Survey





dB	Decibel
DBA	Desk Based Assessment
DBS	Dogger Bank South
DCO	Development Consent Order
DEFRA	Department for Environment, Food and Rural Affairs
DEL	Dudgeon Extension Limited
DEP	Dudgeon Extension Project
DESNZ	Department for Energy Security and Net Zero
DML	Deemed Marine Licence
DPWLG	DP World London Gateway Port
DWR	Deep Water Routes
EA	Environment Agency
EACN	East Anglia Connection Node
EAFR	East Anglia Farm Rides
ECC	Export Cable Corridor
ECFRS	Essex County Fire and Rescue Service
EDR	Effective Deterrence Range
EEA	European Economic Area
EEAST	East of England Ambulance Service NHS Trust
EIA	Environmental Impact Assessment
EMF	Electro-Magnetic Fields
EMI	Electro-Magnetic Interference
EPS	European Protected Species
ES	Environmental Statement
EU	European Union
EUNIS	European Nature Information System
EUROBATS	Agreement on the Conservation of Populations of European Bats
EWT	Essex Wildlife Trust
ExA	Examining Authority
FE	Five Estuaries
FEOFWF	Five Estuaries Offshore Wind Farm
FFC	Flamborough and Filey Coast
FLCP	Fisheries Liaison and Co-Existence Plan



FRA	Flood Risk Assessment
FTE	Full Time Employee
FWTC	Frinton and Walton Town Council
GBF	Gravity Based Foundation
GBS	Gravity Based Structures
GI	Ground Investigation
GIS	Geographic Information System
GRIMP	Gannet and Razorbill Implementation and Monitoring Plan
GW	Gigawatt
HDD	Horizontal Directional Drilling
HGV	Heavy Goods Vehicles
HIA	Habitat Impact Assessment
HPAI	Highly Pathogenic Avian Influenza
HRA	Habitat Regulations Assessment
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
ICES	International Council for the Exploration of the Sea
ICNIRP	International Commission for Non-Ionizing Radiation Protection
IHLS	International Herring Larval Survey
IMP	Implementation and Monitoring Plan
JNCC	Joint Nature Conservation Committee
KCC	Kent County Council
KIMP	Kittiwake Implementation and Monitoring Plans
KW	Kilowatts
KWH	Kilowatt-hour
LAG	Land Agents Group
LAT	Latitude
LBBG	Lesser Black Backed Gull
LBPC	Little Bromley Parish Council
LEMP	Landscape and Ecology Management Plan
LGV	Light Goods Vehicle
LIMP	LBBG Implementation and Monitoring Plan
LPA	Local Planning Authority



LVIA	Landscape and Visual Impact Assessment
MCA	Maritime and Coastguard Agency
MCAA	Marine and Coastal Access Act
MCMS	Marine Case Management System
MDS	Maximum Design Scenario
MGN	Marine Guidance Note
MHWS	Mean High Water Springs
MLWS	Mean Low Water Springs
MM	Millimetres
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
MNR	Marine Noise Registry
MOD	Ministry of Defence
MP	Member of Parliament
MRF	Marine Recovery Fund
NABU	Naturschutzbund Deutschland
NE	Natural England
NEA	North East Anglia
NERC	Natural Environment and Rural Communities
NF	North Falls
NFFO	National Federation of Fishermen's Organisation
NGET	National Grid Electricity Transmission
NH	National Highways
NHS	National Health System
NIMBY	Not in My Backyard
NIP	Navigation and Installation Plan
NMU	Non-Motorised Users
NNR	National Nature Reserve
NPAS	National Police Air Service
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NRA	Navigational Risk Assessment
NSIP	Nationally Significant Infrastructure Project



NTCC	National Traffic Control Centre
OCSS	Offshore Connection Support Scheme
OCTMP	Outline Construction Traffic Management Plan
OESEA	Offshore Energy Strategic Environmental Assessments
OLEMP	Outline Landscape and Ecology Management Plan
OSSES	Outline Skills and Employment Strategy
OSPs	Offshore Substation Platform
OTB	Outer Trial Bank
OTNR	Offshore Transmission Network review
OWEC	Offshore Wind Evidence and Change
OWF	Offshore Wind Farm
OWSI	Onshore Written Scheme of Investigation
PAH	Polycyclic Aromatic Hydrocarbons
PAWS	Plantations on Ancient Woodland Sites
PBDE	Polybrominated Diphenyl Ethers
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PLA	Port of London Authority
PoTLL	Port of Tilbury London Limited
PPG	Pollution Prevention Guidelines
PROW	Public Right of Way
PSA	Particle Size Analysis
PSD	Particle Size Distribution
PTS	Permanent Threshold Shift
PV	Photovoltaic
PVA	Population Viability Analysis
RAM	Restricted Ability to Manoeuvrer
REAC	Register of Environmental Actions and Commitments
RIAA	Report to Inform Appropriate Assessment
RL	Received Level
RRH	Remote Radar Head
RSA	Road Safety Audit
RSPB	Royal Society for the Protection of Birds



RYA	Royal Yachting Association
SAC	Special Area of Conservation
SCC	Suffolk County Council
SCHAONB	Suffolk Coast and Heaths Area of Outstanding Natural Beauty
SEA	Southeast Anglia
SEL	Scira Extension Limited
SEP	Scira Extension Project
SES	Skills and Employment Strategy
SI	Site Investigation
SIP	Site Integrity Plan
SLVIA	Seascape, Landscape and Visual Impact Assessment
SMP	Soil Management Plan
SNCB	Statutory Nature Conservation Body
SNS	Southern North Sea
SNSSTS	Southern North Sea Longshore Sediment Transport Study
SOWFL	Sofia Offshore Wind Farm Limited
SPA	Special Protection Area
SPR	Scottish Power Renewables
SRN	Strategic Road Network
SSC	Suspended Sediment Concentration
SSSI	Site of Special Scientific Interest
TCC	Temporary Construction Compound
TDC	Tendring District Council
THC	Total Hydrocarbon Content
TPO	Tree Preservation Order
TTS	Temporary Threshold Shift
TWT	The Wildlife Trusts
UK	United Kingdom
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UWN	Underwater Noise
UXO	Unexploded Ordnance
VE	Five Estuaries



VEOWF	Five Estuaries Offshore Wind Farm
VHF	Very High Frequency
VMS	Variable Message Signs
WCH	Walking, Cycling and Horse Riding
WFD	Water Framework Directive
WRC	Water Recycling Centre
WSA	Wider Study Area
WSI	Written Scheme of Investigation
WTGs	Wind Turbine Generator
WWT	Wetlands Wildlife Trust



## 1 INTRODUCTION

### 1.1 ABOUT THE PROJECT

- 1.1.1 Five Estuaries Offshore Wind Farm (hereafter VE) is a proposed extension of the existing Galloper Offshore Wind Farm located in the Southern North Sea, off the coast of Suffolk. Five Estuaries Offshore Wind Farm Limited (hereafter 'the Applicant') is developing the project.
- 1.1.2 VE will be located 37 km from the Suffolk Coast in the Southern North Sea. VE's turbines will be up to 399 m blade tip height. Up to two inter-array cables will connect the Wind Turbine Generators (WTGs) to up to 2 offshore substations and up to two offshore export cables from these substations will transfer the electricity onshore.
- 1.1.3 The offshore export cables will transmit the power generated to a landfall compound located at Sandy Point, to the North-West of the golf course, adjacent to Short Land between Holland-on-Sea and Frinton-on-Sea on the Essex Coast. The onshore parts of VE comprise of an export cable configuration that will include up to two cable circuits connecting the offshore substation to the proposed Onshore Substation (OnSS) and into the proposed National Grid East Anglia Connection Node Substation (EACN).

### 1.2 PURPOSE OF THIS DOCUMENT

- 1.2.1 This document has been prepared by the Applicant to respond to Relevant Representations submitted by interested parties in relation to the Five Estuaries Offshore Wind Farm (EN010115).
- 1.2.2 Each Interested Party has been responded to individually, however some common themes in the representations were identified and have been responded to in Section 2 of this document.
- 1.2.3 Interested parties have been grouped into categories; local authorities (including parish councils), statutory or prescribed organisations, other organisations, persons with an interest in the land, and members of the public.
- 1.2.4 For ease of referencing and to facilitate future cross-referencing, the Applicant has created a reference for each response by itemising the RR into paragraphs and giving these unique identifiers (e.g. ECC-RR01, the first issue raised by Essex County Council in their relevant representation).
- 1.2.5 Some of the issues raised from Relevant Representations have been assigned topics. This is indicative, and some of the issues listed will have multiple topics within one issue. The Applicant has endeavoured to respond to all issues within a representation.
- 1.2.6 Natural England's Relevant Representation [PD2-002 to PD2-013 inclusive] will be responded to in a separate document at Deadline 1.
- 1.2.7 There have been a number of additional submissions accepted by the Examining Authority after the deadline for making Relevant Representations. The Applicant has responded to these in this document in the same manner as Relevant Representations.

2 RESPONSES TO RECURRENT ISSUES RAISED

Topic	Summary of comments	Applicant's responses
<p>OCSS / OTNR offshore option</p>	<p>The potential for an offshore connection for the Five Estuaries Offshore Wind Farm Project was referenced in multiple relevant representations. This included reference to the Offshore Transmission Network Review (OTNR), a government led review which the Applicant is taking part in, and the Offshore Connection Support Scheme (OCSS), which is a grant to develop potential coordinated solutions – which the Applicant is also taking part in.</p> <p>Comments raised in relevant representations with regard to this topic are:</p> <ul style="list-style-type: none"> <li>&gt; That the offshore option should be pursued as much as possible;</li> <li>&gt; That an offshore option is the only acceptable option;</li> <li>&gt; That a coordinated offshore option is the only option in line with NPS-EN5.</li> </ul>	<p>National Grid Electricity Transmission (Sea Link), North Falls (Offshore Wind Farm) and the Applicant (Five Estuaries Offshore Wind Farm) have been working together to explore the potential for offshore coordination as part of the Offshore Transmission Network Review (OTNR) “Early Opportunities” workstream.</p> <p>The projects, acting together in a consortium, were awarded funding by the Department of Energy Security and Net Zero (DESNZ) through the Offshore Coordination Support Scheme (OCSS) in December 2023.</p> <p>On 28 March 2024, the consortium submitted a high-level feasibility study (10.6 Independent Review of OCSS Qualifying Coordinated Project: OCSS 01 North Falls, Five Estuaries &amp; Sea Link) that formed the first step of the grant funding agreement. The study assessed the feasibility of a coordinated offshore connection specifically: the capital costs; building blocks; construction and commissioning methodologies and overall programme associated with a coordinated solution.</p> <p>The Secretary of State for Energy Security and Net Zero has reviewed this study, amongst other information and on 3 September 2024 decided not to grant further funding to the consortium. The feasibility study identified that coordination is technically feasible however, it also identified:</p> <ul style="list-style-type: none"> <li>• an increase in capital costs of up to £890m</li> <li>• constraint costs associated with an outage on Sea Link of over £500m*</li> <li>• a programme delay for North Falls and Five Estuaries of up to five years.</li> </ul> <p>Given the significant extra costs and the negative impact on the delivery timeline of connecting more renewables to the UK energy system, especially considering the government’s commitment to quadruple offshore wind and fully decarbonise the UK’s electricity system by 2030, the Applicant (along with the consortium) supports the Secretary of State’s decision and will not be further pursuing a coordinated offshore connection.</p> <p>More information about how the Applicant considered the consenting strategy for a potential offshore connection is set out in the 9.29 Offshore Connection Scenario [APP-262] document.</p> <p><b>Reasons for the Applicant’s position</b></p> <p>The Five Estuaries project is at an advanced stage of consenting. It is compliant with relevant national policy and can be delivered based on the existing design.</p> <p>The Project, along with the others in the consortium, is responding to an urgent need for renewable energy set out in national policy, and the projects have been developed on that basis.</p> <p>The feasibility study (10.6 Independent Review of OCSS Qualifying Coordinated Project: OCSS 01 North Falls, Five Estuaries &amp; Sea Link) predicts delays to the baseline delivery date of 2030 for the Five Estuaries project of three years at a</p>



Topic	Summary of comments	Applicant's responses
		<p>minimum if the OCSS is pursued. The combined cost for the three projects to deliver a coordinated solution, with the anticipated delay, is estimated at up to £890 million.</p> <p>It is also anticipated that if Sea Link was re-purposed as an offshore wind farm connection point, it would lose all capacity to serve its original primary purpose as network reinforcement, likely creating the need for additional network infrastructure – including potential onshore infrastructure.</p> <p>Based on the need for the Project and the impact on delivery date and cost of the assessed OCSS options, the Applicant is progressing with the assumption of the deliverable radial, onshore connection set out in its application.</p> <p>It is worth noting that, as set out in the 9.30 Coordination Document [APP-263], the Applicant has developed coordinated delivery options with North Falls, to seek to reduce the impact of the two projects.</p>
National Grid – Norwich to Tilbury / EACN	<p>The Project will connect in to the proposed East Anglia Connection Node Substation, which is part of the Norwich to Tilbury project being progressed by National Grid Electricity Transmission.</p> <p>Comments raised in relevant representations with regards to this topic are:</p> <ul style="list-style-type: none"> <li>&gt; <b>Prematurity</b> – Norwich to Tilbury has not yet submitted its application for a DCO, therefore it is premature for the Applicant to expect a decision when its connection cannot be assured;</li> <li>&gt; <b>Cumulative impact</b> – The potential cumulative impact from the three substations proposed for one location (Five Estuaries, National Grid and North Falls OWF). Concerns are primarily on visual impact, land use and traffic during construction.</li> </ul>	<p><b>Prematurity</b></p> <p>Developing interconnected Nationally Significant Infrastructure Projects requires the projects involved to be progressed on the basis of certain assumptions. The Five Estuaries and Norwich to Tilbury projects have both been developed on the basis of an existing network Connection Offer that was signed in November 2020, which established the East Anglia Connection Node substation as the connection point for the project. This is in line with the normal approach for developing new electricity generating stations where an existing or nearby connection point with sufficient capacity does not already exist.</p> <p>As set out in national policy, the need for new renewable energy generation is significant and urgent (see as an example NPS EN-1 at 3.1.1). The Applicant expects that National Grid's application for a development consent order will be in line with relevant national policy; and as such the Applicant expects that Norwich to Tilbury will receive consent in sufficient time not to delay the Project. Waiting for the Norwich to Tilbury project to receive consent before the Applicant receives a decision would create a significant delay to the Five Estuaries project, making its delivery by 2030 unachievable.</p> <p>The Applicant notes there are several examples of generating stations being consented, while the project needed to connect them was further back in the development process. The most prominent example of this is the granting of consent for the Hinkley Point C new nuclear power station (2013), before an application for National Grid's Hinkley Point C Connection project was submitted (2014).</p> <p><b>Cumulative impact</b></p> <p>The Applicant notes the concerns regarding the potential impact of multiple projects. Cumulative impacts (including both National Grid and North Falls OWF) are assessed throughout the Environmental Statement submitted with the application and are included in 6.1.3.2 Cumulative Effects Assessment Methodology [APP-064].</p> <p>In addition, the Applicant has set out potential delivery scenarios in the 9.30 Coordination Document [APP-263], which would reduce the potential impacts of the construction of the onshore elements of the Five Estuaries and North Falls projects.</p>

Topic	Summary of comments	Applicant's responses
Offshore connection and its interaction with Norwich to Tilbury	A number of relevant representations also made the case that if the Five Estuaries project was to connect via an offshore connection, then the need for the Norwich to Tilbury project to come through the Dedham Vale area and/or include the East Anglia Connection Node substation would be removed. This is advanced as a reason for both the offshore connection and against the Norwich to Tilbury project.	The Applicant is not in a position to make comments with regards to the development of another project. However, the Applicant would like to highlight its above position on the viability of an offshore option as set out above.
Coordination with North Falls	Comments requested that coordination between the Applicant and the North Falls Offshore Wind Farm project was important; or stated that it was not currently sufficient.	<p>The two projects signed a 'good neighbour agreement' in summer 2023, which has enabled closer liaison and information sharing than is standard and has facilitated joint planning between the projects. The primary goal of this coordination is to reduce the potential impact of building the onshore connection to the national electricity transmission network for the two projects.</p> <p>The Applicant has set out potential delivery scenarios in the 9.30 Coordination Document [APP-263], which would reduce the potential impacts of the construction of the onshore elements of the Five Estuaries and North Falls projects.</p>
Community benefits	Comments requested either the confirmation of or more details regarding potential community benefits provided as part of the Project.	<p>Community benefits refer to voluntary financial or in-kind contributions to local communities which are not a legal or DCO requirement and are legally distinct from the consenting process, a point reiterated in the UK Government (Department for Energy Security and Net Zero) response to the consultation on Community Benefits for Electricity Transmission Network Infrastructure (December 2023), which stated: <i>"The proposals on community benefits for electricity transmission network infrastructure discussed within this document will remain separate to the planning process. It will not be a material consideration in planning decisions, and not secured through those decisions."</i></p> <p>The Applicant would highlight that the impacts of the scheme have been greatly reduced, through evolving design (in response to consultation feedback and survey findings), and the identification and implementation into management plans of mitigation solutions. The Five Estuaries project would be a long-term commitment to the area by the Applicant which does recognise the role that communities play in hosting nationally significant infrastructure. Community benefits would be an additional voluntary arrangement between the Applicant and the community, and the Applicant intends to develop and implement a community benefits package to support its neighbouring communities.</p> <p>Communities may also benefit from the project in other ways such as the direct economic benefits from construction and development and the legacy of these (e.g. employment or measures offered as part of 9.27 Outline Skills and Employment Strategy [APP-260], which was included with the application and is secured through a requirement in the dDCO).</p> <p>The Applicant will engage with Tendring District Council and Essex County Council outside of the planning process on community benefits for those communities most affected at the appropriate time in the development process.</p>

Topic	Summary of comments	Applicant's responses
Planning balance / gain	Comments questioned or challenged the planning balance or gain of the Project; often with reference to the potential environmental impact of the proposed onshore components.	<p>The UK offshore wind industry is already making a significant contribution to the UK's transition to cleaner, low carbon energy and its ambition of being net zero by 2050. The government has set a target to deploy up to 50GW of offshore wind by 2030; this is five times more than the 10GW currently produced in the UK. In addition to the reduction of greenhouse gas emissions, offshore wind is also a key part of government strategy to support national energy security, production of affordable energy and economic opportunities from energy infrastructure investment in the UK.</p> <p>Some of the key policy and legislative drivers of offshore wind are described below. The full needs case for the Project is set out in Section 5 of the 9.1 Planning Statement [APP-231].</p> <ul style="list-style-type: none"> <li>• <b>Combatting climate change</b> This is a global issue resulting from the emissions of greenhouse gasses into the atmosphere, such as carbon dioxide, mainly from human activity. The Climate Change Act 2008 forms the basis of the UK's approach to tackling and responding to climate change. The Act places a duty to ensure that net carbon and greenhouse gas emissions are reduced, initially by 80% relative to 1990 levels by 2050. In 2019, the UK government amended this target to enshrine in law that net UK carbon for the year 2050 is at least 100% lower than the 1990 baseline, this is known as 'net zero'.</li> <li>• <b>The Ten Point Plan for a Green Industrial Revolution</b> – released by the UK Prime Minister in November 2020, the plan aims to encourage a green industrial revolution, creating investment in British industries whilst protecting future generations from climate change and the destruction of habitats. Point 1 in the plan is "Advancing Offshore Wind," and had an aim to increase offshore wind capacity to 40 GW by 2030, including 1 GW of floating offshore wind.</li> <li>• <b>The British Energy Security Strategy</b> – In response to increasing global energy prices, this strategy was published by the UK Government in April 2022 to support the acceleration of energy production in the UK and provide greater energy independence. This built upon many of the policies in the Ten Point Plan and the Energy White Paper. The strategy aims to deliver up to 50 GW of offshore wind by 2030, including up to 5 GW of floating offshore wind. Additionally, the strategy includes policies to increase energy efficiency in homes and help consumers with energy bills.</li> </ul>
Onshore Traffic and Transport	Comments relating to concerns around increased traffic on the local road network and impacts to Public Rights of Way (PRoW). Particularly during the temporary construction phase of the Project.	<p>The Applicant has assessed the impact the project could have on the road and transport networks in the local community. The assessment is based on a maximum design scenario, using worst case parameters during the peak period of construction for a robust assessment, noting this is likely to be for a short period within the overall construction programme, with lower vehicle movements and potential impacts at other times.</p> <p>Details of these assessments can be viewed in 6.3.8 Traffic and Transport [APP-090]. As a result of these assessments, the project has adopted a number of mitigation measures. 9.24 Outline Construction Traffic Management Plan [APP-257]</p>

Topic	Summary of comments	Applicant's responses
		<p>sets out the measures to be implemented to manage and monitor construction traffic on the highway network and 9.26 Outline Workforce Travel Plan [APP-259] sets out measures to be implemented to minimise the number of single occupancy construction workforce vehicles on the highway network.</p> <p>The Applicant has also assessed the impact of the project on the PRoW network and has proposed mitigation measures to minimise the temporary disruptions to the users of PRoW. These mitigation measures are outlined in 9.25 Outline Public Access Management Plan [APP-258].</p> <p>Essex County Council and National Highways have been consulted throughout the process of scoping and undertaking the assessments and these stakeholders will continue to be consulted on the project's plans for traffic numbers and traffic management. The Project is also engaging with Essex Police, East of England Ambulance Service, Essex County Fire and Rescue Service. This will help to ensure that only safe and minimal disruption is caused.</p>
Landowner engagement	Landowners and interests raised concerns regarding general and specific impacts on their properties and/or business practices (including farming activities).	As has been noted in response to individual Relevant Representations, the Applicant's approach is to continue to engage with landowners (and other interests) on issues where constructive progress can be made to resolve concerns. The Applicant has a dedicated land agent team who will continue to engage throughout the Examination period.
Property prices	Comments raised concerns about the impact of the Project on the value of property during the construction and operations phases.	<p>The Applicant notes a number of points raised within the Relevant Representations regarding the impact of the Project on the value of properties, however, private matters such as property value are not normally a material consideration for the planning process so has not commented further in this response.</p> <p>The Applicant notes the assessment of potential impacts (along with how the Applicant intends to avoid, reduce or mitigate those potential impacts as part of the project design) at nearby receptors (such as residential properties) is provided within the Environmental Statement.</p>

### 3 APPLICANT'S RESPONSE TO RELEVANT REPRESENTATIONS – LOCAL AUTHORITIES AND PARISH COUNCILS

#### 3.1 ALDEBURGH TOWN COUNCIL [RR-002]

Ref	Topic	Relevant representation comment	Applicant's responses
ATC-RR01	General	Aldeburgh Town Council wishes to register as an Interested Party as an adjacent landowner, and representative of residents and visitors. It seeks to register so it can contribute to the Planning Inspectorate Examination, as and when necessary.	Noted by the Applicant.

#### 3.2 ARDLEIGH PARISH COUNCIL [RR-008]

Ref	Topic	Relevant representation comment	Applicant's responses
APC-RR01	General	Ardleigh Parish Council (APC) has grave concerns about the proposals which, combined with other related proposed infrastructure projects, would have a profound impact on our Parish. We wish to include previous responses to Five Estuaries Offshore Windfarm (FE) consultations in this representation (August 2022 and May 2023- reproduced below) as well as responses to the National Grid Norwich to Tilbury consultation to which this proposal is directly (and physically) linked.	<p>This is noted by the Applicant. The Applicant's response to Ardleigh Parish Council's consultation response is included in section 8.1.2 of 5.1.2 Consultation Report - Appendix 8 to 11 [APP-033].</p> <p>The 9.1 Planning Statement [APP-231] sets out the balance between potential local impact, local planning policy and national planning policy.</p>
APC-RR02	General – National Grid	Our key concern is the grid connection offered to Five Estuaries is the proposed (and yet to be agreed) East Anglia Connection Node (EACN) substation which would be situated in our Parish. We do not support the siting of the EACN in Ardleigh, believing that alternatives have not been properly considered and that the methodology, which proposed that connection in Ardleigh, is flawed. We further consider that this application is premature, since it relies on a link to the EACN which itself is not yet approved.	The Applicant's position with regards to the Norwich to Tilbury project, the EACN substation and related issues is set out in section 2 of this document. The location of the EACN substation is not within the scope of the Applicant's application.
APC-RR03	General	<p>If this scheme goes ahead there would be significant, irreversible and largely unmitigable harms to Ardleigh. These harms would include damage to:-</p> <ul style="list-style-type: none"> <li>&gt; environment, habitat and species;</li> <li>&gt; landscape, public rights of way and green spaces;</li> <li>&gt; health and wellbeing of residents, especially those close to the substations or undergrounding and living on access routes;</li> <li>&gt; businesses- including agriculture and tourism;</li> <li>&gt; traffic and related disruption including HGV movements and damage caused by haul roads.</li> </ul>	<p>The Applicant has been cognisant of the potential impacts of VE and appropriate mitigation measures required to reduce impacts to acceptable levels throughout the DCO application. The majority of impacts relate to the construction phase of works which are temporary in nature. Construction phase impacts would be managed through measures set out in 9.21 Code of Construction Practice (CoCP) [APP-253].</p> <p>Environment, habitat and species are assessed throughout the ES and in 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] in particular. Measures to mitigate impacts to biodiversity are described in Section 4.5 of 9.21 Code of Construction Practice (CoCP) [APP-253] and management plans are listed in Table 1.1 of 9.21 Code of Construction Practice (CoCP) [APP-253]. These will include a Landscape and Ecology Management Plan (LEMP) and a Soil Management Plan (SMP).</p> <p>Landscape, public rights of way and green spaces are assessed throughout the ES and 6.3.2 Landscape and Visual Impact Assessment [APP-084] in particular. Measures to mitigate impacts to visual amenity are described in 9.22 Outline Landscape and Ecological Management Plan [APP-254] as well as throughout 9.21 Code of Construction Practice (CoCP) [APP-253]. Measures to mitigate impacts on public rights of way are described in Section 4.11 of 9.21 Code of</p>



Ref	Topic	Relevant representation comment	Applicant's responses
			<p>Construction Practice (CoCP) [APP-253] and 9.25 Outline Public Access Management Plan [APP-258].</p> <p>Impacts to health and wellbeing are assessed throughout the ES documents and particularly within 6.4.2 Human Health and Major Disasters [APP-095] and the effects concluded to be temporary and/or not significant. Referring to the 9.22 Outline Landscape and Ecological Management Plan [APP-254], visual impact of the substations will be temporary until screening planting has grown – the impact will be incrementally reduced as the screening grows to year 15.</p> <p>Impacts to tourism and agriculture are assessed in 6.3.3 Socio-Economic, Tourism and Recreation [APP-085] and 6.3.5 Ground Conditions and Land Use [APP-087].</p> <p>No VE construction Heavy Goods Vehicles (HGVs) would be routed through Ardleigh. The proposed HGV access route for the Onshore Export Cable Corridor (ECC) Route Sections 6, 7, the OnSS and the 400 kV Connection is via the A120, Bentley Road and then using a haul road which is off the local highway network. There may be some car / light goods vehicle (LGV) movements associated with the construction of the OnSS via the B1029, Waterhouse Lane, Little Bromley Road and Ardleigh Road; however, this would not result in any significant effects, as set out in 6.3.8 Traffic and Transport [APP-090].</p>
APC-RR04	General - Coordination	<p>We would particularly highlight the cumulative impact of, and harm caused by, multiple schemes including Norwich to Tilbury, Tarchon interconnector, North Falls offshore windfarm and additional battery storage and other energy related infrastructure which is already coming forward. Ardleigh would be disproportionately impacted by these schemes. Therefore, additional help and specific mitigations would be needed for Ardleigh should the schemes ultimately be consented.</p>	<p>The Applicant has undertaken a cumulative impact assessment for each topic within the Environmental Statement as required by the relevant regulations and guidance.</p>
APC-RR05	General	<p>We are aware of and endorse the concerns expressed by Tendring District Council in the relation to the Five Estuaries DCO. In particular:</p> <ul style="list-style-type: none"> <li>&gt; TDC supports the Governments target of net zero by 2050, including the expansion of renewable energy utilizing off-shore wind generation</li> <li>&gt; The application assumes an underground connection into a proposed substation, East Anglian Connection Node (EACN) east of Ardleigh. This is part of the National Grid Norwich to Tilbury upgrade. The EACN is unconsented and in Statutory Consultation Stage, as such this application is premature.</li> <li>&gt; TDC believes that an offshore integrated approach to achieving the UKs net zero legislative targets is the most appropriate. As such TDC believes the outcome of Offshore Coordination Support Scheme (OCSS) feasibility study into an offshore connection to Sealink (grant funded from Department of Energy Security and Net Zero) could illustrate how the offshore is achievable. In this respect, the application is premature.</li> <li>&gt; The Cumulative Impacts of this and three other associated infrastructure projects – North Falls Offshore Windfarm, Tarchon Interconnector and EACN as part of the Norwich to Tilbury upgrade - have not been fully considered. Greater</li> </ul>	<p>The position of Tendring District Council is noted by the Applicant and a response is provided to that Relevant Representation later in the document.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		<p>integration on all these projects (including full consideration of the OCSS outcomes) could negate the need for onshore transmission.</p> <ul style="list-style-type: none"> <li>&gt; The location of the connection point for FE is dictated by the N2T project. The landscape in this area is predominantly arable, flat, open and rural. These proposals will introduce an intrusive industrial visual blight changing the landscape forever.</li> <li>&gt; Tendring, as a host authority will experience a disproportionate level of negative impacts from the construction and operation of onshore transmission networks. Mitigation in the form of Community Benefit, is not accounted for within the planning system. TDC welcomes discussions for a voluntary Community Benefit Contribution package for the lifetime of the project.</li> <li>&gt; Measures that address social value are important to TDC. Whilst there is ongoing engagement with the applicant, there are no definitive commitments to education, training or employment within the District. We would consider any project of this scale that does not address the economic disparity of those unable to access jobs through the transition to net zero to be unacceptable.</li> <li>&gt; Impacts on tourism within the District, both highways and visual impact at the coast during the construction phase. Tourism plays a significant role in the Tendring economy, supporting hotels, caravan parks, tourist attractions and indirect spend with shops cafes etc in the local economy are likely to suffer.'</li> </ul>	
APC-RR06	OnS- Archaeology	<p>In addition to these points, we would highlight</p> <ul style="list-style-type: none"> <li>&gt; impact on heritage assets- including proximity to a Scheduled Monument and various Non-Designated Assets including the routes of Roman Roads.</li> </ul>	The impacts of the Proposed Development upon onshore heritage assets is assessed within Document 6.3.7 Archaeology and Cultural Heritage [APP-089]. This includes both designated and non-designated heritage assets.
APC-RR07	OnS – Land Use	<ul style="list-style-type: none"> <li>&gt; Unjustifiable loss of best and most versatile agricultural land and harm to farming and related businesses within Tendring and around Ardleigh in particular.</li> </ul>	The Applicant notes the comments relating to the importance of agricultural land. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land along with all other relevant factors when developing the Project, see Document 6.3.5 Ground Conditions and Land Use [APP-087].
APC-RR08	Gen- National Grid	More details of the expected harms will be included in our response to the National Grid Norwich to Tilbury Statutory Consultation currently in preparation.	Noted by the Applicant.

### 3.3 BABERGH AND MID SUFFOLK DISTRICT COUNCILS [RR-009]

Ref	Topic	Relevant representation comment	Applicant's responses
BMS-RR01	General	Babergh and Mid Suffolk District Councils consider their role of protecting and promoting the interests of the districts' communities, businesses and environment to be of utmost importance and recognise the contribution Babergh and Mid Suffolk make to the unique character and quality of Suffolk and the wider eastern region.	Noted by the Applicant.
BMS-RR02	General - OCSS	The councils acknowledge the national importance of strategic energy infrastructure and have previously stated a preference for a coordinated, offshore approach to the delivery of transmission reinforcement, import and export objectives including	Noted by the Applicant.

Ref	Topic	Relevant representation comment	Applicant's responses
		consolidation of offshore connections and onshore infrastructure together with appropriate management of construction activities to effectively minimise and mitigate harm to Suffolk's communities and environment.	
BMS-RR03	OnS - LVIA	That position notwithstanding, the councils take this opportunity to register their concern in respect of the potential visual impacts of the onshore substation element of the project on the landscape of Babergh District Council, including the designated National Landscape, especially having regard to cumulative impacts with other projects in the area. Further comments will be submitted to the examination. Thank you.	<p>Noted by the Applicant.</p> <p>The Applicant would highlight that the proximity of VE onshore substation to the North Falls onshore substation means that the majority of the cumulative interactions that will influence local landscape character and visual amenity will relate to these two projects. The cumulative assessment as set out in 6.3.2 Landscape and Visual Impact Assessment [APP-084], and accompanying visualisations present an appropriate level of detail to ascertain potential levels of cumulative effect. While, owing to its earlier stage in the planning process, there is a greater degree of uncertainty regarding the exact location and appearance of the National Grid Substation, this has been overcome by including a 3D box in the visualisations [APP-180 to APP-196], which marks the maximum physical extents that the national grid substation would occupy to ensure the 'worst-case cumulative scenario is covered in the assessment. The visualisations also show that the extent to which the national grid substation will be visible simultaneously with VE and North Falls will be very limited and that despite the relative proximity, subtle variations in elevation combined with existing tree and hedgerow cover will limit intervisibility. The screening effect of the mitigation planting around the onshore substation would reduce significant cumulative effects to not significant following approximately 15 years of growth and would decrease incrementally throughout that period as the screening grows. There are subtle variations in the landform and sufficient tree and hedgerow cover that prevent this local landscape from being described as open and exposed. The existing landform and vegetation cover create some degree of enclosure that will contribute to the screening of the onshore substation between the short to long-term.</p>

### 3.4 EAST SUFFOLK COUNCIL [RR-024]

Ref	Topic	Relevant representation comment	Applicant's responses
ESC-RR01	OffS-SLVIA	<p>ESC's Cabinet committee met on 7th May 2024 and approved the Council's overarching position on this project which is as follows:</p> <ol style="list-style-type: none"> <li>1. To support the position to not object to the Five Estuaries project with a radial connection to Essex, providing the offshore turbines do not have a significant impact on the Essex and Suffolk Coast and Heaths National Landscape, but to also continue to support offshore coordination which reduces/minimises the extent of onshore infrastructure.</li> <li>2. To continue to closely monitor and scrutinise the potential residual seascape visual impacts introduced on the National Landscape. Whilst the project has reduced the proposed maximum wind turbine height to less than 400m tall, the</li> </ol>	<p>The Applicant notes ESC's overarching position on the seascape and visual impact of the project.</p> <p>The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.</p>



Ref	Topic	Relevant representation comment	Applicant's responses
		closest wind turbines remain at a distance of 37km offshore which will be visible from the designated landscape.	
ESC-RR02	Gen-OCSS	We note that the Five Estuaries project engaged with the OTNR as did the developer of the North Falls project, and it is welcomed that the Five Estuaries project, alongside other developers, has committed to exploring options within the Early Opportunities workstream. ESC believes that every opportunity should be undertaken by the two offshore wind farm developers, given it is likely that they will have the same connection location, to seek maximum coordination between the projects in order to minimise impacts on local communities and the environment. We understand that coordination will seek to reduce the potential impact of building the onshore connection to the national electricity transmission network for the two projects. The Sheringham Shoal and Dudgeon extension offshore wind farm projects located off the North Norfolk Coast are demonstrating that greater coordination is possible, and this should be replicated. However, ESC defers further comments on coordination to the host authorities, noting the currently proposed onshore infrastructure remains outside of our district's jurisdiction area.	This is noted by the Applicant.
ESC-RR03	Gen-OCSS	ESC also notes Five Estuaries' submission into the Government's Offshore Coordination Support Scheme (OCSS), noting that this seeks to provide grants to offshore energy projects to develop coordinated options for offshore transmission infrastructure. We acknowledge that the OCSS is ongoing and we will provide further comments once conclusions have been reached.	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.
ESC-RR04	Gen-OCSS	It is apparent when reading 'EN010115-000430-9.29 Offshore Connection Scenario' that Five Estuaries is also allowing for flexibility to accommodate an offshore coordinated connection at a later date, provided there is greater certainty on the commercial, regulatory and technical environment. However, we understand that the viability of any coordinated connection is dependent on the progress made by the OTNR process, associated regulatory and commercial policy changes and the individual offshore connector projects involved.	This is noted by the Applicant.
ESC-RR05	Gen-OCSS	ESC's view on an offshore connection option is discussed in greater detail within the following section of this representation, however, we acknowledge the emphasis set out within Section 3.3.75 of the Overarching National Policy Statement for Energy (EN-1) which states 'The final Phase 1 report for National Grid ESO's Offshore Coordination Project (published December 2020) found that a more integrated approach to offshore transmission, which included efficient planning of the onshore network, could deliver consumer benefits of up to £6 billion by 2050, depending on how quickly it could be implemented. It also found that the number of new electricity infrastructure assets, including cables and onshore landing points could be reduced by up to 50 per cent over the same period, significantly reducing environmental impacts and impacts on coastal communities.'. Section 3.3.80 adds '...considering the potential for unwarranted and avoidable disruption, inefficiency, and visual impacts along the onshore - offshore boundary, coordination of onshore transmission, offshore transmission, and offshore generation and interconnector developments should be considered at both the strategic and more detailed project design levels. This coordinated	This is noted by the Applicant.

Ref	Topic	Relevant representation comment	Applicant's responses
		approach is likely to provide the highest degree of consumer, environmental, and community benefits.'	
ESC-RR06	Gen-OCSS	It is therefore clear that the overarching National Policy Statement for Energy (EN-1) seeks to address the need for more coordination in the design and delivery of onshore and offshore electricity transmission infrastructure. This must therefore be fully explored, with robust justification being demonstrated should this not be viable across the proposed projects. However, we note (as discussed in the following section) that Five Estuaries has concluded that 'an offshore connection is not a viable or deliverable alternative at this time' and that 'the base case position for Five Estuaries remains the progression of the radial onshore connection to the National Grid EACN substation as per our existing grid connection offer'.	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.
ESC-RR07	Gen-OCSS	In addition to EN-1, National Policy Statement for Electricity Networks Infrastructure (EN-5) states within Section 2.13.14 'Co-ordinated transmission proposals, including multi-purpose interconnectors and other types of offshore transmission (see Glossary), 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.' Section 2.13.16 adds 'For onshore infrastructure, reduced impacts could, for example, relate to fewer or co-located substations and converter stations and transmission lines as well as demonstrating how environmental and community impacts have been avoided as far as possible.'	This is noted by the Applicant.
ESC-RR08	Gen- Coordination	ESC notes that the Applicant is exploring opportunities for coordination with the North Falls offshore wind farm project in order to align their landfall locations for their export cables to come ashore, to develop a shared export cable corridor, and by selecting a single site for both onshore substations. However, ESC defers further comment on the effectiveness of this coordination to the host authorities in these areas.	This is noted by the Applicant.
ESC-RR09	Gen- Coordination	ESC is being consulted on and is aware of a number of energy related projects that may have an impact on our District, and we welcome and support collaborative working between all Applicants and the National Grid to ensure that the optimal solution is delivered. We expect this to involve coordination and the sharing of infrastructure where feasible to reduce the amount required onshore. However, we wish to highlight that this Relevant Representation is provided on the basis that the Five Estuaries Offshore Wind Farm proposes an onshore grid connection located outside of Suffolk and beyond the East Suffolk Council District, however, should this change in future resulting in onshore infrastructure being proposed within our district, our position on this project may need to be revisited.	This is noted by the Applicant.
ESC-RR10	Gen – Coordination & OffS - SLVIA	ESC's overarching position is to not object to the Five Estuaries project with a radial connection to Essex, providing the offshore turbines do not have a significant impact on the Essex and Suffolk Coast and Heaths National Landscape, but to also continue to support offshore coordination which reduces/minimises the extent of onshore infrastructure.	This is noted by the Applicant.

Ref	Topic	Relevant representation comment	Applicant's responses
ESC-RR11	Gen-OCSS	<p>ESC notes that Section 1.3.6 within 'EN010115-000430-9.29 Offshore Connection Scenario' states that 'Subsequently, Five Estuaries, along with North Falls and Sea Link (National Grid Electricity Transmission), applied as a consortium for grant funding as part of the OCSS. The projects are currently exploring the feasibility of two coordination options between the two offshore wind farms and Sea Link - an offshore reinforcement to the national grid. This process is being carried out in parallel to the base case development for Five Estuaries, an onshore connection into the proposed EACN substation, which is part of National Grid's Norwich to Tilbury Reinforcement Project. Notably, an offshore connection is not a viable or deliverable alternative at this time.VE will continue to develop coordinated plans for an onshore connection as a base case, aligned with existing regulations and commercial conditions to provide an onshore connection. Thus, ensuring no delay to our planned grid connection date and therefore continuing to support the UK Government's target to deploy 50 GW of offshore wind by 2030.'</p> <p>Therefore, in light of the above, ESC notes that despite the Five Estuaries and North Falls offshore wind farm projects currently exploring the feasibility of two coordination options between the two offshore wind farms and Sea Link, Five Estuaries has already concluded that 'an offshore connection is not a viable or deliverable alternative at this time'. The Applicant's intention is therefore to proceed with a radial connection as the preference in the DCO, with Section 4.1.1 within 'EN010115-000430-9.29 Offshore Connection Scenario' stating 'the base case position for Five Estuaries remains the progression of the radial onshore connection to the National Grid EACN substation as per our existing grid connection offer.'</p>	<p>The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.</p>
ESC-RR12	Gen-OCSS	<p>However, should an offshore connection scenario become viable for the Five Estuaries project as the project progresses, potentially linking into the Sea Link network reinforcement project as indicated, ESC would need to monitor such a scenario closely in case either directly or indirectly this introduced a need for additional onshore transmission infrastructure within East Suffolk. Currently, the Sea Link project is proposing an onshore connection at Friston within the East Suffolk District, such a scenario requiring addition infrastructure would not be supported by ESC. In reference to the potential for an offshore connection as set out within 'EN010115-000430-9.29 Offshore Connection Scenario', Section 4.1.5 states that 'Under such circumstances there would be a need to obtain an additional consent to connect the VE array to the proposed offshore connection point/converter station for the Sea Link project. The likely position of a connection point for this would be in the proposed array area for the North Falls project. The project proposes that connection from its wind farm to this connection point is achieved under a separate Marine Licence.'</p>	<p>This is noted by the Applicant.</p>
ESC-RR13	Gen-OCSS	<p>We note that Section 4.1.6 adds that 'The cable route between the proposed VE array and the potential location for an offshore converter station would utilise the same offshore area as the current VE export/interconnector cable route corridor. This area has been surveyed and the Environmental Impact Assessment (EIA) work done for VE covers this area in full. The EIA has concluded no significant effects on the environment or sea users in this area. Therefore, it can be assumed</p>	<p>This is noted by the Applicant. Should an offshore option become viable (in context of the position set out in table 2 of this document) then the Applicant will revisit this point with East Suffolk Council.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		<p>that applying for a Marine Licence would be a relatively standard and straightforward procedure and the consenting would be uncontentious.'</p> <p>We also note that Section 4.1.7 concludes 'In effect this means that the VE array would be consented by the current DCO application and the export cables to a new offshore connection (should it become viable) would be consented via a separate marine licence. The project has also considered future amendments to the DCO (both post submission and post consent award) as potential consenting routes but consider that the Marine Licence approach would be the most appropriate consenting solution given the current regime for material and non-material amendments to DCOs.'. However, in reference to the potential for an offshore connection as set out above, ESC feels that if such an approach becomes a viable option for this project, it should form part of the current DCO submission to allow for cumulative impacts to be fully assessed.</p> <p>If this offshore option is deemed viable, it is essential that stakeholders and the decision maker should be clear what the direct and indirect impacts are. If allowing this offshore connection necessitates greater quantities of onshore infrastructure, this should be fully considered within the DCO application to ensure a fair, robust and transparent process. It is also unlikely that the Marine Licence consenting process would consider any onshore impacts within East Suffolk, being outside of the MMO's jurisdiction. Such a piecemeal approach to planning does not provide a holistic view of potential impacts, being inconsistent with a strategic planning approach.</p>	
ESC-RR14	Gen-OCSS	<p>Additionally, ESC notes within Section 2.2.4 that 'The currently proposed National Grid Sea Link project is a Suffolk to Kent offshore point to point high-voltage direct current (HVDC) link. The Sea Link project is intended for system reinforcement purposes and was not designed for a connection with the two offshore wind farms.</p> <p>Thus, if Sea Link were used for offshore connection purposes, National Grid would need to construct additional reinforcement infrastructure to address its intended purpose.' ESC remains concerned that such a scenario would result in the need for additional reinforcement infrastructure, potentially resulting in a second connection between Suffolk and Kent to facilitate the original purpose of the Sea Link project. This situation would not be supported by ESC as it would introduce significant additional onshore infrastructure over and above any such additional infrastructure required to facilitate an offshore connection option alone.</p>	This is noted by the Applicant.
ESC-RR15	OffS-SLVIA	<p>Our primary concern has been reflected in our responses to the pre-application consultations and relates to potential seascape visual impacts introduced on the Suffolk and Essex Coast and Heaths National Landscape resulting from the further extension to the Galloper offshore wind farm. The existing Galloper wind turbines have a maximum tip height of 180.5m and are located approximately 27km offshore. The Five Estuaries extension wind turbines will be positioned behind the existing windfarm, noting these will be twice the height of the Galloper turbines.</p>	<p>The Applicant notes ESC's primary concern reflected in its responses to the pre-application consultations relating to potential seascape visual impacts introduced on the Suffolk and Essex Coast and Heaths National Landscape. This impact has been assessed in 6.2.10 Seascape, Landscape and Visual Assessment [APP-079].</p>
ESC-RR16	OffS-SLVIA	<p>ESC was concerned at the potential for seascape visual impacts being introduced as stated, noting that detailed assessment had not yet been undertaken. ESC</p>	<p>The Applicant notes the findings of the addendum to the Suffolk Seascape Study (White Consultants, June 2023). The Applicant would note that while</p>



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		<p>commissioned an update to the Suffolk Seascape Sensitivity to Offshore Wind Farms Study (2020) produced by White Consultants which assessed the Five Estuaries parameters. The report update formed an addendum to the original assessment and together they act as a framework and background study for assessing the likely seascape and visual effects of wind farms off of the Suffolk coast.</p> <p>The addendum to the Suffolk Seascape Study (White Consultants, June 2023) commissioned to assess the level of potential seascape visual impact introduced concluded that wind turbines of 424m above sea level at a distance of 37km would result in an 'above medium magnitude' impact on the seascape vista from the National Landscape, concluding that turbines over 400m in height should be located a minimum of 40km from the coastline. The study together with our Statutory Consultation response are available on our website.</p>	<p>such buffer studies are useful as part of the evidence base, there are limitations with this type of high-level study because distance buffers are derived from other SLVIAs and mathematically extrapolated using a 'rule of thumb' ratio. They do not replace the need for site specific assessment, which has been undertaken in 6.2.10 Seascape, Landscape and Visual Assessment [APP-079]. Judgements on significance should be properly based on the assessment material and photomontages provided in the ES, which provides a project specific assessment of the impacts in line with guidance.</p> <p>The Suffolk Seascape Study (White Consultants, June 2023) recognises (4.18) that 40km is a '<i>substantial buffer for larger wind turbines off sensitive designated coastal landscapes</i>' and that (5.4) '<i>wind farms with turbines over 400m high should be at least 40km away from the coast</i>'. The OESEA buffer study (White Consultants, March 2020) also suggested a 40km <i>buffer from designated coastal landscapes for WTGs 351-400m high</i>, based on the limit of visual significance. The VE array areas are located 37.3km from the closest point of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (SCHAONB) (with WTGs of 395m maximum height above MHWS). Although this does not strictly meet the suggested 40km buffer, it is very close to the thresholds recommended for WTGs of the maximum size. Furthermore, with reference to Figure 10.1, the majority of the WTGs within the VE array areas are located well beyond 40km from the SCHAONB.</p> <p>Overall, the SLVIA assessment has concluded that the project would not give rise to any significant effects on views or the perceived character and qualities of the coastline, owing principally to its location at long distance offshore from both the SCHAONB coast of Suffolk (over 37.3 km to the array areas and 38 km to the nearest WTG within the array areas) and the coast of Essex (over 52.7 km), together with the position of the VE arrays largely subsumed behind operational wind farms and the limited additional lateral spread of the VE WTGs on the sea skyline.</p>
ESC-RR17	OffS-SLVIA	<p>However, since that time, the Applicant has reduced the maximum height of the proposed wind turbines to 395m, just below the 400m threshold. It is acknowledged as part of the Five Estuaries' project development that the turbine array area has been reduced following pre-application consultation feedback, with a section of the northern array being removed to help avoid filling in the 'gap' between existing wind farms as seen from the Suffolk coast. Moving from the Scoping stage to Preliminary Environmental Information Report (PEIR), ESC notes that the northern array's developable area was reduced by 22% (a 16% reduction of the total developable area). The justification presented for this refers to the sensitivity of views from the coast, particularly from within the National Landscape (formerly AONB). Therefore, ESC's initial seascape visual impact concerns have been reduced following review of the Applicant's detailed assessment materials for the DCO submission.</p>	<p>The Applicant notes and welcomes ESC's comments that their initial seascape and visual impact concerns have been reduced following the reduction in the maximum height of the proposed WTGs to 395m (MHWS), reduction in the northern spatial extent of the VE array areas and review of the Applicant's detailed assessment materials for the DCO submission.</p>

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ESC-RR18	OffS-SLVIA	ESC has reviewed the submitted DCO materials in reference to the Landscape, Seascape and Visual Impact Assessment methodology (EN010115-000358-6.7.10.1). It is agreed that the methodology used is appropriate, robust and in accordance with professional guidelines.	The Applicant welcomes feedback from ESC that the methodology used for the SLVIA is appropriate, robust and in accordance with professional guidance.
ESC-RR19	OffS-SLVIA	<p>We have also reviewed the viewpoints selected as part of the assessment which are located along our District's coastline. ESC has reached a collective conclusion for all the viewpoints assessed within our District. The proposed windfarm development comprises the addition of two separate groups of large turbines to the 'rear' or east of the existing Galloper/Gabbard windfarm groups. The range of distances from the various viewpoints to the nearest point of the proposed windfarm is from 38.2km (Orford Ness Bomb Ballistics Building VP9) to 49km (Felixstowe Old Town VP11). These distances are a key component in understanding the likely visibility frequency of the turbines throughout the year. Taking account of known Meteorological Office data, in the case of VP11 at 49km, the visibility frequency likelihood is 8.9%. For VP9 at 38.2km, the frequency is 20.9%. This is the full extent of the range of visibility frequency i.e. 8.9%-20.9%.</p> <p>ESC therefore concludes that whilst it is understood that the wind turbines will have theoretical visibility throughout the year, (the Zone of Theoretical Visibility plans illustrate this), the reality is that weather conditions will limit actual visibility and it is predicted that this will be at the frequency range outlined above.</p> <p>ESC accepts that there will only be 20.9% chance of visibility throughout the course of a year under the worst-case scenario, meaning the remaining 79.1% of the time there would be no visibility, or only very poor visibility of the wind turbines resulting in the turbines being observed from the East Suffolk coast under the worst-case scenario.</p>	The Applicant notes ESC's collective conclusion in respect of viewpoints located along the East Suffolk coastline and agrees with the comments on visibility frequency at the range of distances for viewpoints in East Suffolk (between 38.2km – 49.0km). The Applicant notes that for 79.1% of the time there would be no visibility, or only very poor visibility of the VE WTGs from the East Suffolk coast (based on Met Office visibility frequency data).
ESC-RR20	OffS-SLVIA	For many of the East Suffolk viewpoints, the new turbines will be aligned behind the existing Galloper / Gabbard windfarms from the perspective of the observer, also being more distant from the shore. Despite the new wind turbines being significantly taller structures than the existing wind farms, they will only be seen as having slightly greater stature. The ESC Principal landscape officer has experienced views of the Galloper / Gabbard cluster from several of the East Suffolk viewpoints on numerous occasions, and notes that due to weather conditions and distance, it is often more likely that they will not be highly visible on the horizon. ESC therefore accepts that the conclusions set out within the Applicant's submitted assessment are realistic and acceptably reliable.	The Applicant agrees that for many of the East Suffolk viewpoints, the VE WTGs will be aligned behind the existing Galloper / Gabbard wind farms and that the VE WTGs will only be seen as having slightly greater stature than the Galloper and Greater Gabbard WTGs. The Applicant welcomes feedback from ESC that the conclusions set out within the Applicant's submitted assessment are realistic and acceptably reliable.
ESC-RR21	OffS-SLVIA	However, that being said, the 20.9% visibility frequency cannot be ignored because the periods of best visibility are likely to coincide with peak visitor times i.e. summer holiday period during the best weather, and especially in the latter part of a summer's day when the sun is sinking in the sky in the west (behind the seaward observer on the east coast) and when in a south westerly airstream, the turbines will be orientated 'full face' towards the coast. In such circumstances, it is likely that the turbines will be illuminated by the sun's glow with an enhanced appearance along the horizon. This could also happen in the winter with a northerly airstream moving down the North Sea which can often bring very clear	The Applicant notes and accepts ESC observations on the visual effects of the VE WTGs during periods of optimal visibility and how this effect may vary with particular seasonal conditions and times of day. See text in response to ESC-RR23.

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		<p>atmospheric conditions that can bring the sharpest view to the horizon. Under such circumstances, any turbines on the horizon can be experienced throughout the year. It is also noted at such times that summer visitor numbers tend to be high, similar to the Christmas/New Year period, especially due to the abundance of second home ownership at coastal viewpoint locations.</p>	
ESC-RR22	OffS-SLVIA	<p>Whilst it is understood that there will be no effective visibility for the majority of the year, the most likely chance of visibility is likely to occur at the time of year of highest visitor numbers and therefore it could be argued that there is a possibility of added impact above and beyond that for local residents because visitors have a higher expectation of a clear view to the horizon. However, seascape views may be more sensitive to additional wind turbines being introduced if there are existing offshore wind turbines within the vista. There are concerns that, where visible from some viewpoints, there will be an almost continuous row of visible turbines across the horizon from the proposed ScottishPower Renewables (SPR) East Anglia 2 array, through Five Estuaries, Galloper and Gabbard, to North Falls (if all fully built out), although it is accepted that this will still be dependent on weather conditions which determine visibility.</p>	<p>The Applicant notes and accepts ESC observations that the visual effects of the VE WTGs may coincide with the times of year of highest visitor numbers to the East Suffolk coast. The Applicant notes ESC's concerns that where visible from some viewpoints, there may be an almost continuous row of visible WTGs across the horizon if all consented and planned offshore wind farm projects are fully built out.</p> <p>The Applicant's position is that this potential 'curtaining' effect is not significant based on the cumulative effect assessments in Table 10.36 of 6.2.10 Seascape, Landscape and Visual Assessment [APP-079]. The assessment material submitted by the Applicant, indicates that VE may be seen to bridge the gap between Galloper and East Anglia TWO from a very localised geographic area near Southwold Viewpoint 1 [APP-204] (some 47km away); that there is an evident gap in viewpoints from the Dunwich area (Viewpoint 2 (46.8 km away) and 3 (45.2 km away)), [APP-205 and APP-206]; and wider and clearly apparent gap in all other viewpoints southwards from Sizewell to Orford Ness and Shingle Street, including Viewpoints 4, 5, 6, 7, 8, 9, 10 and 11 within the SCHAONB [APP-207 to APP-214] all of which are more than 39km from the nearest turbine.</p> <p>The Applicant considers that the 'curtaining' effect is not significant given the retention of this gap between VE and EA2 in the majority of views; the very long distance of the viewpoints where the gap is narrowest; the relatively narrow additional increase in lateral spread of the VE WTGs; their introduction as elements that are similar to those that are present or consented; and their very long distances from the SCHAONB on the sea skyline, all of which diminishes the potential 'curtaining' effect, and limits the cumulative effect to occurring in only the most optimum, infrequent, visibility conditions.</p>
ESC-RR23	OffS-SLVIA	<p>Aviation lights at night are also a concern in terms of visual impact because there is every likelihood (because of their very purpose) that they will be more visible at night than the turbines will be during the day in equivalent weather conditions. But it is equally accepted that there will be fewer viewers looking out to see at night than there will be during the day</p>	<p>The Applicant considers that aviation and navigation night-time lighting of the VE WTGs will not result in significant effects on views from the East Suffolk coast or the 'dark night skies' quality of the SCHAONB. The assessment in 6.2.10 Seascape, Landscape and Visual Assessment [APP-079] (Impact 16.9 and 16.19, p283 - 296) finds that the operational effects of the lighting of the VE array areas will result in no higher than a moderate/minor and not significant effect on views from the East Suffolk coast and the 'dark night skies' quality of the SCHAONB.</p> <p>The Applicant also notes mitigation measures in Table 10.18 of 6.2.10 Seascape, Landscape and Visual Assessment [APP-079] that marking and lighting of the WTGs and offshore substation platforms (OSPs) within the VE array areas will be undertaken in accordance with relevant industry guidance</p>

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			<p>and requirement. This includes that during operation, and where visibility conditions permit, the intensity of aviation navigation lights will be reduced to no less than 200 candela (cd).. This is secured by Requirement 3 in schedule 2 and Part 2 Condition 9 of the Deemed Marine Licences in schedule 10 and 11 in the 3.1 Draft Development Consent Order [APP-024]. The Applicant considers that this reduction in lighting intensity, where visibility conditions permit, will ensure that significant effects on views at night from the SCHONB will be reduced.</p>
ESC-RR24	OffS-SLVIA	<p>The National Planning Policy Framework (NPPF) states in paragraph 182 that 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'</p> <p>The second part of the last sentence is a relevant material consideration for the DCO examination, should it be argued that this development is in the setting of the National Landscape (it could be claimed that the view out to sea is part of the experience of visiting the coast of the designated landscape). However, ESC accepts that the height of the turbines has been reduced since the early pre-application discussions, and for many coastal viewpoint receptors, the new array will be seen behind the existing Galloper/Gabbard grouping. ESC therefore accepts that reasonable efforts have been made to avoid or minimise any adverse impacts as far as the scope of the project allows.</p>	<p>The Applicant has regarded the National Planning Policies designed to ensure that development within the setting of nationally designated landscapes is sensitivity located and designed to avoid or minimise adverse impacts on the designated areas. The Applicant considers that the VE array areas are sensitively located (behind existing wind farms at long distances over 37 km from the coast) and that it is designed to minimise adverse effects on the SCHAONB (the spatial extent of the array areas and height of the WTGs has been reduced). The Applicant welcomes ESC's comments that reasonable efforts have been made to avoid or minimise adverse impacts as far as the scope of the project allows.</p>
ESC-RR25	OffS-SLVIA	<p>In terms of other relevant material considerations for the DCO examination, ESC has reviewed the proposal against Local Plan Policy SCLP10.4 Landscape Character and can advise that the proposal is Policy compliant for the following reasons:</p> <ul style="list-style-type: none"> <li>&gt; The project reasonably protects (although not necessarily enhances) the special qualities and features of the area including the seascape, although this conclusion is still dependent of the visibility frequency percentages described above.</li> <li>&gt; ESC does not consider that the project will have a significantly adverse impact on the natural beauty and special qualities of the National Landscape.</li> <li>&gt; If the Five Estuaries wind turbines are regarded as being in the setting of the National Landscape due to the seascape experience of its users, ESC accepts that reasonable efforts have been made by the Applicant to avoid or mitigate adverse effects where they arise.</li> </ul>	<p>The Applicant welcomes ESC's confirmation that the Project is compliant against Local Plan Policy SCLP10.4 Landscape Character.</p>
ESC-RR26	OffS-SLVIA	<p>ESC considers that there will be adverse impacts on the designated National Landscape coastline within East Suffolk, however we accept that these impacts</p>	<p>The Applicant agrees with ESC that impacts on the designated SCHAONB coastline within East Suffolk are likely to be Moderate/Minor at worst in LVIA</p>



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		<p>are likely to be Moderate/Minor at worst in LVIA terms, and they are not significantly adverse to justify objection for landscape and visual impact related reasons. We come to this conclusion principally because of the influence of meteorological/atmospheric conditions in determining the frequency of visibility, and because of the presence of existing and already consented wind farms which mean that the magnitude of change arising from this proposal is moderated in comparison to there being no existing windfarms (despite the presence of existing offshore wind turbines potentially increasing the sensitivity of the view to additional offshore wind turbines as stated earlier). In addition, we do not consider that the statutory purposes for designation of the National Landscape are compromised to an extent that justify grounds for objection. This conclusion is based on the currently submitted proposals, should these change at any stage, ESC would need to revisit our position in terms of seascape visual impacts.</p>	<p>terms, and they are not significantly adverse (as set out in 6.2.10 Seascape, Landscape and Visual Assessment [APP-079]). The Applicant notes and welcomes that ESC consider that the effects are not significantly adverse to justify objection for landscape and visual impact related reasons, given the factors described. The Applicant considers that the VE array areas will not have significant adverse impacts on the natural beauty and special qualities of the SCHAONB and that the statutory purposes for designation of the SCHAONB will not be compromised.</p>
ESC-RR27	OffS – Ornithology Habitat Regulations Assessment (HRA)	<p>ESC has considered the Applicant's proposed compensation measures submitted in the DCO materials and provides the following ecological assessment setting out our position:</p> <ol style="list-style-type: none"> <li>1. Principle of proposed LBBG compensation measures - ESC defers comment on the principle of the proposed LBBG compensation measures in Suffolk (primarily anti-predator fencing and habitat management on Orford Ness) to Natural England and other ornithological expert stakeholders. The council also defers detailed comment on the calculations used to estimate the quantum of compensation required to the same organisations. Our comments on LBBG compensation are confined to matters of detail on the proposals submitted in relation to Orford Ness in Suffolk, including in relation to securing, implementing and monitoring the necessary measures.</li> <li>2. Proposed Suffolk LBBG compensation site - Volume 6, Part 8, Chapter 1: Lesser Black Backed Gull Compensatory Areas Environmental Assessment (APP-225) identifies a proposed compensation site for LBBG on Orford Ness in Suffolk (report Figure 1). Whilst the council defers the principle of the suitability of this site to Natural England and others (as per Section 1 above), it is noted that the area within the red line boundary shown on Figure 1 includes an existing site where similar compensation measures are being implemented for consented offshore windfarm projects (the 'Norfolk Boreas and Vanguard offshore wind farms' and 'East Anglia ONE North and TWO offshore wind farms'). The construction of the anti-predator fence in this area was granted planning consent by East Suffolk Council under our reference DC/22/3447/FUL.</li> </ol> <p>The management and monitoring of the existing compensation site for LBBG is set out in an Implementation and Monitoring Plan (IMP) which has been approved by the Secretary of State in relation to those projects. It is noted from the Lesser Black Backed Gull Compensatory Areas Environmental Assessment that the Applicant proposes to collaborate with the developers of the existing projects on LBBG monitoring. Whilst this is welcomed, it is also essential that this new compensation area does not in any way impact on the compensation that the existing area is seeking to</p>	<ol style="list-style-type: none"> <li>1. Noted by the Applicant.</li> <li>2. The Applicant is aware of the existing compensation site and plans to remove it from the Order Limits as set out in the Notification of Intention to Submit a Change Request submitted at Pre-examination deadline D. The Applicant also seeks to refine the Order Limits to a single site following ongoing surveys and stakeholder engagement. The inalienable status of the National Trust land is acknowledged and discussions are ongoing with both landowners at Orford Ness to inform the refinement of the compensation area. Additional surveys are underway this summer to support the conclusions of the environmental assessment for the site. The scopes of these surveys have been discussed with Natural England and agreed to be broadly appropriate. The findings will be provided to Natural England and the Examining Authority once available and 6.8.1 Lesser Black Backed Gull Compensatory Areas Environmental Impact Assessment [APP-225] will be updated accordingly and submitted at an appropriate deadline. In addition pre-implementation surveys will be undertaken over the compensation area which will inform the final LBBG Implementation and Monitoring Plan (LIMP) which is to be approved by the Secretary of State.</li> <li>3. The requirement to submit the final LIMP for approval to the Secretary of State is secured in Schedule 14 of the dDCO.</li> </ol>

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		<p>deliver. On that basis we recommend that it is clarified why the proposed red line boundary for the compensation area includes the existing parcel of compensation land? It is also queried why the identified compensation area is significantly larger than any of the four areas previously identified and consulted on at the time of the Stage 3 Targeted Consultation held in January 2024? ESC considers that it is important that the exact extent of the area to be fenced is understood and justified prior to determination of the Development Consent Order (DCO).</p> <p>We also note the comments from the National Trust (as site landowner) set out in Table 1.2 of the report, in relation to lack of previous consultation and the 'inalienable' status of the land. Whilst it is understood that the Applicant is initially seeking voluntary agreement with the landowner to install the necessary compensation measures, it is also understood that if this cannot be achieved then compulsory acquisition powers over the land will be sought (para. 1.10.6). We therefore query what impact 'inalienable' status would have on the use of compulsory acquisition powers? Given that delivery of the compensation measures is necessary to meet the requirements for an acceptable derogation under the Conservation of Habitats and Species Regulations (2017) (as amended), it is essential that this matter is resolved prior to a decision on the DCO being made.</p> <p>3. Proposed LBBG compensation measures and assessment of potential impacts - The proposed compensation measures include installation of a predator-proof perimeter fence, with long term habitat management measures carried out within the enclosed area to provide suitable nesting conditions for LBBG.</p> <p>Whilst it is understood that breeding LBBG are part of the reason for the designation of the Alde-Ore Estuary Special Protection Area (SPA) and the Alde-Ore Estuary Ramsar Site, it must also be noted that Orford Ness is designated for a range of other species and habitats (including both as part of the SPA and Ramsar designations and also as part of the Alde-Ore Estuary Site of Special Scientific Interest (SSSI) and Orfordness Shingle Street Special Area of Conservation (SAC) designations). Therefore, although suitable habitat for nesting LBBG is appropriate on the Ness, this must not be at detriment to the other rare and sensitive habitats and species present.</p> <p>It is noted that the field survey to support the assessment of the proposed compensation measures was undertaken in January 2024, outside of the optimum time for surveying for a number of qualifying features of the designated sites (particularly flora). Whilst this is acknowledged as a survey limitation in the Applicant's assessment, it is unclear how this has then informed the assessment of potential impacts. It is important that construction of the proposed fence does not result in the destruction, damage or disturbance of any designated site qualifying feature or other protected or UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). A further survey</p>	

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		<p>for flora at a more appropriate time of year should be undertaken to inform the final alignment of the fence and any necessary 'micro-siting' or other mitigation measures.</p> <p>In addition to the above, it is also noted that the submitted assessment of the construction and operation of the fence does not include consideration of potential impacts on otter, water vole or badger. These protected species are known to be present on Orford Ness, and therefore any potential impacts on them must be considered as part of this process. If any of these species are confirmed to be present in the area and are likely to be impacted by the work, then appropriate avoidance and/or mitigation measures must be identified and implemented.</p> <p>4. Consideration and control of implementation, monitoring, and management measures - It is understood that it is proposed that a final LBBG IMP is to be submitted for approval following consenting of the DCO, and that the final IMP must be in accordance with the Outline IMP submitted as part of this examination. Whilst we agree that this approach is acceptable, we also note that no Requirement securing this is included in the submitted draft DCO. In the absence of a Requirement covering this matter it is unclear how the submission of the final IMP for approval will be secured? We strongly recommend that an appropriately worded Requirement is included in the DCO to deal with this.</p> <p>With regard to the proposed implementation timetable for the compensation measures, it is noted that paragraph 1.10.26 of the assessment states that "It is planned that these compensatory measures will be completed three years before the completion of the construction phase of VE. Therefore, this site will potentially receive a net benefit of the proposed compensation measure before VE becomes operational.". Given that the compensation is required to address operational impacts of the windfarm we suggest that a more appropriate implementation timetable would be to have the measures in place three years before the operation of the first turbine, rather than the completion of construction. Dependent on how long the construction phase takes it is possible that a number of turbines could be operating well ahead of the completion of the entire construction phase, and therefore an impact on LBBG could be occurring ahead of the necessary compensation measures being implemented.</p> <p>Finally, with regard to long term monitoring, whilst the intention for the Applicant to co-ordinate with existing projects on monitoring is welcomed and encouraged, if the entire compensation area within the red line boundary is to be monitored as a whole it is important that combined targets are agreed. This would help ensure that all relevant projects are appropriately reporting on whether their compensation objectives are being achieved or not, and if not what adaptive measures are appropriate. This detail should be included in the final LBBG IMP.</p> <p>Regarding other matters, as a point of clarification for the Examining Authority, following the completion of the Stage 3 Targeted Habitats</p>	

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		<p>Consultation in January 2024, and prior to the Adequacy of Consultation, in reference to 'EN010115-000172-5.1 Consultation Report' and 'EN010115-000174-5.1.2 Consultation Report - Appendix 8 to 11', it was identified that details of ESC's response to the Stage 3 consultation was not included in the Consultation Report – specifically not mentioned in the table under Section 10.8 (which starts on page 353 of 554) within Appendices 8-11. ESC's response to the Stage 3 consultation has therefore been attached under Appendix A to this Relevant Representation 'East Suffolk Council's Response - Five Estuaries Offshore Wind Farm - Stage 3 Targeted Habitats Consultation'.</p> <p>ESC liaised with the Applicant on this matter who subsequently confirmed that they did receive ESC's response to the consultation on 08 February 2024 and that this had been fully considered by the project team, alongside the other consultation responses, before they finalised their proposals. The East Suffolk Council Stage 3 response was included in the count of total responses; however, it had unfortunately been left out of the table in Appendix 10.8 in error. The Applicant also provided reassurance that the LBBG EIA document (Application Document 6.8.1), includes information confirming the ESC response received and how it was taken account in the preparation of the LBBG EIA assessment and project proposals (on table 1.2 of page 19).</p> <p>ESC was satisfied with this response by the Applicant and raised no further concerns.</p>	
ESC-RR28	OffS – Marine Geology	<p>It was previously noted that the Applicant's pre-submission assessment focussed on the impact of wave energy interruption by turbine foundations arising from both this development in isolation and the entire licensed turbine field, for several wave directions. ESC noted that the results show an impact zone on the lee side of each turbine group that is limited in plan extent to relatively close to each turbine field. In no modelled case did the zone of interruption extend to the ESC shoreline.</p> <p>At the time of the non-statutory consultation in 2022, ESC's Coastal Management Team requested consideration of any impacts on the local wind and wave climate due to the proposed enlarging of the existing offshore wind turbine array. It was requested that this was investigated in the Environmental Statement (ES). However, having reviewed the Applicant's submitted 'Stage 1 Feedback Report' there is no clear acknowledgement of this request (reference EN010115-000173-5.1.1 Consultation Report - Appendix 1 to 7, Section 2.3 Stage 1 Feedback Report - 17 October 2022, Page 148 of 470).</p>	Following a review of ESCs Relevant Representations (ESC-RR29 to ESC-RR34), it is understood by the Applicant that the ESC Coastal Management Team's concerns have now been satisfactorily addressed within in 6.2.2 Marine Geology, Oceanography and Physical Processes [APP-071].
ESC-RR29	OffS – Marine Geology	<p>In the 2023 statutory consultation, ESC's Coastal Management Team commented on the potential impacts on coastal processes, as raised in the PEIR documents. Our concerns were:</p> <ul style="list-style-type: none"> <li>&gt; i) The project had based its research on limited references and antiquated data sources i.e. several references were 20+ years old (most notably those regarding sediment (SNSSTS 2002) and structure scour assessment).</li> </ul>	Noted by the Applicant.



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		<p>&gt; ii) The impact assessment did not consider how wind energy reduction on the lee sides of turbines, would affect the 'zone of wave energy disruption'. ESC's concern was if a measurable reduction to wave energy, caused by wind shadowing of turbines, was found on approach to the ESC shoreline from east/southeast directions, then it may alter the net sediment transport balance along our coastline. There are coastal locations where a reduction in the southerly component of net drift may be significant e.g., East Lane Bawdsey and Thorpeness.</p> <p>&gt; lii) The impact assessments used a standard threshold for Impact Significance of 5%. ESC questioned this threshold value, on the grounds that a small but chronic reduction in wave energy from certain directions, albeit potentially &lt;5%, may mover several years, have a cumulative significant impact, albeit potentially impacting sediment transport over time along ESC shorelines within the study area.</p> <p>However, ESC confirms that following a review of the Applicant's submitted DCO application documents, the Coastal Management Team's concerns have been satisfactorily addressed.</p>	
ESC-RR30	OffS – Marine Geology	<p>In reference to i) above, the need for more coastal research and the use of recent data to inform the impact on coastal processes was addressed within Environmental Statement, Volume 6, Part 2, Chapter 2: Marine Geology, Oceanography and Physical Processes (EN010115-000233-6.2.2 Marine Geology, Oceanography and Physical Processes). ESC notes that Section 2.4.6 (Page 38/162) states that 'Baseline understanding of physical processes within the study area has been developed through consideration of a range of project specific and existing data sources. These are summarised in Table 2.2, Table 2.3, and Figure 2 of Volume 6, Part 5, Annex 2.1: Physical Processes Technical Baseline'.</p>	Noted by the Applicant.
ESC-RR31	OffS – Marine Geology	<p>In reference to ii) above, the need for an impact assessment of wind shadowing on wave energy disruption and sediment transport on the ESC coast, ESC notes that this was addressed within 'EN010115-000263- 6.5.2.3 Physical Processes Technical Assessment' (ABPmer, January 2024, R.3628, page 22) which states 'The maximum corresponding changes to wave period and wave direction (not shown) are less than 0.1 s, and 3 deg respectively, at all locations, in all cases. Wave height begins to recover immediately downwind of the array area. Recovery occurs mainly due to a wave energy spreading from areas to the side less or unaffected by interaction with the wind farm'.</p> <p>Modelling results are illustrated in Figure A9 'EN010115-000263-6.5.2.3 Physical Processes Technical Assessment' (ABPmer, January 2024, R.3628, page 46) show the impact of more turbines on wave height (from S/SE directions) is very localised and creates 5% decrease in height. The influence of the array does not extend far enough landward to transmit a quantifiable threat to wave-driven sediment transport along the ESC frontage.</p>	Noted by the Applicant.
ESC-RR32	OffS – Marine Geology	<p>In reference to iii) above, the need for consideration of the 5% significance threshold in relation to chronic reduction in wave-driven sediment transport along</p>	Noted by the Applicant.

Ref	Topic	Relevant representation comment	Applicant's responses
		the ESC coast, ESC notes this was addressed within 'EN010115-000263-6.5.2.3 Physical Processes Technical Assessment' (ABPmer, January 2024, R.3628, page 22) which states 'Changes less than 5 % of the baseline wave height would be indistinguishable from natural variability both within the sea state (difference between individual waves) and compared to normal rates of change (over timescales of one hour or less); such small differences would not be measurable in practice. Changes less than 2.5 % are also less than the reasonably expected accuracy of the model...'	
ESC-RR33	OffS – Marine Geology	Additionally, ESC notes from Section 5.3.2 within 'EN010115-000263-6.5.2.3 Physical Processes Technical Assessment' (ABPmer, January 2024, R.3628, page 26) that 'Changes to any wave driven component of the sediment transport rate' states 'The differences in wave height, period and direction described in Section 3.3.5. are small in absolute and relative terms and (as a small additional contribution to the tidally dominated transport) could only cause an even smaller change to overall instantaneous sediment transport rates or directions. The differences would not be measurable in practice and are easily within the range of natural variability in wave height from wave to wave, from hour to hour during the passage of a storm, and in the context of seasonal and interannual variation of wave climate'. ESC understand that wave modelling results show a small and localised impact on the tidal regime in the lee of the turbine array which would have a non-measurable impact on sediment transport, and the wave driven component of sediment transport is expected to be smaller still. ESC is therefore satisfied that the potential impacts have been sufficiently assessed and that it would be unreasonable to pursue this matter any further.	Noted by the Applicant.
ESC-RR34	OffS – Marine Geology	As set out earlier, following a review of the Applicant's submitted DCO application documents, the Coastal Management Team's concerns have been satisfactorily addressed.	Noted by the Applicant.
ESC-RR35	OnS – Archaeology	ESC notes that Historic England previously led on the identification of heritage assets that needed to be considered for scoping in or out of significance impact assessment. Whilst ESC did not contribute to that process, having reviewed those that were put forward, we have confidence in the prior process and have no concerns.	Noted by the Applicant.
ESC-RR36	OnS – Archaeology	With respect to the built heritage assets that have been scoped in for assessment by the Applicant, these are the North and South Lookouts in Aldeburgh, the Martello Tower CC at Slaughden and Orford Castle. Following a review of Volume 6, Part 2, Chapter 7 (Archaeology and Cultural Heritage) within the Environmental Statement, ESC notes that this provides an assessment of the indirect effect upon these assets' heritage significance during the operational phase of the offshore array. For all aforementioned assets, ESC accepts the conclusion that effects will be negligible. ESC therefore has no heritage concerns.	Noted by the Applicant.
ESC-RR37	General	Conclusion - ESC welcomes the open and transparent approach adopted by the Applicant throughout the pre-application stage of the DCO process and through other ad-hoc engagement held to date. As set out earlier in this Relevant Representation, ESC's Cabinet committee met on 7th May 2024 and approved the Council's overarching position on this project, i.e. to not object to the Five	The Applicant notes and appreciates the position taken by East Suffolk Council. The Applicant will continue to work with the Council throughout the Examination period and throughout the lifespan of the Project.

Ref	Topic	Relevant representation comment	Applicant's responses
		Estuaries project with a radial connection to Essex, providing the offshore turbines do not have a significant impact on the Essex and Suffolk Coast and Heaths National Landscape but to also continue to support offshore coordination which reduces/minimises the extent of onshore infrastructure. ESC also wishes to engage in the examination to continue to closely monitor and scrutinise the potential residual seascape visual impacts introduced on the National Landscape. Whilst the project has reduced the proposed maximum wind turbine height to less than 400m tall, the closest wind turbines remain at a distance of 37km offshore which will be visible from the designated landscape.	

### 3.5 ESSEX COUNTY COUNCIL [RR-027]

Ref	Topic	Relevant representation comment	Applicant's responses
ECC-RR01	Gen - Other	ECC supports the Government's Energy Security Strategy which promotes offshore wind expansion to reach a goal of 50 GW of offshore wind production by 2030, however this must be balanced against the impact of the development within the local area.	Noted by the Applicant.
ECC-RR02	Gen - National Grid	The application is considered premature at this time. It assumes an underground connection into a proposed substation, East Anglian Connection Node (EACN) east of Ardleigh. This is part of the National Grid Norwich to Tilbury (N2T) upgrade, itself a DCO proposal. The EACN is unconsented and the N2T proposal is at this time in Statutory Consultation stage. ECC in consultation (APP-033) has stated its clear preference for a coordinated approach between the different proposed offshore windfarm extension projects and multi-purpose interconnector projects within the vicinity of this project.	The Applicant's position with regards to the Norwich to Tilbury project, the East Anglia Connection Node Substation and related issues is set out in section 2 of this document.
ECC-RR03	Gen - OCSS	ECC, like TDC, believes that an offshore integrated approach to achieving the UKs net zero legislative targets is the most appropriate. As such ECC believe the outcome of Offshore Coordination Support Scheme (OCSS) feasibility study into an offshore connection to Sealink (grant funded from Department of Energy Security and Net Zero) could illustrate how the offshore is achievable. In this respect, the application is premature.	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.
ECC-RR04	Gen - OCSS	On balance it is considered that the developers of these separate projects have not presented a comprehensive and conclusive set of evidence that the transmission objectives of this project cannot be met using alternative link(s) to reduce the impact of onshore infrastructure on the terrestrial environment in Essex or Suffolk. If an alternative offshore solution with reduced impacts was to be delivered, in a timely manner, without risking wider Net Zero and decarbonisation targets, it would be welcomed by the County Council. Such a proposal would negate the need entirely for this project to landfall in Tendring, to cross a length of undisturbed rural land for the laying of underground cables and remove the requirement to provide an as proposed substation, as is here proposed by the DCO, on land in Ardleigh Road at the Junction with Grange Road.	The Applicant's position on this issue is set out in Section 2.

Ref	Topic	Relevant representation comment	Applicant's responses
ECC-RR05	Gen - National Grid	<p>ECC has raised serious objection to the N2T DCO proposal, part of which is of particular reference to FE, in that the proposed connection point provided by N2T would be in Lawford. ECC are of the view that there are clear and demonstrable reasons why this location is completely unacceptable in what is a flat, open rural landscape. By VE constructing its own independent substation, linking to the current proposed Grid connection point at Lawford, it would contribute to the in-combination effects both during the construction phase and when built. FE as a project seeks consent for its own substation before connection to the Grid substation, this will result in the provision of significantly harmful industrial type infrastructure in an open, tranquil rural area from the proposal as submitted, from N2T, FE and in addition from North Falls, another similar DCO proposal, which has also been out to stages of consultation, and which we understand will come forward later in 2024. This means the area around Lawford, where one substation already exists, could result in four independent sub stations in close proximity to each other (one existing in Ardleigh Road, plus 3 more by separate DCO's). The area of land around Lawford and its rural farmland environment is sensitive to change and, when looked at in combination with the aforementioned developments, the impact of a quasi-industrial development of the scale as proposed would be injurious to the local area and its surroundings, when taking into account in combination effects.</p>	<p>The Applicant's position on this issue is set out in Section 2.</p>
ECC-RR06	OnS - LVIA	<p>ECC also note that the landscape around Lawford and the proposed substation location is an open and exposed plateau with a low density and rural settlement pattern, therefore any changes to the landscape will undoubtedly have an adverse impact on visual amenity and landscape character. Therefore, mitigation measures and landscape enhancements must be appropriately considered to ensure these are minimised considerably.</p>	<p>6.3.2 Landscape and Visual Impact Assessment [APP-084] concludes that significant effects on landscape character and visual amenity will occur within a localised area out to 1.3 km and 1.4 km, respectively. These significant effects will be mitigated by the proposed mitigation planting within the first 15 years of the operational lifetime of the onshore substation. The design of the mitigation planting will ensure that significant effects will only occur (and to a diminishing degree) for 15 years or less of the overall 30-year operational life. There are subtle variations in the landform and sufficient tree and hedgerow cover that prevent this local landscape from being described as open and exposed. The existing landform and vegetation cover create some degree of enclosure that will contribute to the screening of the onshore substation between the short to long-term.</p>
ECC-RR07	Gen - Community benefits	<p>For socio economic, recreation, and community impact ECC believes that the potential impacts and disturbance placed on local communities by the construction and operation of onshore transmission networks cannot be adequately dealt with through the planning system and it is necessary for FE to provide a voluntary Community Benefit Contribution (CBC) package to host local communities. The CBC package would recognise the role of local communities that are being asked to host nationally significant infrastructure projects that will contribute significantly to the government's commitment to Net Zero and energy security. Such a fund could be used to support local initiatives including, but not limited to, the provision of community woodlands, tree and hedgerow planting, the establishment of traditional orchards and the enhancement of wildlife habitats. Local community groups, parish councils and voluntary sector organisations would be encouraged to make applications to this fund.</p>	<p>The Applicant's position regarding community benefits is set out in Section 2 of this document.</p>



Ref	Topic	Relevant representation comment	Applicant's responses
ECC-RR08	OnS - Socio-Economic	<p>Measures to address social value and community benefit are important to ECC and TDC. Whilst there continues to be ongoing engagement with the applicant, there are no definitive commitments to education, training or employment within the District. Like TDC we would consider any project of this scale that does not address the economic disparity of those unable to access jobs through the transition to net zero to be unacceptable.</p>	<p>It should be noted that 6.3.3: Socio-Economic, Tourism And Recreation [APP-085] takes a conservative approach to local recruitment within the Wider Study Area (WSA) – such that local benefits are not overstated and that any potential tightening of the labour market in specific skillsets is not exacerbated. However, It is anticipated that the local element of workforce and supply chain would exceed this given the Applicant's commitment to an 9.27 Outline Skills and Employment Strategy [APP-260].</p> <p>As such an 9.27 Outline Skills and Employment Strategy [APP-260] has been submitted with the intention to work collaboratively with stakeholders including hosts Tendring District Council and Essex County Council and other areas within the extended labour market (e.g. Suffolk County Council), to understand, prepare for and deliver initiatives that support the local skills infrastructure to enable local people to gain skills and employment on the Project. This is cognisant of other major NSIPs, and pre-existing strategies in place by those Projects and/or the Councils to address labour market issues proportionately.</p> <p>The ES considers in detail the existing socio-economic environment including drivers of socio-economic deprivation, and inequalities in terms of skills, qualifications, earnings and employment – this is set out within paragraphs 3.6.6 to 3.6.48 ('Economic Baseline') within 6.3.3 Socio-Economic, Tourism And Recreation [APP-085] of the ES.</p> <p>This informs the assessment of significance, resulting in a more sensitive environment that will benefit from employment supported by the Project. This is also important in enabling an evidence-based approach to developing labour market and social value interventions for local people via the 9.27 Outline Skills and Employment Strategy APP-260] which will be secured as a Requirement of the DCO - in collaboration with local stakeholders and in the context of regional skills co-ordination..</p> <p>9.27 Outline Skills and Employment Strategy [APP-260] has been developed through engagement with regional stakeholders, with measures that seek to identify and secure a greater contingent of local workforce, increasing skills locally and lowering the number of workers needed from beyond the boundaries of the WSA while supporting the regional co-ordination of major construction projects and their workforce skills delivery. As key stakeholders and host authorities, Essex County Council and Tendring District Council will be critical in supporting the delivery of the Project's economic benefits to its residents.</p>
ECC-RR09	OnS - Socio-Economic	<p>As for the impact on tourism, which is identified as a key component of the Tendring District Local Plan 2013 – 2033 and Beyond, as was formally adopted by the Council in two sections – Section 1 in January 2021 and Section 2 in January 2022, Policy PP8 (Section 2 of the Plan) identifies tourism as a key component to the areas socio-economic profile is worth more than £276 million to the Tendring District. With the area containing a significant number of tourist destinations, and a wide variety of differing types of available accommodation, tourism is the main contributor to the local economic job profile, whether that is directly in hotels,</p>	<p><b>Impacts on Tourism</b></p> <p>The potential for impacts of construction and operational activity on tourism are considered within 6.3.3 Socio-Economic, Tourism And Recreation [APP-085] of the ES.</p> <p>Overall, the Applicant considers that:</p> <p>a) Any effects on tourism must be evidence-based, as required by the National Policy Statement (NPS) EN-1;</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		<p>caravan and chalet parks and tourist attractions or indirectly in shops, cafés and restaurants. The landward side of the construction works as proposed by this DCO proposal could have a significant impact on the areas attractiveness to tourism, with disturbance to both the attractiveness of the rural landscape and transportation as a result of the DCO within the wider Tendring peninsular.</p>	<p>b) The Applicant has assessed effects on onshore tourism receptors from various environmental topic areas and not identified a significant effect, and only a fraction of tourist destinations / sensitive receptors are within proximity of the Project;</p> <p>c) The construction phase is temporary and short in duration, phased and localised in terms of effects, managed by Control Plans and Best Practice which will be monitored;</p> <p>d) The tourist economy is inherently strong and resilient to seasonal and annual change, and is spread widely with strongest centres of employment in areas that would not experience the Project.</p> <p><b>Visual Impacts in the Construction Phase</b></p> <p>In terms of construction effects, the ES (in the 6.3.2 Landscape and Visual Impact Assessment [APP-084]) concludes that there are no significant effects on landscape planning designations whose special characteristics may include visual appreciation by visitors (such as AONBs), with no significant effects reported on landscape character.</p> <p>As such, given the relatively localised areas, minimal sections of recreational routes likely to be affected, short term nature and lack of significant effect on protected National Landscapes relied upon for tourist draw, the overall visual effects are not anticipated to result in a substantial change in visitor perception or experience during the construction phases</p> <p><b>Traffic Impacts in the Construction Phase</b></p> <p>The ES (specifically 6.3.8 Traffic and Transport [APP-090] ) considers that during the construction phase there is likely to be:</p> <ul style="list-style-type: none"> <li>• A negligible or minor effect on driver severance and delay as a result of the VE's construction traffic using the network (at peak hour); and</li> <li>• A minor adverse effect on three links (Damant's Farm Lane, Payne's Lane and Barlon Road) as a result of temporary closure related to the installation of the export cable across roads using open trenching technology.</li> </ul> <p>It is noted that any temporary road closure would be for a maximum of only <u>seven</u> days and should more than one temporary road closure be required during the construction of VE, these would not be simultaneous unless agreed with Essex County Council in advance or via approval of the final CTMP.</p> <p>The ES (specifically 6.3.8 Traffic and Transport [APP-090]) also concludes that effects on pedestrian amenity are not likely to be significant.</p> <p>As such, effects on the accessibility and journey time to, from and within the onshore area during the relatively short-term construction phase are not considered to be substantial to the extent that they may affect the propensity for people to visit the area or affect their experience within the area when they do</p> <p>There are several measures in place to address potential effects on sensitive receptors that would provide comfort to those businesses or sectors within the</p>

Ref	Topic	Relevant representation comment	Applicant's responses
			tourist economy potentially affected. The Outline Construction Traffic Management Plan (CTMP) (document 9.24 [APP-257]) sets out the approach that will be taken to manage the potential impacts of construction traffic for the onshore works.
ECC-RR10	OnS - Traffic	Transportation within this largely rural area is a concern for the size and number of vehicles needed to implement this development. ECC as the Highway Authority have concerns over similar offshore schemes occurring in the local area (these being North Falls and N2T) and every effort should be made for the schemes to work together to reduce impact and disruption to local communities, and without unacceptable impact on the local environment.	This is noted by the Applicant. Further information on coordination is set out in 9.30 Coordination Document [APP-263].  Section 4.5 of 9.24 Outline Construction Traffic Management Plan (CTMP) [APP-257] sets out the commitment to work with other developers to minimise impacts approach that will be taken to minimise the potential cumulative impacts of construction traffic for the onshore works.
ECC-RR11	Gen - BNG	ECC welcomes the applicant's commitment to provide biodiversity net gain (BNG) but notes the applicants intent to propose a 5-year aftercare period for landscape retention. In a County which is recognised as being the driest ECC would ask that this period is extended to ensure long time management and retention of any landscaping is achieved.	Noted by the Applicant.
ECC-RR12	OnS - LVIA	The proposed substation search area is located to the south of the Dedham Vale AONB and therefore may adversely contribute towards its setting. For this reason, the proposed substation design, which at submission are far from being fixed, together with its location needs to be carefully considered.	6.3.2 Landscape and Visual Impact Assessment [APP-084] concludes that there will be no significant landscape or visual effects on the Dedham Vale National Landscape or the Suffolk and Essex Coast and Heaths National Landscape. This is largely due to the limited visibility as a result of intervening trees, hedgerows and landform and is a position that Natural England is in agreement with, stating; <i>'we agree with the Applicant that there is unlikely to be any significant adverse landscape and visual effects arising to either National Landscape because of the terrestrial aspects of the project'</i> . While certain details of the Project are still to be fixed, the location of the onshore substation will not change, and, therefore, the assessment of no significant effects will not change.

3.6 FRINTON & WALTON TOWN COUNCIL [RR-034]

Ref	Topic	Relevant representation comment	Applicant's responses
FWT-RR01	OnS – Traffic	In addition to the feedback provided below, if the Minister is mindful of approving the National Grid East Anglia Green Proposal, our Members would like strong consideration given to making the proposed temporary road a permanent road, as this would aid congestion issues that have been long seen in the village of Thorpe le Soken but in having a permanent bypass road, the issues would be somewhat if not completely alleviated. Such disruption that this scheme would cause has to benefit our residents in some way. Kindly please ensure this request is included.	<p>Temporary haul roads would be constructed for the installation of the export cables for VE, The temporary haul road may be constructed between AC-3B at the B1033 Thorpe Road and AC-4 / AC-5 at the B1035 Tendring Road / Thorpe Road to avoid VE construction HGVs travel through the centre of Thorpe-le-Soken. The temporary haul roads may also be used by North Falls construction traffic (for Coordination Scenario 1 or 2, as set out in paragraph 1.1.6 of the Onshore Project Description (document 6.3.1 / AS-004)). Any temporary haul road would be removed and the land reinstated to its previous use once construction has been completed.</p> <p>The temporary haul roads are not designed as permanent bypasses and only temporary rights have been sought. This request is considered to be outwith of the project design envelope and the permanent land take and impacts to create a permanent highway could not be justified by the project.</p>
FWT-RR02	General – National Grid	This Council objects to the above project for several reasons. Why does it not make landfall via Aldebrough and the Atomic Power Stations? Bradwell Atomic Power Station that already has the infrastructure to take the power to London.	The Applicant's position with regards this issue is set out in Section 2 of this document.
FWT-RR03	General – National Grid	The volume of Electricity can only be handled by a new power line. The scheme from the National Grid is called East Anglia Green. From Power Station to switch using overhead cables, means a loss of 40% of electricity generated.  An alternative scheme to use undersea cabling has been asked for by not only the Tendring District Council, but also The County Councils of Norfolk, Suffolk and Essex, who are all opposed to the overhead Pylons.	The Applicant's position with regards this issue is set out in Section 2 of this document.
FWT-RR04	OnS – Biodiversity	The Government has made a tentative submission for all wetland sites on the east coast, the application was submitted in July 22 by the RSPB, WWT (Wetlands Wildlife Trust) and NT (National Trust), to UNESCO for consideration as a World Heritage Site. The Hamford Backwaters are considered to be the 2nd most important site in Europe for over wintering birds. It is well known that pylons and overhead cables are not compatible with migrating birds.	<p>The Applicant confirms that no pylons or overhead cables are proposed as part of the project.</p> <p>Potential impacts to onshore statutory designated sites, including Hamford Water SSSI/ National Nature Reserve (NNR)/ SAC/ SPA/ RAMSAR, are addressed within 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] and potential impacts to SACs, SPAs and Ramsar sites are also addressed in 5.4 Report to Inform Appropriate Assessment [APP-040]. No significant residual effects are predicted for Hamford Water SSSI/ NNR/ SAC/ SPA/ RAMSAR, or any other onshore statutory designated site.</p>
FWT-RR05	General – National Grid	We do understand that Wind Farms must connect, where they are told to by National Grid. Both 5 estuaries and North Falls have applied for up to £100m from an Early Opportunities Co-Ordinating Scheme, so that they can join up to the National Grid. This is Government money. Yet we, who are affected are offered nothing.	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.
FWT-RR06	General - OCSS	If an alternative scheme is to be used then there is no need to go across our Parish bounds.	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.



Ref	Topic	Relevant representation comment	Applicant's responses
FWT-RR07	General - Substation	This Consultation will be one of 2 we will respond to. As another very similar scheme from Five Estuaries is proposing a very similar route to the proposed substation, where the 400Kva will be able to access the power lines for London. These schemes will have no positive effect for this Council. The land owners that the cabling will travel under and across will receive some form of compensation. What is in this scheme for FWTC?	The need for the project, including wider benefits is set out in the 9.1 Planning Statement [APP-231].
FWT-RR08	General – Planning	Where is the planning gain? We are already a Green Parish. The Gunfleet Wind Farm provides enough energy for all of Tendring and up to a 3rd of Colchester. We get no gain from this scheme. that comes ashore at Holland Haven and then underground to the power grid, where its 132 Kva can be used locally.	The Applicant's position regarding planning gain and community benefits is set out in Section 2 of this document.
FWT-RR09	Gen – Community benefits	Planning gains: The PROW and Cycle Route 150 from Holland Haven to Frinton beneath the Sea Wall be made good and brought up to an acceptable standard to be adopted by Essex Highways.	The Applicant's position regarding planning gain and community benefits is set out in Section 2 of this document.
FWT-RR10	Gen – Community benefits	A small charge be placed upon the electricity passing through the Parish per, say .01p, KWH generated.	The Applicant's position regarding planning gain and community benefits is set out in Section 2 of this document.
FWT-RR11	Gen – Community benefits	A Community based scheme: North Falls create a local Electricity supply company for the FWTC area. It will sell electricity to the Residents at a substantial discount to the average tariff available locally.	The Applicant's position regarding planning gain and community benefits is set out in Section 2 of this document. The Applicant is not able to comment on behalf of the North Falls Project.
FWT-RR12	Gen – Community benefits	Discuss with the Environment Agency compensation for affecting the integrity of the seawall, so that they will hold the line for the seawall from Holland Haven to Frinton-on Sea for epoch 3 of the Shoreline Management Plan.	The Applicant's general position regarding planning gain and community benefits is set out in Section 2 of this document. The Applicant is in discussion with the Environment Agency on the crossing under the sea wall. Details of this are set out in 9.28 Outline Landfall Methodology [APP-261]. The Project will not affect the integrity of the wall but will undertake monitoring during the trenchless crossing.
FWT-RR13	General – National Grid	National Grid's East Anglia Green Project, proposes an energy transmission route consisting of the construction of 180km of 50m tall pylons carrying 400kV cables through the entire central length of our County (as well as through our neighbours, Norfolk and Suffolk), save for a section of undergrounding at Dedham Vale.  This Council has already expressed declared a climate emergency and an ambition to be net zero by 2050 so plans for renewable wind farms off the East Anglian coast are welcomed. However, this Council has serious concerns about the nature and short period of consultation, the route, and how carbon-heavy the proposed scheme of overhead pylons are which rely on 100 year-old technology.	The Applicant's position with regards to the Norwich to Tilbury project, the East Anglia Connection Node Substation and related issues is set out in section 2 of this document.
FWT-RR14	General – National Grid	Furthermore, this Council believes that:  There has been insufficient consideration of alternative approaches which would allow for the required infrastructure but without the sheer scale of the damage to the environment, landscape and the difficulties of this project going ahead, all at the same time as multiple large-scale infrastructure projects which have the potential to cause major disruption across the East of England.	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.

Ref	Topic	Relevant representation comment	Applicant's responses
		<p>New offshore generated electricity should be transmitted offshore, which is why an offshore grid is needed. This is firmly in the interests of both residents and business, offshore windfarms themselves and wider interests e.g. Freeport East. Such an alternative approach would future-proof the network and could avoid all the physical constraints of an above or below-ground solution, retain ease of access for ongoing maintenance and provide a more direct point of connection for any current or future offshore wind farms.</p> <p>This pylon infrastructure is neither wanted nor needed considering the viable option of undersea power cables. These cables could transport power to where it is needed, helping future proof energy supplies and boost energy security, without adversely impacting on residents, businesses and communities across Essex.</p>	
FWT-RR-15	General – National Grid	<p>This Council therefore calls upon:</p> <p>Both the Government and National Grid to refocus the East Anglia Green Proposals on an offshore solution and engage in meaningful discussions with Essex and its neighbouring County Councils to achieve this</p>	This is noted by the Applicant but is outside the scope of this application
FWT-RR-16	General – National Grid	<p>National Grid to:</p> <p>Provide this Council with all the information asked for in our response of 16 June by 30 August 2022.</p> <p>Make publicly available full, open and transparent information on all options, including offshore and undergrounding, to enable evaluation and comparisons to be made by Essex residents, businesses, Councils and other stakeholders. This information to be publicly available for a period of at least 6 months before any Development Control Order (DCO) application is made.”</p>	This is noted by the Applicant but is outside the scope of this application.

### 3.7 GREAT BROMLEY PARISH COUNCIL [RR-039]

Ref	Topic	Relevant representation comment	Applicant's responses
GBP-RR01	General	No comments as yet, we are registering our interest.	Noted by the Applicant.

### 3.8 GREAT HORKESLEY PARISH COUNCIL [RR-040]

Ref	Topic	Relevant representation comment	Applicant's responses
GHP-RR01	Gen - National Grid	The Parish Council are opposed to the proposed connection of the Five Estuaries windfarm to the East Anglia Connection Node on the Tendring peninsular. We would instead support alternative connection via a coordinated offshore grid, or connecting into Sealink. Connection into the EACN will cause significant harm and is unnecessary. The harm resulting from the related infrastructure and choice	The Applicant's position with regards to this issue is set out in Section 2 of this document.



Ref	Topic	Relevant representation comment	Applicant's responses
		of landing point cannot be divorced from the proposal itself and must be assessed as part of it.	
GHP-RR02	Gen - National Grid	The location of the EACN has been dictated by the proposed landfall of this proposed windfarm. The location of the EACN is highly unsuitable and constrained. It will cause highly damaging overhead and underground cables to cross the Dedham Vale National Landscape from the North into the EACN, before leaving the EACN heading West across rural villages, including Great Horkesley, and skirting the Dedham Vale National Landscape blighting its setting. This will cause significant harm to the protected National Landscape and its setting with huge swathes of land excavated and scarred for 120m wide trenches for underground cables, whilst the skyline is blighted by 50m tall pylons which will be seen for miles due to their location atop a plateau with little tree cover.	The Applicant's position with regards to this issue is set out in Section 2 of this document.
GHP-RR03	OnS- Biodiversity	The environmental damage will also include the removal of many trees and hedgerows.	<p>Assessment of impacts to trees, woodland and hedgerows is covered in detail in Section 4.11 of 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086].</p> <p>The assessment is summarised in Table 4.24 within 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086], which sets out that there is anticipated to be temporary loss of 1.61 km of hedgerow. All hedgerows along the route will be reinstated with a species-rich, locally appropriate native mixture including heavy standard trees at a 3:1 ratio for any lost. Additional hedgerow planting is proposed at the OnSS and is therefore considered enhancement.</p> <p>Table 4.24 within 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] also sets out that c. 44 trees may be lost. Compensation for this loss will include replanting of at least an equivalent amount, at locations aimed to link in and widen the existing woodland, hedgerow and scrub network. Approximately 8 ha of woodland planting is proposed, which is considered to represent an overall enhancement.</p> <p>In both instances, once the mitigation planting has had time to mature, no significant effects are predicted.</p>
GHP-RR04	OnS-LVIA	NPS-EN5 states that in respect of protected landscape even residual impacts are unacceptable in planning terms.	<p>NPS-EN5 applies to above ground electricity lines (NPS EN5 at 1.6.2); the Applicant is not proposing any such above ground lines. The Applicant also notes that the NPS provides at 2.9.12 "<i>However, in nationally designated landscapes (for instance, National Parks, The Broads and Areas of Outstanding Natural Beauty) even residual impacts may well make an overhead line proposal unacceptable in planning terms. (See Section 2.9.20 below for guidance on this case.)</i>".</p> <p>It does not provide that any residual impacts are automatically unacceptable. Section 2.9.20 goes on to provide that undergrounding of cables should be the presumed standard mitigation when crossing an AONB. That does not apply in this case as the cable does not cross the AONB, however the cable is already underground which would (were EN5 applicable) be the starting assumption for mitigating any effect on an AONB.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
			The closest protected landscape is the Dedham Vale Area of Outstanding Natural Beauty (AONB) to the north of the onshore substation. There will be no direct effects on the AONB as none of the onshore infrastructure is located in the AONB. There will also be no indirect significant effects on the AONB owing to the separation distance and limited visibility of the onshore substation from the AONB. In respect of NPS-EN5, no overhead lines are proposed and it does not apply. In any case there will be no residual effects on the AONB and, therefore, the acceptability in planning terms will not be affected in this respect.
GHP-RR05	Gen- OCSS	National Grid themselves recognise that very significant damage will occur which cannot be mitigated due to the constraints of the location. Yet there are alternatives to Five Estuaries connecting at the proposed EACN. Both Five Estuaries, and North Falls (the other proposed windfarm envisaged by National Grid as connecting to the EACN) have volunteered to connect offshore to Sealink (under the framework of the Offshore Coordination Support Scheme). The only other proposed infrastructure to land there is the Tarchon interconnector which itself assumes that the windfarms will connect there and its justification and need case are undermined on its own documentation, such that realistically it may not be given approval.	The Applicant's position with regards to this issue is set out in Section 2 of this document.
GHP-RR06	General – National Grid	The Parish Council is concerned about the very significant harm caused by the EACN and cable path it necessitates across and alongside the National Landscape, and the rural communities including our own.	This is noted by the Applicant but is outside the scope of this application.
GHP-RR07	General – National Grid	In our Parish we would have underground trenching due to the proximity to the National Landscape, but also significant above ground infrastructure in a sealing end compound and pylons beyond that, which will blight the landscape and skyline.	This is noted by the Applicant but is outside the scope of this application.
GHP-RR08	OnS-Traffic	The trenching will pass metres from homes including many listed buildings and during construction there will be 321 additional vehicles per day, with a 64% increase in HGVs, on the road through our village, which will then proceed along haul roads constructed by National Grid and passing immediately adjacent to listed buildings and through fields over a period of 3 years.	This is noted by the Applicant but is outside the scope of this application. The Five Estuaries project does not go through Great Horkeley Parish.
GHP-RR09	General	Whilst we support green energy, it must be transmitted in the most green way possible. Yet there is a better way, one which avoids such harm, and one which the windfarms themselves support. Accordingly we oppose the proposal to connect at the EACN, aver that the full impact of related infrastructure is properly assessed and taken into account, and implore decision-makers to consider the credible and real alternative connection to Sealink.	This is noted by the Applicant.

### 3.9 KENT COUNTY COUNCIL [RR-061]

Ref	Topic	Relevant representation comment	Applicant's responses
KCC-RR01	General	Following the Planning Inspectorate's acceptance (23 April 2024) of the application for a Development Consent Order (DCO) for Five Estuaries Offshore Wind Farm, Kent County Council (KCC) requests to be registered as an Interested Party at the Examination. The County Council has no specific comments or issues regarding this application to make at this time. However, the County Council wishes to continue to engage in the Examination as an interested party given the proximity of the development to Kent's coastline, should input be required. The County Council considers that it is important that it continues to have the opportunity to monitor the progress of the project in case more significant issues for Kent emerge beyond the minimal visual impact currently anticipated. The County Council looks forward to continuing to engage with the applicant and the Planning Inspectorate as the project progresses through the DCO process and would welcome the opportunity to comment on matters of detail throughout the Examination. Should you require any additional information or clarification, please do not hesitate to contact me.	Noted by the Applicant.

### 3.10 LITTLE BROMLEY PARISH COUNCIL [RR-064]

Ref	Topic	Relevant representation comment	Applicant's responses
LBP-RR01	General	Little Bromley Parish Council (LBPC) strongly oppose Five Estuaries current plans for development of onshore infrastructure in the parish of Little Bromley. Our precious rural landscape would be industrialised by your substation, with large swathes of farmland permanently affected by underground cabling. Their development would be a permanent disfigurement of the parish, remove valuable arable land necessary for food security from production, generate significant construction and ongoing noise, affect residents and community amenities.	<p>The Applicant notes the concerns and has assessed the potential impacts of the project throughout the ES. 6.3.2 Landscape and Visual Impact Assessment [APP-084] concludes that significant effects on landscape character and visual amenity will only occur within a localised area out to 1.3 km and 1.4 km, respectively. These significant effects will be mitigated by the proposed mitigation planting within the first 15 years of the operational lifetime of the onshore substation. The design of the mitigation planting will ensure that significant effects will occur for 15 years or less of the overall 30-year operational life and, therefore, will not last forever. Furthermore, while the landscape character is arable and rural, there are subtle variations in the landform and sufficient tree and hedgerow cover that prevent it from being described as flat and open. The existing landform and vegetation cover create some degree of enclosure that will contribute to the screening of the onshore substation between the short to long-term.</p> <p>The Applicant acknowledges the comments regarding the importance of agricultural land and practices. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land, along with other relevant factors, during the development of the Project. Proposed mitigation measures are detailed in the 9.21 Code of Construction Practice [APP-253]. The measures include the appointment of an Agricultural Liaison Officer (ALO) to provide a point of contact for landowners and occupiers during construction. The ALO will be available to discuss practical issues that might arise. The ALO will also ensure that information on existing agricultural management and land conditions is obtained, recorded and verified by way of a pre-construction condition and will undertake site inspections during construction to monitor working practices and ensure landowners' and occupiers' reasonable requirements are fulfilled. The ALO will also ensure reinstatement measures are undertaken following the completion of the works.</p> <p>As set out in the 9.21 Code of Construction Practice [APP-253] a Soil Management Plan will be developed by the Principal Contractor. In order to minimise potential damage to soil structure, biology, and fertility, the applicant will implement several key</p>

Ref	Topic	Relevant representation comment	Applicant's responses
			practices through the SMP. This plan includes limiting the area of disturbance and scheduling work during dry conditions to reduce soil compaction, protecting sensitive areas with ground coverings or temporary access roads, and carefully removing, storing, and replacing topsoil separately from subsoil, with amounts recorded through a soil resource budget. Erosion control measures will be utilised to prevent soil runoff during removal, storage and restoration. To further preserve soil health, contractors will be familiar with and trained in soil conservation practices, and construction activities will be closely supervised.
LBP-RR02	General – National Grid	There is concern that the development will negatively affect sale potential and sale value of properties in the area. LBPC understand that Five Estuaries is working in Tendring District and Little Bromley as you have been offered a connection into the proposed National Grid East Anglia Green substation. The National Grid project is very contentious with over 23,000 people having signed a petition calling for an offshore grid. Across East Anglia residents, parish councils, district councils, county councils and members of parliament (OFFSET group of MP's) have united in voicing their opposition to the current National Grid plans.	The Applicant's position with regards the Norwich to Tilbury project, the East Anglia Connection Node Substation and related issues is set out in section 2 of this document.
LBP-RR03	Gen- OCSS	With an offshore connection there would be no need for your development. LBPC ask that Five Estuaries support and participate in the NG ESO review supporting the offshore alternative. The cumulative effect of the planned Five Estuaries development together with those planned by North Falls and National Grid is devastating for Little Bromley and is causing many residents anxiety and stress.	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.
LBP-RR04	OnS-LVIA	Visual Impact - The potential visual impact for the entire parish is major. The scale of the substation within its search areas is so large that proposed screening cannot be entirely effective. You state that, from all considered viewpoints, the initial visual impact is classed as Major reducing to Moderate or Minor after 5 to 10 years. With the height of the substation buildings being up to 15 metres, and the tree species proposed growing up to 8 metres (after 15 years), then there is still in the order of 7 metres of the industrial substation visible above the tree line. LBPC would like to understand how screening can be improved so the substation is less visible.	<p>If the proposed mitigation planting was only located adjacent to the onshore substation, then it would be true that the height of 8 metres of growth after 15 years would leave the upper 7 metres still visible, however this is not the case. Mitigation planting has been strategically located across a wider area around the onshore substation with the express intention of using perspective to create an effective screen.</p> <p>If the mitigation planting is located adjacent to the road, footpath or houses where visual receptors occur, then it will take only five years to screen these views despite the growth in that time being less than the height of the onshore substation. 6.7.2.1-16 LVIA Visualisations [APP-180 to APP-196] illustrate the effectiveness of the screening from the representative viewpoints following 15 years of growth.</p>
LBP-RR05	OnS-Noise and Vibration	Operational Noise - There is concern on the noise levels from the substation. Your modelling shows an increase in noise at selected noise monitoring sites, such that noise mitigation measures are needed to be put in place when the substation is built. You are looking for around a 10dbA reduction by mitigation. However LBPC are concerned that you do not state what the expected maximum noise increase will be around the village as a consequence of your substation operation. LBPC believes that it is essential that the residents have a clear understanding of noise levels with mitigation measures in place. As can be seen from the background noise measurements taken, Little Bromley is a very quiet area, and LBPC believe that any noise increase with consequent reduction in quality of life for residents is unacceptable.	This is addressed in paragraphs 9.11.15 and 9.11.16 of the 6.3.9 Airborne Noise and Vibration [APP-091] and illustrated in Figure 9.12. Noise impacts at the nearest receptors are included in the assessment and further information has been provided for the more populated areas within the parish of Little Bromley. Operational noise from the OnSS with mitigation in place are illustrated in Figure 9.12 of 6.3.9 Airborne Noise and Vibration [APP-091] which cover the parish of Little Bromley.



Ref	Topic	Relevant representation comment	Applicant's responses
LBP-RR06	OnS-Noise and Vibration	Construction Noise - The construction period of 12-hours per day, 6 days a week for over 2 years will be hugely disruptive to the village and surrounding area. LBPC believes that construction noise will be intrusive to the village and surrounding areas. You have selected a 65dBA threshold as being acceptable and we would like to understand the basis for this level being chosen. LBPC also believe that different noise types can be particularly penetrating - for example a back-up alarm or vehicle motion alarm can be clearly heard over a long distance. It would be helpful to understand what mitigation measures could be included to reduce construction noise.	<p>The detailed justification for construction noise thresholds is set out in paragraphs 9.5.7 and 9.5.8 of the 6.3.9 Airborne Noise and Vibration [APP-091]. The most stringent construction noise threshold set in BS 5228-1 was used (Category A), which is set at 65 dB during the daytime, 55 dB in the evenings and 45 dB at night.</p> <p>Measures to control construction noise are included within section 4.3 of 9.21 Code of Construction Practice [APP-253]</p>
LBP-RR07	OnS - Traffic	Construction Traffic - The predicted HGV traffic during the construction period is exceptionally high with greater than 6x volume growth from today, for example, on Bentley Road (from 28 per day to 181 per day). With a 12 hour work day this would indicate an average of 15 HGV movements per hour, or one every 4 minutes. We would expect that in reality there will be periods where volumes are even higher with less traffic at other times. The roads in the parish of Little Bromley are not designed for such traffic volumes and size. It is not possible for two HGV's to pass on most roads without one of the vehicles mounting the road verge, with subsequent verge damage. The roads themselves are in poor repair, and with this volume of HGV's will deteriorate further and faster. LBPC would like to understand how Five Estuaries will mitigate these highway problems.	<p>This issue was raised as part of the stakeholder's response to statutory consultation. The Applicant responded to this issue in the Environmental Statement submitted as part of the application, as well as in the 5.1.1 Consultation Report – Appendix 8 to 11 [APP-033] – response as follows in 6.3.8 Traffic and Transport [APP-090]:</p> <p><i>“The vehicle movements assessed in this chapter are the maximum anticipated per day during the construction of VE, based on a set of robust assumptions. The average VE construction vehicle movements during the 18/19-month construction period are also set out in Volume 6, Part 6, Annex 8.1: Transport Assessment – Part 1 and Volume 6, Part 6, Annex 8.2: Transport Assessment – Part 2.</i></p> <p><i>The percentage increases, of HGVs in particular are due to the very low baseline on Bentley Road. No HGVs associated with the construction of HGVs would be permitted to travel through Little Bromley and will access the Onshore ECC via Bentley Road to the south of the Onshore ECC and the A120 only.</i></p> <p><i>Highway improvement works are proposed (Volume 6, Part 6, Annex 8.1: Transport Assessment – Part 1 and Volume 6, Part 6, Annex 8.2: Transport Assessment – Part 2) to facilitate safe two-way HGV movements for the section of Bentley Road between and including the junction with the A120 and the VE construction accesses and may also include a segregated WCH path, the requirement for which would be discussed and agreed with Essex County Council and informed by surveys of the use of Bentley Road by pedestrians, cyclists and horse-riders.</i></p> <p><i>The widening of Bentley Road would minimise any potential mounting of verges by HGVs and Part 9, Report 24: Outline CTMP that has been prepared to be submitted alongside the ES for the DCO application sets out the range of measures that could be implemented to manage and monitor VE construction traffic.”</i></p>
LBP-RR08	OnS - Air	Construction Dust and Mud - Five Estuaries are planning a 2-year plus construction project which will create significant dust, dirt and mud on roads. Residents properties and gardens will be affected, and our roads will be affected. LBPC would like to understand how Five Estuaries plan to mitigate this.	<p>The Applicant has conducted a construction dust assessment to establish the extent of impacts on the environment. The assessment can be found in 6.2.10 Air Quality [APP-092].</p> <p>The construction dust assessment has been conducted in accordance with Institute of Air Quality Management guidance, which is the standard practice for evaluating onshore construction activities in the UK. The Applicant has adopted worst-case parameters to provide a robust assessment.</p>



Ref	Topic	Relevant representation comment	Applicant's responses
			<p>The assessment considers the dust emission magnitude of individual activities throughout the construction life cycle (demolition, earthworks and construction). It also considers trackout, the transport and subsequent re-suspension of dust on local roads by vehicles exiting the site.</p> <p>The dust assessment considers impacts on the following:</p> <ul style="list-style-type: none"> <li>&gt; Annoyance due to dust soiling;</li> <li>&gt; Health effects from increased particulate matter (PM<sub>10</sub>) exposure; and</li> <li>&gt; Harm to ecological receptors.</li> </ul> <p>The outcomes of the assessment are used to inform the risk of dust impacts associated with the construction activities and a suite of proportionate dust controls. Following the implementation of these controls, effects will be not significant. These control measures are included in the 9.21 Code of Construction Practice [APP-253] securing their implementation.</p> <p>A similar point was raised by the Little Bromley Parish Council in response to consultation on the PEIR. The Applicant has responded to this in the 6.3.10 Air Quality [APP-092].</p> <p>This issue was raised as part of the stakeholder's response to statutory consultation. The Applicant responded to this issue in the Environmental Statement submitted as part of the application, as well as in the 5.1.1 Consultation Report – Appendix 8 to 11 [APP-033] – response as follows in 6.3.8 Traffic and Transport:</p> <p style="padding-left: 40px;"><i>“Volume 6, Part 9, Report 24: Outline CTMP that has been prepared to be submitted alongside the ES for the DCO application sets out the range of measures that could be implemented to manage and monitor VE construction traffic, including dust and dirt repression.”</i></p>
LBP-RR09	OnS - Traffic	<p>Construction Traffic Management - LBPC understand that the current traffic management plan is essentially for traffic to be removed from the public highways onto haul roads. It has not been made clear how access of Five Estuaries traffic into haul roads will be achieved - will this be by traffic light control for example - as this could cause delays in the local road network. LBPC would also like to understand how Five Estuaries will ensure and police that HGV's and other development traffic does not route through the village of Little Bromley and surrounding single track roads.</p>	<p>This issue was raised as part of the stakeholder's response to statutory consultation. The Applicant responded to this issue in the Environmental Statement submitted as part of the application, as well as in the 5.1.1 Consultation Report – Appendix 8 to 11 [APP-033].– response as follows in 6.3.8 Traffic and Transport:</p> <p style="padding-left: 40px;"><i>“The VE construction accesses and haul road crossings have been discussed and agreed in principle with Essex County Council. The construction access and haul road crossings have been subject to a Stage 1 Road Safety Audit (RSA) and the designs have been amended where necessary to ensure they are safe. Some temporary traffic management measures (temporary speed limit reduction and temporary traffic control) have been identified at some of the construction accesses or haul road crossings (see Part 9, Report 24: Outline CTMP) and further traffic management measures would be discussed and agreed with Essex County Council as art of detailed design stage should the DCO be approved and set out in the final CTMP to be prepared and approved by Essex County Council. 100% of HGVs would be via Bentley Road to the south of the Onshore ECC and the A120 and whilst this route would be the route for the majority of construction workforce vehicle</i></p>

Ref	Topic	Relevant representation comment	Applicant's responses
			<p><i>movements and would be the promoted route to the workforce, there may be a small number of cars/LGVs that could access the construction accesses through Little Bromley."</i></p>
LBP-RR10	OnS - Traffic	<p>Route Disruption - LBPC believe the impact on the local road network around Little Bromley parish will be high. Bentley Road, Paynes Lane, Spratts Lane, Barlon Road, Ardleigh Road and Grange Road will all be crossed by the Export Cable Corridor and Haul Roads. It has not been made clear how Bentley Road will be crossed (whether HDD will be used) but we have been advised that the other roads listed will be open trenched. Further to the West it is planned that Waterhouse Lane will be used as an access route (for HGV's and other vehicles) and it is also possible that Clacton Road (off Horsley Cross Roundabout) will be used with an access point into the Five Estuaries development. With all these roads affected there will be major disruption to village, farm and business traffic flows, with the key access into the A120 severely restricted.</p>	<p>This issue was raised as part of the stakeholder's response to statutory consultation. The Applicant responded to this issue in the Environmental Statement submitted as part of the application, as well as in the 5.1.1 Consultation Report – Appendix 8 to 11 [APP-033] – response as follows in 6.3.8 Traffic and Transport:</p> <p><i>"Bentley Road (via the A120) would be the only route for VE construction HGVs to access the VE construction accesses (for Onshore ECC Route Sections, 5,6,7, the OnSS and 400kV Connection). The B1035 Clacton Road (via the A120) would be the only route for VE construction HGVs to access the VE construction accesses (for Onshore ECC Route Section 5). There would be no delay in VE construction vehicles entering any construction access and would not cause any safety issues for other users of the highway network.</i></p> <p><i>The options for managing VE construction vehicle movements at the construction accesses and haul road crossings are set out in Part 9, Report 24: Outline CTMP and the confirmed measures would be set out in the final CTMP to be discussed and agreed with Essex County Council should the DCO be approved.</i></p> <p><i>The Applicant is committed to installing the cable under Bentley Road and Ardleigh Road using a trenchless crossing technique and therefore would be no disruption to the highway network. The option has been retained to install the cable under Paynes Lane, Spratts Lane and Barlon Road (see paragraph 8.10.11) and should this be the preferred option, any temporary disruption would be for a very short duration."</i></p>
LBP-RR11	OnS - Socio-Economic	<p>Loss of Village Amenity - The Five Estuaries development and associated facilities such as haul roads, temporary construction compounds and haul road access points will be highly disruptive to day to-day village life. Quiet country roads and Public Rights of Way will be affected impacting residents, walkers, cyclists and horse riders. There are many farms which need access to their properties and fields at all times of year, and especially during harvest. Annual events such as the Little Bromley 10k race and the Corbeau Seats Rally use many of the roads and areas of the parish that will be affected by the development. Both these events raise significant funds for local charities. An important village social gathering point is St Marys Church (Grade II* Listed by National Heritage), which will have the ECC passing close and have major development close by. St Marys is maintained by the Church's Conservation Trust, with many events organised by the Friends of Little Bromley Church. Services are still carried out on an occasional basis at the Church. The village bus service runs down Bentley Road, and school buses run daily during term time to take local children to their schools.</p>	<p><b>Effects on Community Facilities</b></p> <p>Effects on community and recreational facilities are assessed on the basis of the extent to which there are local community and commercial facilities in the area likely to be affected by the construction of the VE in terms of accessibility and changes to environmental amenity, summarised below with reference to the findings of the ES (Volume 6).</p> <p>These are summarised within Chapter 6.3.3 Socio-Economic, Tourism and Recreation [APP-085], which draws upon detailed, topic-specific assessments:</p> <ul style="list-style-type: none"> <li>&gt; Part 3, Chapter 2: LVIA [APP-084];</li> <li>&gt; Part 3, Chapter 8: Traffic and Transport [APP-090];</li> <li>&gt; Part 3, Chapter 9: Airborne Noise and Vibration [APP-091]; and</li> <li>&gt; Part 3, Chapter 10: Air Quality [APP-092].</li> </ul> <p>The assessment concludes that while some local communities may experience change in multiple environmental effects, these are not likely to be significant in affecting the operation of community facilities and are not likely to be significant in</p>

Ref	Topic	Relevant representation comment	Applicant's responses
			<p>EIA terms. However, in recognition of uncertainty, good practice has been secured in terms of construction management plans to maintain the operation and accessibility of community infrastructure (including PRow) for example through an 9.25 Outline Public Access Management Plan [APP-258] and 9.26 Outline Construction Traffic Management Plan [APP-257]</p> <p>Overall, given the low to medium magnitude and sensitivity across individual PRow receptors and when taking mitigation measures into account, the overall effect of the construction phase on community facilities, recreational facilities and routes is considered to be of minor adverse significance and not significant.</p> <p>A specific response regarding accessibility and Bentley Road is set out in response to LBP-RR10.</p> <p>9.21 Code of Construction Practice [APP-253] para 2.4.7 states:</p> <p><i>“The CLO will engage with key stakeholders and the local community to keep informed of any planned community events, such as Rally Events like the Corbeau Seats Rally, so that the Project can avoid these wherever practicable when scheduling any construction activities that may cause disruption and ALL deliveries”</i></p> <p>The Applicant would welcome feedback from local communities on any other specific local events it should be aware of.</p>
LBP-RR12	OnS - Socio-Economic	Business Impact - With road diversions and closures and large parts of the parish under development our village businesses, many of which depend on local road access by customers , could be seriously affected.	<p>6.3.8 Traffic and Transport [APP-090] identifies that during the construction phase, there is likely to be a negligible or minor effect on driver severance and delay as a result of VE's construction traffic.</p> <p>Minor adverse effects are predicted at Damant's Farm Lane, Payne's Lane and Barlon Road as a result of temporary closure related to the installation of the export cable across roads. It is important to note that any temporary road closure would be for a maximum of 7 days. As a result of this, any effects on the accessibility and journey time to, from and within the onshore area during the short-term construction period are not considered to be substantial enough to affect the propensity for people to visit the area or to affect their experiences within the area.</p> <p>There are several measures in place to address potential effects on sensitive receptors that would provide comfort to those businesses or sectors potentially affected at a local level by construction activity.</p> <p>9.24 Outline Construction Traffic Management Plan (CTMP) [APP-257] sets out the approach that will be taken to manage the potential impacts of construction traffic for the onshore works.</p> <p>As set out in the 9.21 Code of Construction Practice [APP-253] a Community Liaison Officer (CLO) will be appointed and will undertake proactive community liaison which will keep local residents informed on the type and timing of construction work that will be taking place, in addition to providing information on traffic management measures and any temporary road closures. The Project has also committed to keeping residents informed of details on the timing and delivery of Abnormal Invisible Loads</p>

Ref	Topic	Relevant representation comment	Applicant's responses
			(AII)s, which could be in the form of information on notice boards, emails to stakeholders, notifications to the local press and letters to residents. Efforts will be made with local stakeholders including schools, local bus operators, local doctors, holiday accommodation, royal mail, leisure centres and churches to minimise disruption.
LBP-RR13	OnS - Hydrology	Village Well Water - Many properties in Little Bromley have no mains water connection and are reliant on well water. There is concern on whether the Five Estuaries development will affect the water sources in the village and affect these water supplies. Extension of the water main to these properties would seem to be the only way to guarantee continuity of supply.	With regard to water supplies, the Applicant has provided 6.6.6.1 Groundwater Risk Assessment [APP-159]. All licenced abstractions and registered private water supplies within 500 m of the DCO limit have been included in this assessment. A number of abstractions within 250 m of the DCO limit have been identified for further detailed investigation.
LBP-RR14	OnS - Hydrology	Village Drainage - Little Bromley has a very high water table and during wet periods localised flooding and drainage problems can occur. There is concern on whether the Five Estuaries development will affect the village drainage flows and increase the frequency or scale of these events.	An assessment of flood risk for the cable corridor and the substation location is provided in 5.3.1 Flood Risk Assessment Export Cable corridor [APP-038] and in 5.3.2 Flood Risk Assessment Onshore Substation [APP-039] respectively. These assessments consider the risk of flooding from all sources, including groundwater and take into consideration the potential for changes to flood risk off-site.
LBP-RR15	OnS - Biodiversity	Wildlife and Environmental Impact - Little Bromley parish has a rich and varied wildlife population as identified by the Five Estuaries and North Falls surveys. This includes many species of waterbirds and non-waterbirds (you have identified 51 target species in the area surveyed). We are very close to the Stour Estuary SSI and Ramsar site, and your surveys indicate bird species present which are related to those sites. Badgers, hares, foxes, deer, bats and other mammals can be found in the parish. Grass snakes are regular seen in the summer. These all thrive in the parish, as we have woodland, extensive hedgerows and arable margins some of which will be affected by your planned development. The migratory bird route across East Anglia, the East Atlantic Flyway, has gained Government backing to bid to become a UNESCO World Heritage Site. Major developments such as planned by Five Estuaries, North Falls and National Grid will have serious impact. You state that the potential exists for protected or notable species to be impacted by construction activities either physically via permanent or temporary habitat loss or by inadvertent injury or killing or from disturbance via light, noise and human presence. You also state that there is potential for permanent habitat fragmentation and species isolation as a result of the OnSS construction and also from construction of the cable route. The OnSS construction will bring a permanent loss of an estimated 5.88Ha of habitat together with the additional loss of the TCC area and the cable route during construction.	<p>Section 4.11 of 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] provides full details of anticipated construction related impacts to important ecological features. This includes protected species and designated sites. Where impacts have been identified the mitigation hierarchy has been applied. The mitigation hierarchy sets out a sequential approach beginning with the avoidance of impacts where possible, the application of mitigation measures to minimise unavoidable impacts and then compensation for any remaining impacts.</p> <p>A summary of the potential impacts and proposed mitigation and/ or compensation measures is included in Table 4.24 in Section 4.18 of 6.3.4 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086]; all significant residual effects will be compensated for.</p> <p>Other key documents that set out how construction related ecological impacts will be addressed are 9.21: Code of Construction Practice [APP-253] and 9.22: Outline Landscape and Ecological Management Plan [APP-254].</p> <p>In addition, the project is seeking to provide significant biodiversity enhancements; [APP-149] 6.6.4.18 Five Estuaries Offshore Wind Farm Onshore Biodiversity Net Gain Indicative Design Stage Report includes a commitment to provide a minimum 10% Biodiversity Net Gain.</p>



### 3.11 LITTLE HORKESLEY PARISH COUNCIL [RR-065]

Ref	Topic	Relevant representation comment	Applicant's responses
LHP-RR01	General	The parish of Little Horkesley is located close to the Dedham Vale and partly within the AONB. National Grid and ESO have confirmed that the planned East Anglian Connection Node is required only because of two Windfarms, Five Estuaries and North Falls and one interconnector (Tarchon). Cables into the EACN will cross the Dedham Vale AONB which will be hugely damaging. The undergrounding of cables will destroy current farmland and the construction of the haul roads will cause chaos to the local roads and countryside. Where the proposed pylons will emerge above ground will then destroy neighbouring villages of Fordham and Aldham. It is imperative that the current proposal does not go ahead in the manner proposed. The alternative proposal of connecting offshore to Sealink will prevent long lasting damage to a large section of protected National Landscape.	The Applicant's position on this issue is set out in Section 2.

### 3.12 SUFFOLK COUNTY COUNCIL [RR-107]

Ref	Topic	Relevant representation comment	Applicant's responses
SCC-RR01	Gen - Coordination	The Council has a clear preference for a coordinated approach between the different proposed offshore windfarm extension projects and multi-purpose interconnector projects within the vicinity of this project.	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.
SCC-RR02	Gen - National Grid	The Council does note that the promoter has identified this project, together with the promoters of North Falls, Nautilus and Lion Link, as being within the Early Opportunities workstream of the Offshore Transmission Network Review, and that there are ongoing discussions between these parties and National Grid Electricity Transmission ("NGET"), under the auspices of the Department for Business, Energy and Industrial Strategy and Renewables UK.	An update with regards to the Applicant's involvement in the OCSS is in section in section 2 of this document.
SCC-RR03	Gen - OCSS	The Council believes that the developers of these separate projects have not presented a comprehensive and conclusive set of evidence that the transmission objectives of this project cannot be met using alternative link(s) to reduce the impact of onshore infrastructure on the terrestrial environment in Essex or Suffolk. If an alternative offshore solution with reduced impacts was to be delivered, in a timely manner, without risking wider Net Zero and decarbonisation targets, it would be welcomed by the Council.	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.
SCC-RR04	Gen - National Grid	The Council has separately made objections to NGET's Norwich to Tilbury project on the basis that it does not adequately demonstrate why greater offshore co-ordination would not be feasible to avoid or significantly reduce the need for that project. As noted above, this proposal is reliant upon the Lawford substation, which is part of the Norwich to Tilbury project, for its own connection to the National Grid network. Whilst onshore development to deliver that connection falls in Essex rather than in Suffolk, the socio-economic and highway impacts of that inshore development are more widely spread and will also affect the local road network and communities and business in Suffolk. To that extent, the Council also has concerns about this project's reliance on an onshore connection and on a component part of the Norwich to Tilbury project.	The Applicant's position with regards to the Norwich to Tilbury project, the East Anglia Connection Node Substation and related issues is set out in section 2 of this document.



Ref	Topic	Relevant representation comment	Applicant's responses
SCC-RR05	OffS - SLVIA	<p>At the previous statutory consultation stage, the Council believed that the promoter may not have adequately addressed the potential harm on the Suffolk Coast &amp; Heaths National Landscape. As part of our previous representations, the Council commissioned White Consultants to provide an update addendum to their 2020 report into Suffolk Seascape Sensitivity Study to Offshore Wind Farms. The 2020 study did not take into account the parameters of the Five Estuaries project. Subsequently the update addendum was published in June 2023.</p>	<p>The Applicant notes the findings of the addendum to the Suffolk Seascape Study (White Consultants, June 2023). The Applicant would note that while such buffer studies are useful as part of the evidence base, there are limitations with this type of high-level study because distance buffers are derived from other SLVIAs and mathematically extrapolated using a 'rule of thumb' ratio. They do not replace the need for site specific assessment, which has been undertaken in 6.2.10 Seascape, Landscape and Visual Assessment [APP-079]. Judgements on significance should be properly based on the assessment material and photomontages provided in the ES, which provides a project specific assessment of the impacts in line with guidance.</p>
SCC-RR05	OffS - SLVIA	<p>In general, larger wind turbines both in terms of overall height and diameter of tower and swept path have a larger magnitude than smaller wind turbines at the same distance. Therefore, larger buffers for larger turbines are reasonable. The percentage of time visibility is possible over long distances and the aspect of the east coast both increase the likelihood of visibility of turbines beyond 40km.</p> <p>Turbines over 400m high should be at least 40km away from the coast and preferable more as set out in the buffers in 4.17 of the update addendum. If the nearest wind turbines of any given array are around 40km away from the national landscape coast, it is highly desirable for the number around this distance to be minimised in order to avoid significant adverse effects on the national landscape and curtaining effects on the skyline in excellent visible conditions.</p>	<p>The Suffolk Seascape Study (White Consultants, June 2023) recognises (4.18) that 40 km is a 'substantial buffer for larger wind turbines off sensitive designated coastal landscapes' and that (5.4) 'wind farms with turbines over 400 m high should be at least 40 km away from the coast'. The Offshore Energy Strategic Environmental Assessment (OESEA) buffer study (White Consultants, March 2020) also suggested a 40 km buffer from designated coastal landscapes for WTGs 351-400 m high, based on the limit of visual significance. The VE array areas are located 37.3 km from the closest point of the SCHAONB (with WTGs of 395 m maximum height above MHWS). Although this does not strictly meet the suggested 40 km buffer, it is very close to the thresholds recommended for WTGs of the maximum size. Furthermore, with reference to Figure 10.1, the majority of the WTGs within the VE array areas are located well beyond 40km from the SCHAONB with the number of WTGs located around/just below 40km minimised, in order to avoid significant effects on the SCHAONB.</p> <p>Overall, the SLVIA assessment has concluded that the project would not give rise to any significant effects on views or the perceived character and qualities of the coastline, owing principally to its location at long distance offshore from both the SCHAONB coast of Suffolk (over 37.3 km to the array areas and 38 km to the nearest WTG within the array areas) and the coast of Essex (over 52.7 km), together with the position of the VE arrays largely subsumed behind operational wind farms and the limited additional lateral spread of the VE WTGs on the sea skyline.</p>
SCC-RR06	OffS - SLVIA	<p>It is noted that the proposals as submitted to PINS offer two scenarios:</p> <p>a) 41 wind turbines up to 399m high at 37km off the Suffolk coast; or</p> <p>b) 79 wind turbines up to 320m high at 37km off the Suffolk coast.</p> <p>The Council have assessed the potential effects of the maximum height wind turbines (399m) at 37km and as set out within the parameters of the update addendum, believes that there will not be a significant effect on seascape and landscape or the Suffolk Coast and Heaths National Landscape Area.</p> <p>The Council will remain engaged in landscape and seascape to ensure that the values of the Suffolk Coast and Heaths National Landscape are considered and taken into account.</p>	<p>The Applicant notes SCC's overarching position on the seascape and visual impact of the project. The Applicant agrees that the VE array areas will not have significant adverse impacts on the natural beauty and special qualities of the SCHAONB (as set out in 6.2.10 Seascape, Landscape and Visual Assessment [APP-079] and that the statutory purposes for designation of the SCHAONB will not be compromised. The Applicant welcomes SCC's ongoing engagement in seascape, landscape and visual matters to ensure that the values of the SCHAONB are considered and taken into account.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
SCC-RR07	Gen - Community benefits	Community benefits should be in addition to the required secondary mitigation for the development, including those based on any emerging requirements in the anticipated consultation on Community Benefits foreshadowed in the British Energy Security Strategy, which is expected to be consulted on imminently. The Council encourages the promoter to consider such community benefit options and would be happy to discuss how community benefit suitable for the locality could be incorporated. It considers that, given the visual impacts on the Suffolk coast, an element of community benefit should be considered for those communities affected. The Council also encourages the promoter to consider legacy opportunities of all elements of their development.	The Applicant's position regarding community benefits is set out in Section 2 of this document.
SCC-RR08	OnS - Socio-Economic	There is an absence of consideration to several key documents and sources of data that will enhance the provided socio-economic assessment. These include the Economic Strategy for Norfolk and Suffolk, the Technical Legacy Report for Norfolk and Suffolk along with the Council's Energy Infrastructure Policy.	<p>The Applicant has considered all relevant published material to help to understand the socio-economic context of the project, which includes the Technical [Skills] Legacy Report for Norfolk and Suffolk which is referred to at paragraphs 3.6.64 to 3.4.67 and Table 3.21 within 6.3.3 Socio-Economic, Tourism And Recreation [APP-085] .</p> <p>Further consideration of public datasets and published material relevant to the assessment of socio-economic effects is set out within paragraphs 3.6.6 to 3.6.48 ('Economic Baseline') and then at 3.6.49 to 3.6.47 ('Published Skills Demand / Supply Context') within 6.3.3 Socio-Economic, Tourism And Recreation [APP-085] respectively, reflecting that while Suffolk is part of the construction labour market, the Project is likely to draw to a greater extent on Essex's construction economy / labour market.</p> <p>The Project is cognisant of information sources such as this and the other published materials referenced by Suffolk County Council and such documents and data sources will be important reference points for developing the 9.27 Outline Skills and Employment Strategy [APP-260].</p>
SCC-RR09	OnS - Socio-Economic	The Council cannot fully determine the sufficiency of the approach to determining socio-economic impact ahead of the levels of expected employment, and the detailed workings supporting it, being provided and assessed by the promoter. The Council consider further work to be required by the promoter, including clearly setting out the expected number and nature of employment opportunities during each phase of the project. These employment opportunities need to be related to the expected availability of labour in the area.	<p>Detail relating to the expected construction and operational employment supported by the Project are set out within 6.3.3 Socio-Economic, Tourism And Recreation [APP-085] at the following locations:</p> <p><b>Construction:</b></p> <ul style="list-style-type: none"> <li>• Paragraphs 3.4.19 to 3.4.24 set out the detail of the construction roles supported directly by the Project, supplemented by data set out in Annex 6.6.3.1 (Full Time Equivalent Employment and Gross Value Added Headlines) [APP-130];</li> <li>• Paragraphs 3.8.7 to 3.8.17 set out the number and profile of onshore construction roles supported. Further detail will be shared with ECC, TDC and SCC through development of the 9.27 Outline Skills and Employment Strategy [APP-260] as these civils and mechanical / electrical construction roles are likely to be those with the most potential to be sourced locally and cross-cutting demand generated by other NSIPs in the region.</li> </ul> <p><b>Operation:</b></p>

Ref	Topic	Relevant representation comment	Applicant's responses
			<ul style="list-style-type: none"> <li>• Paragraphs 3.4.66 to 3.4.73 set out the detail of the operational roles supported directly by the Project, supplemented by data set out in 6.6.3.1 Full Time Equivalent Employment and Gross Value Added Headlines [APP-130];</li> <li>• Paragraphs 3.9.1 to 3.9.13 set out the number and profile of onshore and offshore operational roles supported. Further detail will be shared with ECC, TDC and SCC through development of 9.27 Outline Skills and Employment Strategy [APP-260]</li> </ul> <p>In each case the assessments consider the scale and type of employment supported in the context of the existing labour market and skills environment and the policy environment for the delivery of new, sustainable net zero / low carbon sector skills particularly linked to green energy and clean technology and marine skills as part of the assessment of significance.</p> <p>A detailed description of the labour market is set out within paragraphs 3.6.6 to 3.6.48 ('Economic Baseline') and then at 3.6.49 to 3.6.47 ('Published Skills Demand / Supply Context') within 6.3.3 Socio-Economic, Tourism And Recreation [APP-085] of the ES respectively.</p> <p>The 9.27 Outline Skills and Employment Strategy [APP-260] sets out and secures an approach to working collaboratively to ensure that the region is prepared to support the local uptake of employment and skills opportunities delivered by the Project.</p>
SCC-RR10	OnS - Socio-Economic	The promoter's commitment to prepare and implement an Employment, Skills and Education Strategy is welcomed and the Council would be willing to work with the promoter to ensure that there is alignment between the strategy and ongoing local activity supporting education, skills and employment to ensure that the strategy can have as great an impact as possible. This would be in line with the Council's energy infrastructure policy which requires promoters to undertake comprehensive and effective engagement with the Council and supply chain partners to maximise the local business opportunity, skills inspiration and employment benefits.	<p>It is welcomed that SCC (and other stakeholders) are willing to work with the Applicant to ensure that there is alignment between the strategy and ongoing local activity supporting education, skills and employment to ensure that the strategy can have as great an impact as possible.</p> <p>As set out in the 9.27 Outline Skills and Employment Strategy [APP-260] at paragraph 1.3.2, the Applicant is currently engaging, and will continue to engage, with key consultees (listed in Section 5) on the content of the OSES and iterations following submission of the DCO that will be developed into the final SES.</p>
SCC-RR11	OnS - Socio-Economic	The Council anticipates that the project, given its location close to the Suffolk Coast & Heaths National Landscape Area and Dedham Vale National Landscape Area and other rural areas of Suffolk of importance to the tourism economy, could have impacts upon visitor perception, and visitor numbers, both during construction and during operation, which, in particular in combination with other projects happening simultaneously in the area, could be significant.	<p><b>Impacts on Tourism</b></p> <p>The potential for impacts of construction and operational activity on tourism are considered 6.3.3 Socio-Economic, Tourism And Recreation [APP-085] of the ES.</p> <p>Overall, the Applicant considers that:</p> <ol style="list-style-type: none"> <li>Any reputed effects on tourism must be evidence-based, as required by the National Policy Statement (NPS) EN-1;</li> <li>The Applicant has assessed effects on onshore tourism receptors from various environmental topic areas and not identified a significant effect, and only a fraction of tourist destinations / sensitive receptors are even within proximity of the Project;</li> </ol>

Ref	Topic	Relevant representation comment	Applicant's responses
			<p>c) The construction phase is temporary and short in duration, phased and localised in terms of effects, managed by Control Plans and Best Practice which will be monitored;</p> <p>d) There is little or no evidence to suggest that the presence of operational wind farms affect visitor perception, or that even if they do, this would be adverse or manifest into a change in economic behaviours; and</p> <p>e) The tourist economy is inherently strong and resilient to seasonal and annual change, and is spread widely with strongest centres of employment in areas that would not experience the Project.</p> <p><b>Impacts on the National Landscape and rural landscapes</b></p> <p>Specific reference is made by SCC to effects on the Suffolk Coast &amp; Heaths National Landscape Area and Dedham Vale National Landscape Area.</p> <p>In terms of construction effects, the ES (6.3.2 LVIA [APP-084]) concludes that there are no significant effects on landscape planning designations whose special characteristics may include visual appreciation by visitors (such as AONBs), with no significant effects reported on landscape character.</p> <p>As such, given the relatively localised areas, minimal sections of recreational routes likely to be affected, short term nature and lack of significant effect on protected National Landscapes relied upon for tourist draw, the overall visual effects are not anticipated to result in a substantial change in visitor perception or experience during the construction phase. In terms of operational effects, as set out at paragraphs 3.4.40 to 3.4.53 in 6.3.3 Socio-economics, Tourism and Recreation [APP-085], the 6.3.2 LVIA [APP-084] reports that there would be no significant effects on coastal land as a result of the landfall, and there will be no significant effects on agricultural land or the hedgerows as a result of the onshore ECC. There would also be no significant effects on landscape character as a result of the landfall or onshore ECC during the operational phase. There would be no significant effects on landscape planning designations as none are considered receptors within the area potentially affected by onshore infrastructure. The LVIA assessment does identify a change in views relating to the presence of the OnSS to an area defined broadly by Hungerdown Lane approximately 0.7 km to the west, Grange Road PRoW approximately 0.9 km to the north, Little Bromley approximately 1.2 km to the east and Barlon Road, Manning Grove and Lilley's Farm approximately 1.0 to 1.3 km to the south, owing to the OnSS's large-scale and modern appearance which will be at variance with the predominantly rural character of the receiving landscape. It is noted that this infrastructure and the effect relating to it is not in Suffolk County. However, there would be no significant effects on landscape planning designations as none are considered receptors within the area potentially affected by onshore infrastructure. Although effects may be significant, they are localised and subjective, with no evidence to suggest that this would have a material change in visitor experience or behaviour. As such, given the relatively localised areas, minimal sections of recreational routes likely to be affected, and lack of significant effect on protected National Landscapes relied upon for tourist draw, the overall visual effects are not</p>



Ref	Topic	Relevant representation comment	Applicant's responses
			<p>anticipated to result in a substantial change in visitor perception or experience during the construction phase.</p> <p><b>Cumulative / In-Combination Impacts &amp; Perception</b></p> <p>As set out at paragraphs 3.11.31 to 3.11.33 6.3.3 Socio-economics, Tourism and Recreation [APP-085], effects reported by the cumulative projects are either not considered to be significant, or are highly localised in their nature, or where they are significant (in the case of Sizewell C which is a significantly larger intervention than VE) are mitigated through secured plans and funds. Given the spatial scale and location of effects from these construction and operation projects, and the fact that VE's assessment of environmental effects does not result in multiple, in-combination significant residual effects on local tourist receptors, there is not considered to be potential for significant cumulative effects over and above those assessed for VE alone. As set out at paragraphs 3.4.40 to 3.4.53 in 6.3.3 Socio-economics, Tourism and Recreation [APP-085], the Project has considered the potential for adverse effects relating to the perception of tourists / potential and return visitors as a result of the visual appearance and experience of the operational windfarm, based on a review of literature. There is little evidence to suggest that there would be an adverse reaction, or that if there were to be an adverse reaction, that this would translate / manifest into actual changes in behaviour. In most cases, the presence of operational offshore wind projects has been attributed little weight in terms of potential effects on visitor perception, experience or subsequent economic impacts to tourist economies – such as was concluded in recent examinations for other such projects across the East Anglian coastline (e.g. East Anglia ONE – paragraph 15.6.8 of the Recommendation Report<sup>1</sup> states that: “Such negative socio-economic effects [to the local economy, including to tourism, particularly around the proposed substation site, cable route, and landfall area during construction] are likely to be significantly reduced during operation (once the proposed development is constructed)”).</p>
SCC-RR12	OnS - Traffic	The Council expects traffic and transport impacts to be fully assessed and mitigated, for Suffolk especially in regard to any potential construction traffic impacts on Suffolk's rural road network and the limited options for suitable HGV and Abnormal Intervisible Loads (AIL) routes once the Norwich to Tilbury route alignment has been chosen.	<p>This issue was raised as part of the stakeholder's response to statutory consultation. The Applicant responded to this issue in the Environmental Statement submitted as part of the application, as well as in the 5.1.1 Consultation Report – Appendix 8 to 11 [APP-033] – response as follows in 6.3.8 Traffic and Transport:</p> <p><i>“The only road in Suffolk included in the traffic and transport study area is the A12. The A137 through Manningtree has not been included in the study area as it not part of the proposed VE construction access route network for HGVs and is not likely to be used by many construction workers, given the limited accommodation options along the A137 corridor between Ipswich and Tendring. Construction workers arriving and departing to Ipswich would use the A12 and A120, which is a similar or shorter journey time to the majority of the VE construction access locations, particularly when there is known delays on the A137 route.”</i></p> <p>Section 2.3 of 9.24 Outline Construction Traffic Management Plan [APP-257] sets out further details on the management of AIL deliveries.</p>

<sup>1</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010077/EN010077-009799-EA1N%20Recommendation%20Report%20Vol1%20Ch1-17.pdf>



Ref	Topic	Relevant representation comment	Applicant's responses
SCC-RR13	OnS - Traffic	If any AILs originate from Suffolk, the Council would need to be consulted at an early stage to identify the work required to facilitate this.	<p>AILs would originate from the Port of Harwich and travel along the A120, to accord with the National Highways (NH) water preferred policy and would therefore not travel through Suffolk.</p> <p>Section 2.3 of 9.24 Outline Construction Traffic Management Plan [APP-257] sets out further details on the management of AIL deliveries.</p>
SCC-RR14	OnS - Traffic	The Council will need to be satisfied that there will be no disruption or delays cause by the project on the A12 or wider strategic road network which may then have an impact on businesses in Suffolk.	The study area agreed with Essex County Council (ECC) and National Highways (NH) for the assessment of VE construction traffic on the local and highway network included the A12 Junction 29. Any potential impacts of VE construction traffic on the wider A12 would be imperceptible in the daily fluctuations of traffic movements, given the high volumes of traffic that the A12 carries.
SCC-RR15	OnS - Traffic	There should be an Outline Port Construction Management Plan provided to manage traffic impacts that arise at any port as a result of the offshore elements of the proposal.	<p>This issue was raised as part of the stakeholder's response to statutory consultation. The Applicant responded to this issue in the Environmental Statement submitted as part of the application, as well as in the 5.1.1 Consultation Report – Appendix 8 to 11 [APP-033] – response as follows in 6.3.8 Traffic and Transport:</p> <p><i>“The preferred base port(s) for the offshore construction and operation and maintenance activities of VE is not known as this would be decided post-consent.</i></p> <p><i>Port activity would be within the envelope assessed when the existing approvals for the Port were considered. Therefore, an assessment of these vehicle movements does not form part of this chapter.”</i></p>
SCC-RR16	OnS - Traffic	Decommissioning and removal routes also need careful consideration.	<p>This issue was raised as part of the stakeholder's response to statutory consultation. The Applicant responded to this issue in the Environmental Statement submitted as part of the application, as well as in the 5.1.1 Consultation Report – Appendix 8 to 11 [APP-033] – response as follows in 6.3.8 Traffic and Transport:</p> <p><i>“Details surrounding the decommissioning phase are yet to be fully clarified. In addition, it is also recognised that policy, legislation and local sensitivities constantly evolve, which will limit the relevance of undertaking an assessment at this stage. Nevertheless, decommissioning activities are not anticipated to exceed the construction phase worst case criteria. In addition, there is potential for onshore cables to remain in situ, which would see a reduction in impacts and resulting level of significance in comparison to the assessment of construction effects.”</i></p>
SCC-RR17	OnS - Traffic	We may have further specific comments on HGV movements to the proposed ecological compensation site at Orford Ness.	Noted by the Applicant.
SCC-RR18	General	Given the number (approximately 5 NSIPs reaching statutory consultation stage in 2023/24) of Nationally Significant Infrastructure Projects and other developments proposed in the area, the need for a full assessment of environmental and socio-economic impacts of the cumulative effects of the project in conjunction with the other projects is particularly important.	Noted by the Applicant.

Ref	Topic	Relevant representation comment	Applicant's responses
SCC-RR19	OnS - Socio-Economic	There is a lack of reference to the potential impact on businesses and supply chains of other construction projects in the local area and region due to additional workforce displacement and churn resulting from the project.	<p>Consideration of cumulative effects relating to employment, skills and labour is set out with in 6.3.3 Socio-economics, Tourism and Recreation [APP-085] at paragraphs 3.11.13 to 3.11.23.</p> <p>Fundamentally, the Project represents a positive effect in terms of supporting employment in a range of skillsets and types during both the construction and operational phases.</p> <p>The Applicant does not agree that displacement will occur. Displacement is formally defined in the HM Treasury Green Book as: "the degree to which an increase in economic activity promoted by an intervention is offset by reductions in economic activity elsewhere". This would more accurately be described as 'labour market churn' and is a normal feature of all sectors of the economy, particularly the construction sector, and it is not the role of the planning system to regulate this market-driven effect.</p> <p>Employers are likely to fill any emerging vacancies, a regular feature of running a business. Even those jobs that are highly skilled can be filled by training people up from the next level down, so these so called 'displacement' vacancies would be filled from new entrants to the labour market / sector, existing workforce as well as from other firms in the sector. Evidence set out within paragraphs 3.6.6 to 3.6.48 ('Economic Baseline') and then at 3.6.49 to 3.6.47 ('Published Skills Demand / Supply Context') within 6.3.3 Socio-Economic, Tourism And Recreation [APP-085] of the ES respectively points strongly to a dynamic labour market that is flexible and responsive, rather than an over-heated labour market where extra demand would cause likely significant impacts.</p> <p>Rather than present a constraint on capacity of existing businesses, the economic effects of the Project would present opportunities for growth and diversification of local businesses. Economies are not static or limited. It should be noted that 6.3.3 Socio-Economic, Tourism And Recreation [APP-085] takes a conservative approach to local recruitment within the WSA – such that local benefits are not overstated and that any potential tightening of the labour market in specific skillsets is not exacerbated. However, It is anticipated that the local element of workforce and supply chain would exceed this given the Applicant's commitment to an 9.27 Outline Skills and Employment Strategy [APP-260] and its record in regional supply chain engagement.</p> <p>Nonetheless, the Applicant recognises Suffolk County Council's concern regarding labour market tightening and understands the benefits of promoting local pathways into the types of skilled positions that the Project (and others across the region) will need to fill.</p> <p>As such an 9.27 Outline Skills and Employment Strategy [APP-260] has been submitted with the intention to work collaboratively with stakeholders including Suffolk County Council, Tendring District Council and Essex County Council to understand, prepare for and deliver initiatives that support the local skills infrastructure to enable local people to gain skills and employment on the Project. This is cognisant of other major NSIPs, and pre-existing strategies in place by those Projects and/or the Councils to address labour market issues proportionately.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
SCC-RR20	OnS - Socio-Economic	The Council welcomes the commitment from the promoter to undertake an assessment of 'whether it is considered likely that the cumulative effect indicates a loss of benefit as a result of cumulative projects, or an enhancement of opportunity which would help to develop expertise and capacity in the market'	<p>The 9.27 Outline Skills and Employment Strategy [APP-260] will be secured as a Requirement of the draft DCO - in collaboration with local stakeholders and in the context of regional skills co-ordination.</p> <p>The Applicant has undertaken an assessment of the cumulative economic and employment effects of the Project with other infrastructure projects across the shared labour market.</p> <p>Consideration of cumulative effects relating to employment, skills and labour is set out with in 6.3.3 Socio-economics, Tourism and Recreation [APP-085] at paragraphs 3.11.13 to 3.11.23.</p> <p>Fundamentally, the supporting of opportunities for skilled employment by interventions such as NSIPs is a positive effect – however it is acknowledged that the Councils are concerned about the supply of certain skillsets in the local area.</p> <p>As such 9.27 Outline Skills and Employment Strategy [APP-260] has been submitted with the intention to work collaboratively with stakeholders including Suffolk County Council, Tendring District Council and Essex County Council to understand, prepare for and deliver initiatives that support the local skills infrastructure to enable local people to gain skills and employment on the Project. This is cognisant of other major NSIPs, and pre-existing strategies in place by those Projects and/or the Councils to address labour market issues proportionately.</p> <p>The 9.27 Outline Skills and Employment Strategy [APP-260] will be secured as a Requirement of the draft DCO - in collaboration with local stakeholders and in the context of regional skills co-ordination.</p>
SCC-RR21	OnS - Socio-Economic	The above assessment should include consideration of other infrastructure projects, not just offshore wind farm projects, and identify how any mismatch between supply and demand can be addressed. This cumulative effect assessment would also need to be considered in determining the feasibility and consequential impact of securing a greater contingent of local work force and lowering the number of works needed from beyond the boundaries of the WSA (both positive and negative, including a consideration of displacement and high levels of labour churn in the wider economy).	<p>Consideration of cumulative effects relating to employment, skills and labour is set out with in 6.3.3 Socio-economics, Tourism and Recreation [APP-085] at paragraphs 3.11.13 to 3.11.23. This includes all relevant infrastructure projects, not just offshore wind projects.</p> <p>It should be noted that any such infrastructure project will have made an assessment of its labour and supply chain demand and prepared appropriate measures to address any concerns.</p> <p>As set out in response to SCC-RR19, the Applicant does not agree that displacement would occur or that labour market churn would be such that a significant adverse effect would arise.</p> <p>6.3.3 Socio-Economic, Tourism And Recreation [APP-085] takes a conservative approach to local recruitment within the WSA – such that local benefits are not overstated and that any potential tightening of the labour market in specific skillsets is not exacerbated.</p> <p>However, It is anticipated that the local element of workforce and supply chain would exceed this given the Applicant's commitment to 9.27 Outline Skills and Employment Strategy [APP-260] and its record in regional supply chain engagement.</p> <p>Fundamentally, the supporting of opportunities for skilled employment by interventions such as NSIPs is a positive effect – however it is acknowledged that the Councils are concerned about the supply of certain skillsets in the local area.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
			<p>As such an 9.27 Outline Skills and Employment Strategy [APP-260] has been submitted with the intention to work collaboratively with stakeholders including Suffolk County Council, Tendring District Council and Essex County Council to understand, prepare for and deliver initiatives that support the local skills infrastructure to enable local people to gain skills and employment on the Project. This is cognisant of other major NSIPs, and pre-existing strategies in place by those Projects and/or the Councils to address labour market issues proportionately.</p> <p>The 9.27 Outline Skills and Employment Strategy [APP-260] will be secured as a Requirement of the draft DCO - in collaboration with local stakeholders and in the context of regional skills co-ordination.</p>
SCC-RR22	OnS - Socio-Economic	The construction period for this project is predicted to occur during the middle of the construction period for Sizewell C Nuclear Power Station. It is anticipated that there would be significant cumulative pressure on the available workforce. This could reduce the opportunities to securing any skills and employment legacy from the construction workforces as the projects would be occurring in parallel.	<p>The EIA for Five Estuaries demonstrates that the impact of this project in combination with others would not create significant cumulative impacts in terms of labour market capacity. It should be noted that any such infrastructure project will have made an assessment of its labour and supply chain demand and prepared appropriate measures to address any concerns. This is the case for Sizewell C – where EDF Energy and Suffolk County Council agreed a Planning Obligation securing mechanisms that Suffolk County Council agreed would provide for the delivery of employment and skills within the labour market. That level of intervention is not necessary for the Five Estuaries project, or as a cumulative impact, as it is of a different scale in terms of worker numbers and duration, and type of skillset which is able to be drawn locally.</p> <p>The Applicant has submitted 9.27 Outline Skills and Employment Strategy [APP-260] with the intention to work collaboratively with stakeholders including Suffolk County Council, Tendring District Council and Essex County Council to understand, prepare for and deliver initiatives that support the local skills infrastructure to enable local people to gain skills and employment on the Project. This is cognisant of other major NSIPs, and pre-existing strategies in place by those Projects and/or the Councils to address labour market issues proportionately.</p>
SCC-RR23	General	The Council expects the promoter to develop a demonstrable understanding of the wider development environment for their project, and to work with the Council and other promoters to manage and mitigate these impacts.	Noted by the Applicant.

### 3.13 TENDRING DISTRICT COUNCIL [RR-112]

Ref	Topic	Relevant representation comment	Applicant's responses
TDC-RR01	Gen - Other	TDC supports the Governments target of net zero by 2050, including the expansion of renewable energy utilizing off-shore wind generation.	Noted by the Applicant.
TDC-RR02	Gen - National Grid	The application assumes an underground connection into a proposed substation, East Anglian Connection Node (EACN) east of Ardleigh. This is part of the National Grid Norwich to Tilbury upgrade. The EACN is unconsented and in Statutory Consultation Stage, as such this application is premature.	The Applicant's position with regards the Norwich to Tilbury project, the East Anglia Connection Node Substation and related issues is set out in section 2 of this document.



Ref	Topic	Relevant representation comment	Applicant's responses
TDC-RR03	Gen - OCSS	TDC believes that an offshore integrated approach to achieving the UKs net zero legislative targets is the most appropriate. As such TDC believes the outcome of Offshore Coordination Support Scheme (OCSS) feasibility study into an offshore connection to Sealink (grant funded from Department of Energy Security and Net Zero) could illustrate how the offshore is achievable. In this respect, the application is premature.	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.
TDC-RR04	Gen - Other	The Cumulative Impacts of this and three other associated infrastructure projects – North Falls Offshore Windfarm, Tarchon Interconnector and EACN as part of the Norwich to Tilbury upgrade - have not been fully considered. Greater integration on all these projects (including full consideration of the OCSS outcomes) could negate the need for onshore transmission.	6.1.3.1 Cumulative Effects Assessment Methodology [APP-064] sets out how North Falls Offshore Windfarm, and EACN are considered cumulatively throughout the ES. There is currently not enough information in the public domain to assess the potential cumulative impacts of the Tarchon Interconnector project.  The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.
TDC-RR05	OnS - LVIA	The location of the connection point for FE is dictated by the N2T project. The landscape in this area is predominantly arable, flat, open and rural. These proposals will introduce an intrusive industrial visual blight changing the landscape forever.	6.3.2 Landscape and Visual Impact Assessment [APP-084] concludes that significant effects on landscape character and visual amenity will only occur within a localised area out to 1.3 km and 1.4 km, respectively. These significant effects will be mitigated by the proposed mitigation planting within the first 15 years of the operational lifetime of the onshore substation. The design of the mitigation planting will ensure that significant effects will occur for 15 years or less of the overall 30-year operational life and, therefore, will not last forever. Furthermore, while the landscape character is arable and rural, there are subtle variations in the landform and sufficient tree and hedgerow cover that prevent it from being described as flat and open. The existing landform and vegetation cover create some degree of enclosure that will contribute to the screening of the onshore substation between the short to long-term.
TDC-RR06	Gen - Community benefits	Tendring, as a host authority will experience a disproportionate level of negative impacts from the construction and operation of onshore transmission networks. Mitigation in the form of Community Benefit, is not accounted for within the planning system. TDC welcomes discussions for a voluntary Community Benefit Contribution package for the lifetime of the project.	The Applicant's position regarding community benefits is set out in Section 2 of this document.
TDC-RR07	OnS - Socio-Economic	Measures that address social value are important to TDC. Whilst there is ongoing engagement with the applicant, there are no definitive commitments to education, training or employment within the District. We would consider any project of this scale that does not address the economic disparity of those unable to access jobs through the transition to net zero to be unacceptable.	The Project recognises the potential to promote the social value of the employment, skills and it should be noted that 6.3.3 Socio-Economic, Tourism And Recreation [APP-085] takes a conservative approach to local recruitment within the WSA – such that local benefits are not overstated and that any potential tightening of the labour market in specific skillsets is not exacerbated. However, It is anticipated that the local element of workforce and supply chain would exceed this given the Applicant's commitment to 9.27 Outline Skills and Employment Strategy [APP-260] and its record in regional supply chain engagement.  As such 9.27 Outline Skills and Employment Strategy [APP-260] has been submitted with the intention to work collaboratively with stakeholders including Suffolk County Council, Tendring District Council and Essex County Council to understand, prepare for and deliver initiatives that support the local skills infrastructure to enable local people to gain skills and employment on the Project. This is cognisant of other major NSIPs, and pre-existing strategies in place by those Projects and/or the Councils to address labour market issues proportionately.



Ref	Topic	Relevant representation comment	Applicant's responses
			<p>The ES considers in detail the existing socio-economic environment including drivers of socio-economic deprivation, and inequalities in terms of skills, qualifications, earnings and employment – this is set out within paragraphs 3.6.6 to 3.6.48 ('Economic Baseline') within 6.3.3 Socio-Economic, Tourism And Recreation [APP-085] of the ES.</p> <p>This informs the assessment of significance, resulting in a more sensitive environment that will benefit from employment supported by the Project. This is also important in enabling an evidence-based approach to developing labour market and social value interventions for local people via 9.27 Outline Skills and Employment Strategy [APP-260] which will be secured as a Requirement of the draft DCO - in collaboration with local stakeholders and in the context of regional skills co-ordination.</p> <p>9.27 Outline Skills and Employment Strategy [APP-260] has been developed through engagement with regional stakeholders, with measures that seek to identify and secure a greater contingent of local workforce, increasing skills locally and lowering the number of workers needed from beyond the boundaries of the WSA while supporting the regional co-ordination of major construction projects and their workforce skills delivery. As a key stakeholder and host authority, Tendring District Council will be critical in supporting the delivery of the Project's economic benefits to its residents.</p>
TDC-RR08	OnS - Socio-Economic	Impacts on tourism within the District, both highways and visual impact at the coast during the construction phase. Tourism plays a significant role in the Tendring economy, supporting hotels, caravan parks, tourist attractions and indirect spend with shops cafes etc in the local economy are likely to suffer.	<p><b>Impacts on Tourism</b></p> <p>The potential for impacts of construction and operational activity on tourism are considered within 6.3.3 Socio-Economic, Tourism And Recreation [APP-085] of the ES.</p> <p>Overall, the Applicant considers that:</p> <ul style="list-style-type: none"> <li>e) Any reputed effects on tourism must be evidence-based, as required by the National Policy Statement (NPS) EN-1;</li> <li>f) The Applicant has assessed effects on onshore tourism receptors from various environmental topic areas and not identified a significant effect, and only a fraction of tourist destinations / sensitive receptors are even within proximity of the Project;</li> <li>g) The construction phase is temporary and short in duration, phased and localised in terms of effects, managed by Control Plans and Best Practice which will be monitored;</li> <li>h) The tourist economy is inherently strong and resilient to seasonal and annual change, and is spread widely with strongest centres of employment in areas that would not experience the Project.</li> </ul> <p><b>Visual Impacts in the Construction Phase</b></p> <p>In terms of construction effects, the ES (6.3.2 LVIA [APP-084]) concludes that there are no significant effects on landscape planning designations whose special</p>

Ref	Topic	Relevant representation comment	Applicant's responses
			<p>characteristics may include visual appreciation by visitors (such as AONBs), with no significant effects reported on landscape character.</p> <p>As such, given the relatively localised areas, minimal sections of recreational routes likely to be affected, the short term nature of those effects and lack of significant effect on protected National Landscapes relied upon for tourist draw, the overall visual effects are not anticipated to result in a substantial change in visitor perception or experience during the construction phases</p> <p><b>Traffic Impacts in the Construction Phase</b></p> <p>The ES (6.3.8 Traffic and Transport [APP-090]) considers that during the construction phase there is likely to be:</p> <ul style="list-style-type: none"> <li>• A negligible or minor effect on driver severance and delay as a result of the VE's construction traffic using the network (at peak hour); and</li> <li>• A minor adverse effect on three links (Damant's Farm Lane, Payne's Lane and Barlon Road) as a result of the potential for temporary closure related to the installation of the export cable across roads using open trenching technology.</li> </ul> <p>It is noted that any temporary road closure would be for a maximum of only seven days and should more than one temporary road closure be required during the construction of VE, these would not be simultaneous unless agreed with Essex County Council in advance or via approval of the final CTMP.</p> <p>The ES (6.3.8 Traffic and Transport [APP-090]) also concludes that effects on pedestrian amenity are not likely to be significant.</p> <p>As such, effects on the accessibility and journey time to, from and within the onshore area during the relatively short-term construction phase are not considered to be substantial to the extent that they may affect the propensity for people to visit the area or affect their experience within the area when they do</p> <p>There are several measures in place to address potential effects on sensitive receptors that would provide comfort to those businesses or sectors within the tourist economy potentially affected The 9.24 Outline Construction Traffic Management Plan (CTMP) [APP-257] sets out the approach that will be taken to manage the potential impacts of construction traffic for the onshore works.</p>

3.14 WEELEY PARISH COUNCIL [RR-124]

Ref	Topic	Relevant representation comment	Applicant's responses
WPC-RR01	OnS-Traffic	Weeley Parish Council are worried about the large increase in HGV traffic through its village during the proposed development. The large number of vehicle movements will be a danger to the public who use the roads within Weeley for day to day life and it is a concern that as well as the danger of excessive vehicles it will also cause noise, air and diesel pollution.	<p>The forecast number of HGV movements through Weeley via the B1033 Colchester Road or the B1441 Weeley Bypass on route to and from construction sites at the peak of construction of VE is around 80, which equates to around 6 or 7 per hour, or 1 vehicle every 10 minutes.</p> <p>The average number of HGV movements on these routes across the construction programme would be around 50, which equates to around 4 per hour, or 1 vehicle every 15 minutes.</p> <p>Both of these routes are already used by HGVs (the estimate in 2027, based on Automatic Traffic Count (ATC) data collected in September 2022 is 243 on the B1033 Colchester Road and 153 on the B1441 Weeley Bypass over 24 hours, with the majority of these between 7am and 7pm), The forecast increases associated with VE are therefore likely to be imperceptible in the daily fluctuations on the highway network.</p> <p>The Applicant is committed to implementing a Construction Traffic Management Plan (CTMP), as seen in 9.24 Outline CTMP [APP-257] to minimise the impact of HGVs on the highway network.</p>

#### 4 APPLICANT'S RESPONSE TO RELEVANT REPRESENTATIONS – STATUTORY ORGANISATIONS

##### 4.1 AFFINITY WATER [RR-001]

Ref	Topic	Relevant representation comment	Applicant's responses
AFW-RR01	Gen - Land interest's	<p>Affinity also supplies water to the Tendring peninsula in Essex and the Folkestone and Dover areas of Kent. Affinity is therefore a statutory undertaker for the purposes of sections 127 and 138 of the Planning Act 2008. Should the proposed Development Consent Order ("the DCO") be made to authorise Five Estuaries Offshore Wind Farm Limited ("Five Estuaries") to construct, operate and maintain the Five Estuaries Offshore Wind Farm project ("the Project") it would permit extensive development within areas where Affinity is responsible for providing water supply services. To fulfil its statutory duties, Affinity maintains a wide range of apparatus that is critical to the continuing efficacy of its services.</p> <p>If made, the DCO would authorise the exercise of powers over or near land in which Affinity maintains assets and/or has other rights for the purposes of discharging its statutory duties. Unchecked, the exercise of such powers in respect of Affinity's interests would cause severe detriment to it.</p>	Noted by the Applicant. The Applicant is engaged negotiating bespoke Protective Provisions, which it is intended will avoid a severe detriment on Affinity's undertaking.
AFW-RR02	Gen - Land interest's	Affinity has a clear interest in the Project, but notes that there has been limited effort from Five Estuaries to date to engage with Affinity on the development of proposals which clearly impact upon Affinity's interests. Whilst Affinity has no corporate position on the principle of the Project, at present it has several concerns that should the Project come forward in its proposed form, that it would pose a significant risk to Affinity's ability to discharge its statutory water supply duties under the Water Industry Act 1991.	Noted by the Applicant. The Applicant notes that meetings with Affinity were undertaken in 2022 and 2023. As noted in the SoCG Position Statement [PD2-001], the Applicant and Affinity Water have engaged since receipt of the Relevant Representation to resolve the issues identified.
AFW-RR03	Gen - Land interest's	Overall, on present information available, Affinity does not consider that Five Estuaries has demonstrated that it can resolve all of Affinity's concerns regarding the impact of the Project on Affinity's water infrastructure and its overall statutory undertaking. Affinity notes the "standard" set of protective provisions for the benefit of statutory undertakers contained in Part 1 of Schedule 9 to the draft DCO. However, Affinity considers these to fall short of providing it with the necessary protections.	The Applicant and Affinity Water are currently engaged negotiating bespoke Protective Provisions.
AFW-RR04	Gen - Land interest's	No engagement between Affinity and Five Estuaries has taken place on these to date – such engagement is encouraged by Affinity. Subject to such engagement commencing in a positive manner in short order, Affinity sees no impediment at this stage to it being able to reach a satisfactory arrangement with Five Estuaries during the course of the examination.	The Applicant has engaged with Affinity Water since receipt of the Relevant Representation to resolve the concerns raised.
AFW-RR05	Gen - Land interest's	However, absent such an arrangement having been formalised, Affinity is obliged at this stage to formally object to the DCO application on the basis of the Project causing serious detriment to Affinity's apparatus and operations.	This is noted by the Applicant. As noted in the SoCG Position Statement [PD2-001], The Applicant and Affinity Water expect, through protective provisions, to reach agreement on the issues identified before the end of Examination.
AFW-RR06	Gen - Land interest's	In addition to the protective provisions, on a preliminary review of the DCO application documents, Affinity has identified various areas of concern on which it seeks further engagement from Five Estuaries, as follows: Horsley Cross 21" Cast Iron Water Main. The Project will affect Horsley Cross 21" Cast Iron water main, which is a key asset belonging to Affinity by both crossing and running parallel to it. This section of main is a strategic main supplying water to our Horsley Cross water treatment works. This is	The Applicant and Affinity Water are progressing discussions on the interactions of the project with the Horsley Cross 21" Cast Iron Water Main.

Ref	Topic	Relevant representation comment	Applicant's responses
		<p>the area's primary treatment works supplying 70% of the water to the Tendring Peninsula and therefore a critical asset to Affinity's business. Any interruption to the use of this asset would have a high adverse impact on Affinity's business and ability to supply water and therefore meet its statutory duties. Affinity requires certainty that this main will be protected to its satisfaction during construction and operation or in the alternative if that is not possible, that a suitable alternative solution can and will be provided. It has not been possible to find any meaningful consideration of these assets in the consultation materials provided. It is worth noting that the close proximity of the Project's cables may have an adverse impact on the ongoing condition of the asset potentially causing it to fail earlier than would be expected, such corrosive effects are well known. Affinity needs to have a better understanding as to the potential effect that the high-voltage cables to be constructed as part of Project will have on its assets, through independent expert analysis, so that necessary protection measures can be put in place.</p>	
AFW-RR07	Gen - Land interest's	<p>Other Assets We have identified approximately 40 locations where the Project's "onshore red line boundary" interacts with Affinity pipe apparatus. However, it is currently unclear from the DCO materials provided thus far what actual risks are posed, if any, to these assets both during construction and during the lifetime of the proposed cables. In addition, Affinity must retain the ability to maintain any existing or diverted apparatus (or undertake improvement works) for the purposes of its statutory water supply duty. Insufficient information has been provided to date as to what measures are proposed to secure this access going forwards which could lead to significant delays in accessing our assets in the future and significant costs.</p>	<p>This is noted by the Applicant. As noted in the SoCG Position Statement [PD2-001], The Applicant and Affinity Water expect, through protective provisions, to reach agreement on the issues identified before the end of Examination.</p>
AFW-RR08	Gen - Land interest's	<p><b>Land &amp; Easements</b>  During the minimal engagement we have had so far with Five Estuaries to date, we have discussed the preservation of our right of access to one of our sites at East Clacton Reservoir and Pumping Station, which Affinity understands will be impacted during the construction works. We require at least weekly access to this site for the purpose of maintenance. However, these discussions have not progressed and Affinity has yet to receive a more detailed proposal from Five Estuaries regarding access and no agreement has been reached. It is essential that we maintain access to this asset for the purposes of our water supply duties. Conclusion Affinity responded to the statutory consultation issued by Five Estuaries and outlined many of the above mentioned concerns.</p>	<p>The Applicant notes that the proposed access road is included as an Operational access (as shown as works No.17 on the Sheet 5 of 20 of 2.5 Work Plan [APP-010]). The Applicant and Affinity Water are engaged on discussions on this point.</p>
AFW-RR09	Gen - Land interest's	<p>Affinity further indicated that should Five Estuaries not resolve our concerns then we would object to the DCO submission. Despite this, Five Estuaries have still not engaged substantively with Affinity, which is disappointing.</p>	<p>As noted in the SoCG Position Statement [PD2-001], the Applicant and Affinity Water have engaged since receipt of the Relevant Representation to resolve the issues identified.</p>
AFW-RR10	Gen - Land interest's	<p>Affinity still seeks meaningful and timely engagement from Five Estuaries given the importance of a holistic approach to the design solutions and the wide range of complex issues to be resolved. In particular Affinity wish to work with Five Estuaries to:</p> <ul style="list-style-type: none"> <li>• confirm the scope of its infrastructure affected;</li> <li>• influence the detailed solutions proposed;</li> <li>• develop the outline work programme for the DCO in which works to Affinity infrastructure would be undertaken to ensure impacts can be managed to an</li> </ul>	<p>As noted in the SoCG Position Statement [PD2-001], the Applicant and Affinity Water have engaged since receipt of the Relevant Representation to resolve the issues identified.</p>



Ref	Topic	Relevant representation comment	Applicant's responses
		acceptable level; • ensure access to East Clacton Reservoir and Pumping Station is maintained; and • agree how appropriate provisions and protections can be put in place through a private legal agreement and protections in the DCO.	
AFW-RR11	Gen - Land interest's	Affinity is also seeking the opportunity to agree the approach to be taken on cost recovery.	As noted in the SoCG Position Statement [PD2-001], the Applicant and Affinity Water have engaged since receipt of the Relevant Representation to resolve the issues identified.
AFW-RR12	Gen - Land interest's	Affinity needs to better understand when and how engagement with it on design and delivery of water infrastructure diversions and alterations (as well as works in the vicinity of assets to remain in situ) will be carried out and how Affinity's costs incurred in that process will be met.	As noted in the SoCG Position Statement [PD2-001], the Applicant and Affinity Water have engaged since receipt of the Relevant Representation to resolve the issues identified.

#### 4.2 ANGLIAN WATER [RR-004]

Ref	Topic	Relevant representation comment	Applicant's responses
AGW-RR01	Gen - Land interest's	<p><b>Interfaces between the project and AW assets (underground and surface assets)</b></p> <p>AW owns and operates the sewerage infrastructure within the project area. In locations where the project intersects with AW assets, their protection and continuity of services to customers will be required. AW considers that the protection of existing network assets in and near the project site can be secured through Protective Provisions. AW's template Protective Provisions were supplied during the Pre-Application stage and will need to be agreed and included in the draft DCO (Part 9) to ensure that such works are in accordance with these provisions. Any AW existing assets located within the application boundary will need to be identified in the Book of Reference (document ref. 4.1) also covering the details set out in the Obstacle Crossings Register (document ref. 6.6.1.1). We have provided a response to the land interest questionnaire and further impacts on our below ground assets can be found via My Account (digdat.co.uk)</p> <p>Discussions are taking place between AW and the Applicant on these aspects to confirm, for example, any sensitive plant, open cut locations, access works, likely diversions any above ground plant and shared access locations. These documents will need to be amended accordingly as these matters are agreed. Our intention is that agreement on these Protective Provisions and other matters will be covered by the bilateral Statement of Common Ground which is being progressed.</p>	Noted by the Applicant.
AGW-RR02	Gen - Land interest's	<p><b>Requirement for wastewater services for onshore infrastructure</b></p> <p>We seek clarification whether a connection to our wastewater network will be required for any of the TCCs and different project stages. We advise that early discussions should take place with our pre-development team regarding capacity of our network assets to accept wastewater flows from the proposed temporary</p>	The Applicant acknowledges the information on the process for engaging with Anglian Water in respect of waste water connections provided by Anglian water, and will engage with that process at the relevant time.

Ref	Topic	Relevant representation comment	Applicant's responses
		construction compounds (TCC) sites. Details on the process for engaging with AW have been provided to the Applicant.	
AGW-RR03	OnS - Hydrology	<p><b>Flooding and surface water</b></p> <p>The surface water drainage strategy whilst adhering to sustainable drainage principles should also take account of any impacts of surface water flooding from the construction of the cable route on our wastewater network. We would also seek to confirm whether surface water connections to our network are required (including from TCCs) to manage surface water flood risk. If this requires consideration of the use of the public sewer network to manage additional surface water flows, AW will need to be included as a consultee to the drainage strategy, including the relevant DCO Order for any discharge of requirements in relation to drainage plans and surface water discharge.</p>	The Applicant acknowledges the concerns of Anglian Water. Discussions are ongoing between the Applicant and Anglian Water on this topic.
AGW-RR04	OnS - CTMP	<p><b>Construction Traffic Management Plan (CTMP)</b></p> <p>We welcome the submission of an outline CTMP. Whilst Protective Provisions should address those interactions with our assets, Anglian Water would seek to ensure that 24/7 access to our assets such as Water Recycling Centres (WRCs), and sewer pumping stations, is not compromised, and therefore would welcome further discussion with the Applicant regarding such matters and their inclusion in the final CTMP. For the TCC Beach Works AC-0, as shown in Table 3.1: Construction access points and TCCs and Drawing 3.1 Construction Access Points, TCCs and haul road crossings – 24-hour access is required by Anglian Water to the access to the Clacton-Holland Haven WRC located off Manor Way. It may be necessary for the pre and post condition surveys for Manor Way to be discussed with other 3rd parties, if the local highway authority (Essex County Council) is not the responsible for maintaining this road/ it is not adopted. These matters will need to be dealt with through the Statement of Common Ground. It is also noted that this proposed compound has significant underground AW pipe assets which cross the site from the WRC. These will need to be satisfactorily protected through the Protective Provisions. The final CTMP version should include steps to remove the risk of damage to any of AW's assets from plant and machinery (compaction and vibration during the construction phase) including any haul and access roads and crossings.</p>	As noted in the SoCG Position Statement [PD2-001], the Applicant and Anglian Water have engaged since receipt of the Relevant Representation to resolve the issues identified. Should any amendments be required to 9.24 Outline Construction Traffic Management Plan [APP-257]. These would be agreed with Anglian Water and submitted into the examination at a future deadline.

#### 4.3 BUNDESAMT FÜR SEESCHIFFFAHRT UND HYDROGRAPHIE (GERMAN FEDERAL MARITIME AND HYDROGRAPHIC AGENCY) [RR-035]

The comments below were provided by Naturschutzbund Deutschland (NABU) via the Bundesamt für Seeschifffahrt Und Hydrographie.

Ref	Topic	Relevant representation comment	Applicant's responses
BSH-RR01	OffS - Ornithology EIA	It is well known that migrating bats regularly cross the North Sea between Great Britain and the Netherlands, Belgium and France, where they are detected in very high numbers areawide including the surroundings of the project area (Brabant 2019, 2021,	The Applicant notes the submission and will respond in detail at Deadline 1. It is noted that the issue of potential impacts on migratory bats has not been raised

Ref	Topic	Relevant representation comment	Applicant's responses
		Lagerveld 2021,2023). Main species using this very high concentration migration corridor are Pipistrellus nathusii, Pipistrellus pipistrellus, Nyctalus noctula, Nyctalus leisleri and Vespertilio murinus (Brabant et al. 2015, Lagerveld et al. 2014 e.g.).	during statutory consultation or through the expert topic groups (ETGs), nor in the transboundary responses to the scoping report.
BSH-RR02	OffS - Ornithology EIA	In addition to acoustic survey, several recordings of individual Pipistrellus nathusii crossing the North Sea between Great Britain and the Netherlands have been made using coded VHFtags and the Motus network: [IMAGE SUBMITTED WITH REPRESENTATION].	The Applicant will respond to this relevant representation at Deadline 1.
BSH-RR03	OffS - Ornithology EIA	Due to the very high collision risk of bats at offshore wind turbines (Ahlén et al. 2009, Brabant et al. 2019, Gaultier et al. 2020, Hüppop et al. 2019, Lagerveld et al. 2021, Rydell et al. 2014, Seebens-Hoyer et al. 2022, 2024 in prep. e.g.), very high concentration areas like the project area should be free of offshore wind turbines. Minimally, strict mitigation measures covering the whole migration periods are absolutely necessary in the project area.	The Applicant will respond to this relevant representation at Deadline 1.
BSH-RR04	OffS - Ornithology EIA	Even if wind turbines often operate at low speed they still are a collision risk for bats. Also, a low flight altitude during offshore migration does not fully protect against collision, as "It is when bats stop over and forage for insects that are accumulated around the wind turbines that accidents become more likely." (Ahlén et al. 2009). Furthermore "Bats changed altitude rapidly when they were near tall vertical obstacles such as ships, bridges, and wind turbines." (Ahlén et al. 2009), a behaviour proved and observed by several authors (e.g. Lothar Bach pers. comm., Seebens-Hoyer et al. 2022, 2024 in prep.). Still a high rotor-free zone helps the part of the bat population (approximately more than 50 %) only crossing in 10-30 m above sea level (Seebens-Hoyer et al. 2024 in prep.).	The Applicant will respond to this relevant representation at Deadline 1.
BSH-RR05	OffS - Ornithology EIA	Cutting off wind turbines in periods with high bat activity can effectively protect bats resulting in only very low profit cuts. Most offshore bat activity takes place at windspeeds of and below 6-7 m/s (Ahlén et al. 2009, Brabant et al. 2021, Lagerveld et al. 2021, Seebens-Hoyer et al. 2022), therefore energy loss by cutting of at these windspeeds is rather low. To prevent killing of bats and therefore fulfil national protection law, the UN Convention on the Protection of Migrating Species and the EUROBATS-Agreement the application of mitigation guidelines by means of cutting off the wind farm during the main migration nights at windspeeds at and below 6 m/s is mandatory with operation.	The Applicant will respond to this relevant representation at Deadline 1.
BSH-RR06	OffS - Ornithology EIA	In addition, there may be applied a two-year acoustic monitoring from the beginning of April to the mid of June and beginning of August till the mid of November 1.- prior to construction at 3-5 buoys transversely to the presumed migration direction for survey issues and 2.- when built at 3-5 wind turbines (each 1 microphone at nacelle height and one microphone at height of the lower rotor swept zone to adapt cutting off periods by specifying the wind conditions at which most bat migration occurs in the area.	The Applicant will respond to this relevant representation at Deadline 1.
BSH-RR07	OffS - Ornithology EIA	All data needs to be made available for studying cumulative effects of other wind farms. Cumulative effects of the Five Estuaries wind farm also has to be addressed.	The Applicant will respond to this relevant representation at Deadline 1.

Ref	Topic	Relevant representation comment	Applicant's responses
BSH-RR08	OffS - Ornithology EIA	The NABU asks for a reply and - in case - a detailed subject-specific explanation on the comment.	The Applicant will respond to this relevant representation at Deadline 1.

#### 4.4 CADENT GAS [RR-012]

Ref	Relevant representation comment	Applicant's responses
CG-RR01	Cadent is a licensed gas transporter under the Gas Act 1986, with a statutory responsibility to operate and maintain the gas distribution networks in North London, Central, East Anglian and North West England. Cadent's primary duties are to operate, maintain and develop its networks in an economic, efficient, and coordinated way. Cadent wishes to make a relevant representation to the proposed DCO in order to protect its position in light of infrastructure which is within or in close proximity to the proposed DCO boundary.	Noted by the Applicant.
CG-RR02	Cadent's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits including should be maintained at all times and access to inspect such apparatus must not be restricted.	Noted by the Applicant.
CG-RR03	The documentation and plans submitted for the above proposed scheme have been reviewed in relation to impacts on Cadent's existing apparatus located within this area, and Cadent has identified that it will require adequate protective provisions to be included within the DCO to ensure that its apparatus and land interest's are adequately protected and to include compliance with relevant safety standards. Cadent has a number of pipeline assets and associated apparatus located within the order limits which are affected by works proposed, the extent to which is still being assessed and which may require diversions subject to the impact.	The Applicant and Cadent Gas are currently engaged negotiating bespoke Protective Provisions
CG-RR04	Any diversions have not yet reached detailed design stage and so the positioning, land rights and consents required for these gas diversions are not confirmed. At this stage, Cadent is not satisfied that the DCO includes all land and rights required to accommodate such diversions as design studies will need to influence these requirements.	No diversions of Cadent Assets are proposed.
CG-RR05	Cadent will not decommission its existing apparatus and/or commission new apparatus until it has sufficient land and rights in land (to its satisfaction) to do so, whether pursuant to the DCO or otherwise. This is a fundamental matter of health and safety.	No diversions of Cadent Assets are proposed.
CG-RR06	Cadent has experience of promoters securing insufficient rights in land within DCOs for necessary diversions of its apparatus or securing rights for the benefit of incorrect entities. It is important that sufficient rights are granted to Cadent to allow Cadent to maintain its gas distribution network in accordance with its statutory obligations.	No diversions of Cadent Assets are proposed.
CG-RR07	As a responsible statutory undertaker, Cadent's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. Adequate protective provisions for the protection of Cadent's statutory undertaking have not yet been agreed but are in discussion between parties. Cadent wishes to reserve the right to make further representations as part of the examination process but will seek to engage with the promoter to reach a satisfactory agreement.	The Applicant and Cadent Gas are currently engaged negotiating bespoke Protective Provisions.



#### 4.5 CORPORATION OF TRINITY HOUSE OF DEPTFORD STROND [RR-015]

Ref	Topic	Relevant representation comment	Applicant's responses
CTH-RR01	OffS - Other Marine Users	We refer to the above application for development consent. Trinity House is the General Lighthouse Authority for England, Wales, the Channel Islands and Gibraltar with powers principally derived from the Merchant Shipping Act 1995 (as amended). The role of Trinity House as a General Lighthouse Authority under the Act includes the superintendence and management of all lighthouses, buoys and beacons within its area of jurisdiction. Trinity House wishes to be registered as an interested party due to the impact the developments may have on navigation within Trinity House's area of jurisdiction. Trinity House is likely to have further comments to make on the application and the draft Order(s) throughout the application process.	Noted by the Applicant.

#### 4.6 EAST OF ENGLAND AMBULANCE SERVICE NHS TRUST [RR-023]

Ref	Topic	Relevant representation comment	Applicant's responses
AST-RR01	Cross ES - Human Health	The East of England Ambulance Service NHS Trust (EEAST) consider that the Project (Five Estuaries Offshore Wind Farm) is likely to have a significant impact on its operations, service capacity and resources (staff, vehicle fleet and estate assets) requiring appropriate mitigation and management measures to be identified and secured through either a planning obligation or Deed of Covenant.	The Applicant and EEAST have held subsequent discussions since the submission of the Relevant Representation. . A Statement of Common Ground has been agreed with EEAST which sets out the latest position between the Applicant and EEAST. The Applicant plans to submit it at a future Deadline.  The Applicant does not believe a planning obligation or deed of covenant is necessary or justified.
AST-RR02	Cross ES - Human Health	Such measures are likely to incorporate: • Assessment of increase the capacity, response capability and project preparedness for EEAST's staff, vehicle fleet & estate assets pre, during and post construction and whether mitigation is required.	The Applicant would like to highlight that the construction workforce numbers are presented and considered in 6.4.2 Human Health and Major Disasters [APP-095], Table 2.20, which concluded the impacts were not significant. The Applicant and EEAST have discussed this subsequently and agreed that no further action is required, this will be included in the SoCG.
AST-RR03	Cross ES - Human Health	• Establishing appropriate Terms of Reference, Membership & a Communications Strategy for a Transport, Community Safety, Health & Wellbeing Working Group – to include EEAST as an emergency service provider, along with its health and blue light partners such as the local Suffolk Integrated Care System, Suffolk Constabulary and Suffolk Fire and Rescue.	The Project has limited works proposed in Suffolk. Additional text will be added to a future update to 9.21 Code of Construction Practice (CoCP) -Rev B. The proposed revised 2.4.4 will commit the contractors to the development and implementation of a Communications and Public Relations Procedure, it will specifically include that "blue light services" such as EEAST, will be informed of potential disruption to the road network from the construction (e.g. any temporary road closures). Compliance with the CoCP is secured by requirement within the draft DCO.

#### 4.7 ENVIRONMENT AGENCY [RR-026]

Ref	Topic	Relevant representation comment	Applicant's responses
EA-RR01	Gen - Con / Op / Decom	We have previously reviewed the document 9.28 Outline Landfall Methodology and our requirements for the cables passing under the tidal defence is detailed within our reply document "EA Single Matter Review VE 03-24". We look forward to reviewing later versions of the Outline Landfall Methodology that will include the project approach to our requirements.	The Applicant has noted the requirements provided in the reply document. Further discussions will be held with the Environment Agency on this topic.



Ref	Topic	Relevant representation comment	Applicant's responses
EA-RR02	OnS - Hydrology	We are pleased to see the inclusion of measures relating to unexpected contamination procedure, such as in 6.3.5 Ground Conditions and Land Use paragraph 5.12.6, and 9.21 Code of Construction Practice section 3.17	Noted by the Applicant.
EA-RR03	OnS - Hydrology	Piling: It is noted in 9.6 Water Framework Directive Assessment that Piling may be required, and is scoped in. We wish to be consulted on any piling works that could affect water quality or affect groundwater flow mechanisms.	Noted by the Applicant. Further discussions will be held with the Environment Agency on this topic.
EA-RR04	OnS - Hydrology	With reference to document 9.33 Approach to Statements of Common Ground –Table 1, please add Hydrogeology and Land Contamination to the example topic(s) column as we will continue to be involved with the project.	The list at Table 1 of the 9.31 Approach to Statements of Common Ground [APP-266] is non-exhaustive. As set out in 10.3 Statements of Common Ground - Position Statement [PD2-001] the Applicant is seeking to engage Environment Agency on production of a SoCG, and any topics. Hydrogeology and Land Contamination as topics within the SoCG.
EA-RR05	OnS - Hydrology	Within the above document (6.3.5 Ground Conditions and Land Use) 6.5 Assessment criteria, etc. Table and chapter does not include groundwater as a receptor. Trenched and trenchless techniques are likely to intercept GW so these should be included in this element of the risk assessment.	6.3.5 Ground Conditions and Land Use [APP-087] considers the effects on geological conditions and resources that form part of the onshore physical environment. The Applicant agreed with stakeholders at Expert Topic Group Meetings that to avoid duplication and confusion the effects on hydrogeology and groundwater (including groundwater abstractions) are considered in 6.3.6 Hydrology, Hydrogeology and Flood Risk [APP-088].
EA-RR06	OnS - Hydrology	Within document (6.3.6 Hydrology, Hydrogeology and) A6.7.27- The Thanet Sands are not defined as an unproductive aquifer- it is defined as a secondary A aquifer (cf. Table 2-3 of Vol. 6., Part 6, Annex 6.1 Groundwater Risk Assessment)	As outlined within 6.6.6.1 Groundwater Risk Assessment [APP-159] the Thanet Formation and Lambeth Group deposits are classified as a Secondary A Aquifer. The classification outlined within 6.3.6 Hydrology, Hydrogeology and Flood Risk [APP-088] is erroneous, however the Thanet formation is located beneath the Thames Group deposits across the entire route and there is considered to be no hydraulic connection between the proposed development and any groundwater which would potentially be present within this strata.  This error within the report does not therefore alter the assessment or the conclusions within the assessment.
EA-RR07	OnS - Hydrology	We agree with the assessment that shallow groundwater may be encountered in the secondary aquifers- cover sands, Kesgrave Formation and alluvium document 6.7.32	Noted by the Applicant.
EA-RR08	OnS - Hydrology	The applicant provides a list of licensed and private water users in the vicinity of the DCO boundary (Tables 6-8 and 6-9) document 6.7.61.	Noted by the Applicant.
EA-RR09	OnS - Hydrology	The Beyer Formula used for estimating hydraulic conductivity is a lab-based technique, not from field measurements within document 2.3.3. There are inherent limitations and error margins to this formula which have not been stated. If dewatering during construction requires a licence a more rigorous approach to assessing hydraulic conductivity will likely be required	It is acknowledged that the Bayer formula is only indicative and there are limitations with its use, However the approach has been used to provide an indicative hydraulic conductivity for use within the assessment, principally to allow for assessment of the potential radius of influence. This approach would not be relied upon for abstraction licencing, if required.  If following completion of the water features survey, ground investigation and groundwater monitoring (as proposed within Section 4.3 of the assessment) it is considered that there is likely to be a need for dewatering and to obtain an

Ref	Topic	Relevant representation comment	Applicant's responses
			abstraction transfer licence then further location specific site investigations would be completed (pump test or slug tests, as considered appropriate) to allow for further refinement of the hydraulic conductivity in the vicinity of the proposed works.
EA-RR10	OnS - Hydrology	A similar issue arises with the Sichardt Formula used here. The limitations and assumptions used in estimating the radius of impact are not stated and neither is the empirical calibration factor 'C'. The applicant uses a conservative approach later to assess this potential radius of impact (250 m) which is a good measure to compensate for the limitations in these two formulas at this stage. If permitting or licensing is required more accurate estimates may be required.	It is accepted that the Sichardt formula is an empirical formula and should not be relied upon for detailed assessments, however from experience it is noted that this approach is typically conservative and will usually overestimate the potential radius of influence. In addition, the Applicant has increased the calculated maximum radius of influence (160m) to 250 m to account for uncertainties as to the exact depths of excavation, groundwater elevations and permeabilities.  Once further information is available on the potential need for dewatering, the assessment and radius of influence calculations would be updated as part of any required permitting.
EA-RR11	OnS - Hydrology	The conceptual site model otherwise makes good use of publicly available information on the local geology and groundwater levels to later assess hydrogeological impacts.	Noted by the Applicant.
EA-RR12	OnS - Hydrology	The applicant has submitted a thorough list of potentially impacted abstractions (licensed and unlicensed) and risk assessments to those abstractions. Those that have been deemed potentially impacted by trenched and trenchless cable replacement and substation have been noted and steps to improve the impact assessment have been added in 4.3.1 Water Features Survey. We look forwards to seeing the results of this survey and subsequent risk assessment. We would need to be consulted on any followed-up risk assessments, including the results of future work to protect abstractors scoped-in for future assessment.	Noted by the Applicant. Further discussions will be held with the Environment Agency on this topic.
EA-RR13	OnS - Hydrology	The HIA has limited information on the potential for encountering springs or seepage from the superficial deposits (i.e. Kesgrave Formation and cover sand) overlying the London Clay. There is the potential for spring lines in the Tendring area where groundwater forms springs at the edge of sand and gravels outcrops which may contribute to flows in local surface water bodies.	A walkover of the route by a hydrologist and a review of Ordnance Survey mapping was undertaken to identify any marked springs, none were identified within the 250m search radius.
EA-RR14	OnS - Hydrology	The HIA section otherwise makes good use of publicly available information on the local geology and groundwater levels to later assess hydrogeological impacts	Noted by the Applicant.
EA-RR15	OnS - Hydrology	Cable Statement 8.1 - The applicant gives a description of the expected dimensions and configuration of cable emplacement and jointing bays. The estimated depths of these workings will need to be detailed to inform the risks to groundwater covered in 6.6 Annex 1 Groundwater Risk Assessment	It is acknowledged that there were uncertainties as to the exact depth of working at individual locations and the assessment in 6.6.6.1 Groundwater Risk Assessment [APP-159] is based on the Maximum Design Scenario. Further discussions will be held with the Environment Agency on this topic.
EA-RR16	OnS - Hydrology	CoCP 9.2 - The applicant states that there may be a requirement for dewatering of excavations. As discussed in relation to the relevant sections of the Groundwater Risk Assessment (6.6, Annex 6), the earlier the likelihood and magnitude of dewatering is	The Applicant is aware of the potential timeframes for obtaining permission for dewatering. Further discussions will be held with the Environment Agency as required.

Ref	Topic	Relevant representation comment	Applicant's responses
		estimated, the earlier the risks can be assessed in the event an abstraction licence is required for these works.	
EA-RR17	Gen - Con / Op / Decom	Outline Landfall Methodology 9.28 - Please amend Figure 3.1 to a high resolution as we are unable to make use of it.	This is noted by the Applicant. The figure will be updated if a Revision B of document 9.28 [APP-261] is produced and submitted.
EA-RR18	OnS - Hydrology	The HDD process will require a supply of water- the applicant suggests wither tinkering or abstracting surface water for this purpose. Please be aware abstraction of surface water will require an abstraction licence. Please check the local Abstraction Licensing Strategy for current water availability in the relevant catchments.	Noted by the Applicant.
EA-RR19	OnS - Hydrology	In the Agency's scoping response (27 October 2021), there was a request for inclusion of an assessment of that any works at the landfall stage will not create any hydraulic continuity between the sea and underlying strata.	The Applicant notes that in 6.6.6.1 Groundwater Risk Assessment [APP-159] consideration is given at Section 2.3.7 to the potential risk to groundwater dependent ecological sites. This includes Holland Haven Marshes SSSI at landfall. The assessment notes that the geology at this location is alluvial silts and clays with little or no groundwater and no risk to the SSSI is identified.
EA-RR20	OnS - Hydrology	HDD compound susceptibility to seawater flooding should take into account the possibility of creating hydraulic continuity between seawater and groundwater contained in underlying strata, as recommended in the EA's Scoping response of 17th October 2021. The risk assessment for ingress of surface and/or groundwater flooding to the HDD entry compound shows the applicant is aware that both types of water may ingress the bay thus pose a risk, but the implied possibility of hydraulic continuity between the two is not mentioned for the jointing bays or HDD.	Noted by the Applicant. Further discussions will be held with the Environment Agency as required.
EA-RR21	OnS - Hydrology	The applicant has scoped in WFD groundwater bodies for assessment. In the event of dewatering I suggest they consult the Essex Abstraction Licensing Strategy in preparation for any dewatering that may occur in the course of construction.	Noted by the Applicant.
EA-RR22	CoCP	Impacts on otter and water vole. We consider that the impacts of the development on these species, and freshwater aquatic ecology in general, will be adequately addressed provided the measures set out in the Volume 6, Part 3, Chapter 4 of the Environmental Statement, the Outline Landscape and Ecology Management Plan and the Code of Construction Practice are fully implemented.	Noted by the Applicant.
EA-RR23	CoCP	Section 4.10 of the Code of Construction Practice mentions that smaller watercourses may be dammed and over pumped during the construction phase. We recommend that, where watercourses support fish populations, the pumps are guarded by 2mm screens to prevent the entrapment/entrainment of fish	Noted by the Applicant. Further discussions will be held with the Environment Agency as required

Ref	Topic	Relevant representation comment	Applicant's responses
EA-RR24	OLEMP	Table 7.1 of the Outline Landscape and Ecology Management Plan. Consideration should be given to adding reptiles to the list of species groups that will be re-surveyed in advance of the commencement of construction. This might be particularly useful at locations where incidental records of reptiles were collected and where more structured surveys were not carried out.	The Applicant considers that additional pre-construction survey for reptiles is not required, given that most potentially suitable habitat for reptiles has been avoided through sensitive design, and the commitments to mitigation made in Table 4.16 within 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] and within 9.22 Outline Landscape and Ecological Management Plan (OLEMP) [APP-254]. Further survey work would be unlikely to result in any change to the mitigation measures, however the OLEMP commits to pre-construction surveys to check for presence of species including reptiles which will be undertaken by the nominated ECoW, in the appropriate habitat, prior to any vegetation clearance.
EA-RR25	OnS - Hydrology	We are currently satisfied with the approach outlined for Flood Risk	Noted by the Applicant.
EA-RR26	OnS - Hydrology	Our maps show the site lies within fluvial and tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for Five Estuaries offshore wind farm which is classified as a 'Essential Infrastructure', as defined in Annex 3:Flood Vulnerability classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and be supported by a site specific Flood Risk Assessment (FRA).	Noted by the Applicant.
EA-RR27	OnS - Hydrology	The key points to note from the submitted FRA's, referenced Volume 5, 3.1.Export cable corridor and Volume 5, 3.2 Onshore substation dated March 2024, are: <ul style="list-style-type: none"> <li>• Parts of the site outline lie within the flood extent for a 1% (1 in 100) and 0.5% (1 in 200) annual probability event, including an allowance for climate change.</li> <li>• The applicant has sequentially sited the onshore substation entirely within Flood Zone 1.</li> <li>• Cable corridor will use trenchless construction techniques and once constructed there will be no surface features therefore will not increase flood risk however these cross multiple main rivers (Holland Brook, Kirby Brook, Tendring Brook, Beaumont cut and Tenpenny Brook) and will require Environmental Permit for Flood Risk Activities. Applications should also include any temporary/enabling work.</li> <li>• Compensatory storage is not required.</li> <li>• An Evacuation plan has not been submitted</li> </ul>	Noted by the Applicant.
EA-RR28	OnS - Hydrology	In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail as they are not within our remit, but these risks should be considered fully by the relevant authorities before determining the application.	Noted by the Applicant.



Ref	Topic	Relevant representation comment	Applicant's responses
EA-RR29	OnS - Hydrology	The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. We note that a plan has not been submitted, the Local Authorities may wish for their emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 173 of the NPPF and the guiding principles of the PPG.	5.3.1 Flood Risk Assessment Export Cable Corridor [APP-038] states at Section 5.1 that "Flood response awareness and procedures will be included in the principal contractors emergency flood response planning for an incoming tidal event" and that "The emergency flood response planning should form part of a wider emergency response plan for the proposed ECC." 9.21 Code of Construction Practice [APP-253] section 6 sets out the commitment for the Contractors include flood response procedures in their Emergency Response Procedures.
EA-RR30	OnS - Hydrology	We note that the applicant is seeking to dis-apply environmental permits for flood risk activities. We will review the Protective Provisions and provide further comments as part of our Written Representation. An environmental permit for flood risk activities may be required for work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert.	Noted. The Applicant has been in contact with the EA to seek to progress protective provisions.

#### 4.8 ESSEX COUNTY FIRE & RESCUE SERVICE [RR-028]

Ref	Topic	Relevant representation comment	Applicant's responses
EFR-RR01	Cross ES - Human Health	ECFRS wish to be registered as an interested party for awareness as an Emergency Service that may be required to respond to incidents at the proposed projects site.	Noted by the Applicant. The Project has engaged with Essex County Fire & Rescue Service on the production of a SoCG.

#### 4.9 ESSEX POLICE [RR-029]

Ref	Topic	Relevant representation comment	Applicant's responses
EP-RR01	General	The representations of Essex Police seek to secure appropriate mitigation and management measures, either via requirements of the DCO or Statement of Common Ground to address the likely impacts arising from the scheme on its operations, service capacity, infrastructure, and resources.	Noted by the Applicant. The Project is developing a SoCG with Essex Police. As noted in the SoCG Position Statement [PD2-001], the Applicant and Essex Police have engaged since receipt of the Relevant Representation to resolve the issues identified.
EP-RR02	Gen - Con / Op / Decom	Whilst the scheme development and opportunities are acknowledged, our review of the project indicates that operational impacts are likely to arise for Essex Police, particularly during construction phase of the development.	Noted by the Applicant.
EP-RR03	Gen - Con / Op / Decom	As key social infrastructure providers, emergency services and 'interested parties' in this DCO process, Essex Police are engaging with the Applicant with the aim of reaching substantive agreement on the main issues with any outstanding matters to be discussed and agreed during the Examination. Such measures are likely to incorporate:	Noted by the Applicant. The Project is developing a SoCG with Essex Police to address the topics identified which will be submitted at a future deadline.



Ref	Topic	Relevant representation comment	Applicant's responses
		<ul style="list-style-type: none"> <li>- Developer support for early mitigation measures to reduce disruption to Essex Police service provision, including the development of plans and contingencies for response and incident management.</li> <li>- Developer support for the duration of the construction period to ensure effective engagement between the Developer and Essex Police, supporting the creation of emergency procedures, community liaison and membership at appropriate working groups where appropriate.</li> <li>- Developer support to reduce the impact and disruption during the construction phase to surrounding communities, including a clear customer contact strategy.</li> <li>- Developer support to ensure appropriate mitigation measures are in place to minimise the risk of increased crime during the life cycle of the project.</li> </ul>	
EP-RR04	Gen - Con / Op / Decom	<p>1. Scheme development Communications</p> <p>1.1. It is anticipated that community disruption resulting from the project will lead to an increase calls for service Essex Police. A clear contact strategy and community liaison route for matters relating to the project will be required to ensure that the citizen can obtain the correct service and advice to reduce the impact to the contact management command within Essex Police.</p>	<p>The Applicant is engaging with Essex Police to address concerns towards communications and it is planned to update relevant documents, which will be agreed with Essex Police and submitted into the examination at a future deadline.</p> <p>Additional text will be added to a future update to 9.21 Code of Construction Practice (CoCP) - Rev B. The proposed revised 2.4.4 will commit the contractors to the development and implementation of a Communications and Public Relations Procedure, it will specifically include that "blue light services" such as Essex Police. Compliance with the CoCP is secured by requirement within the draft DCO.</p>
EP-RR05	Gen - Con / Op / Decom	<p>Designing out crime considerations</p> <p>1.2 Throughout the life cycle of the scheme, sit assessments such as risk and security will be relevant across all components of the design. There is an internationally accepted method of formulating a designing out crime risk and security strategy, based upon the types of incident that may occur. The common denominators of which comprise of three elements; physical design, social issues and maintenance and care. Specific crime types can potentially be 'designed out' and minimised, which consequently will prevent the need for future bespoke situational crime prevention measures.</p> <p>Embedding the concept of 'safety and security' throughout all proposals will ensure the longevity of the scheme, achieve sustainability aims and mitigate the opportunity for crime.</p>	<p>This is noted by the Applicant.</p>
EP-RR06	Gen - Con / Op / Decom	<p>1.2 The location, design and security of site compounds must utilise applicable security standards across all components wherever appropriate and ensure effective measures are in place to mitigate the risk of criminal activity such as theft of equipment and/or materials and Anti-Social Behaviour (ASB).</p> <p>1.3 Essex Police acknowledge the proposal appears to utilise several main construction compounds for the project and we would request liaison and discussions in relation to these sites and any smaller dedicated compound(s). Such engagement will reflect matters including but not limited to:</p> <ul style="list-style-type: none"> <li>• Specification of boundary treatments and fence provision</li> </ul>	<p>The Applicant has engaged with Essex Police to address the security on compounds and it is planned to update relevant documents, such as the 9.21 Code of Construction Practice [APP-253]. Any updates will be agreed with Essex Police and submitted into the examination at a future deadline.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		<ul style="list-style-type: none"> <li>• Maximising on natural surveillance opportunities</li> <li>• General management and maintenance.</li> </ul> <p>1.4 It is recognised that aspects of the 'construction and building site' will not be contained within a dedicated compound span the length of the route, increasing the potential risk of crime, particularly in the more rural and green field locations. Appropriate mitigation should be in place to minimise the risks identified.</p>	
EP-RR07	Gen - Con / Op / Decom	<p>2. Construction Construction Workforce</p> <p>Whilst the introduction of construction workers will help boost the local economy, there are also disbenefits which may impact on existing communities as a result, which could include increased nighttime economy and an increase in volumes of crime as a victim or involved party.</p> <p>2.1. Population increase, health, and wellbeing information is requested to determine the size and nature of the construction workforce, their home origin, health status, and location of any temporary accommodation.</p>	<p>Construction does not generate a significant number of staff, averaging around 340 (scenario 1) and 390 (scenario 2/3) FTE jobs, peaking at around 540 and 600 respectively.</p> <p>This is because construction activity is largely linear, with localised yet transient construction activities. When considering the local skills base and employment and procurement initiatives proposed, local uptake and socio-economic benefit will be improved. the relative change in demography is therefore not of a level to impact upon local health care capacity, and unlikely to present any impact on crime or nighttime economy. The Applicant is continuing discussions with Essex Police on this issue.</p>
EP-RR08	Gen - Con / Op / Decom	<p>2.2. Within the planning documentation, reference is made to the induction and training of site personnel in order to provide on-going reinforcement and awareness training. Essex Police would request that included within this process is training in relation to staff vigilance for identifying security concerns and risks, and ongoing reinforcement that security practices are embedded. This will enhance staff health and wellbeing and encourage ownership of employees of the site.</p>	<p>The Applicant has engaged with Essex Police to address engagement with the police on training for site personnel and it is planned to update to relevant documents, such as 9.21 Code of Construction Practice [APP-253], any updates will be agreed with Essex Police and submitted into the examination at a future deadline.</p>
EP-RR09	Gen - Con / Op / Decom	<p>2.3. Essex Police request all personnel are advised of the illegality of using e-scooters if they are not part of a recognised scheme. E-scooters form part of our vulnerable road users and in rural roads present a risk to the rider's safety and the safety of others.</p>	<p>The Applicant has engaged with Essex Police to address the concerns with e-scooters and it is planned to update to the 9.26 Workforce Travel Plan [APP-259], which will be agreed with Essex Police and submitted into the examination at a future deadline.</p>
EP-RR10	Gen - Con / Op / Decom	<p>Response Plans</p> <p>The Human Rights Act 1998 makes provision for expression which includes protest. There is an obligation on public organisations to protect these rights, but protection of these rights must be balanced against the impact protest activities may have on the wider community.</p> <p>During the past 18 months Essex has been subject to significant disruptive protest from a range of environmental groups, anti-government protests, and cost of living protests. This has seen the deployment of large numbers of police resources to manage protest activity. A varied and impactful range of tactics have been used by protesters.</p> <p>2.4. Essex Police request engagement and liaison throughout the project to ensure an appropriate protest response and incident management plan is in place; this should include attendance response and management, key points of contact, and the management of health and safety.</p>	<p>The Applicant has engaged with Essex Police to address concerns with protests and emergency response and it is planned to update to relevant documents, such as 9.21 Code of Construction Practice [APP-253], any updates will be agreed with Essex Police and submitted into the examination at a future deadline.</p>
EP-RR11	Gen - Con / Op / Decom	<p>2.5. Major accidents and disasters, including construction worker specific accidents and injuries must be considered including the development of plans and contingencies for facilitating emergency access for all Blue Light services, which in urgent cases may also require safe National Police Air Service (NPAS) helicopter access.</p>	<p>The Applicant is reviewing the detail associated with emergency preparedness and plans to include updates to the 9.21 Code of Construction Practice [APP-253] and the 9.24 Outline Construction Traffic Management Plan [APP-257],</p>

Ref	Topic	Relevant representation comment	Applicant's responses
			any updates will be agreed with Essex Police and submitted into the examination at a future deadline.
EP-RR12	OnS - Traffic	<p>Traffic Management Considerations</p> <p>The construction phase is likely to present challenges to Essex Police for responding to calls for service impacting our operational effectiveness, with considerable impact to communities located within and around the scheme boundaries. Essex Police request inclusion in any scheme related traffic management forums and engagement regarding:</p> <p>2.6. Advance insight into road closures and diversions with ease of access to site/sand surrounding housing and industrial estates for blue light services to achieve their respective response times.</p>	<p>The Applicant is reviewing the detail associated with how the Applicant would liaise with Essex Police. Additional text will be added to a future update to 9.21 Code of Construction Practice (CoCP) -Rev B. The proposed revised 2.4.4 will commit the contractors to the development and implementation of a Communications and Public Relations Procedure, it will specifically include that "blue light services" such as Essex Police, will be informed of potential disruption to the road network from the construction (e.g. any temporary road closures). Compliance with the CoCP is secured by requirement within the draft DCO.</p>
EP-RR13	OnS - Traffic	<p>2.7. Advance insight into the movement of Abnormal Indivisible Loads (Alls) for early mitigation. Essex Police seek to agree a point of contact with the project and a clear process for the movement of such vehicles to allow for appropriate police approval and management. Additionally, there is a requirement to identify holding areas for Alls to ensure minimal disruption and the safety of all road users.</p>	<p>The specific details of the Abnormal Indivisible Load (AIL) movements would be development post consent once the load and vehicle details are confirmed. The Applicant is committed to ongoing liaison with Essex Police during the development of the Abnormal Load Assessment Report (ALAR), which would identify holding areas and any mitigation required to facilitate the movements.</p> <p>The Applicant is updating the 9.24 Outline Construction Traffic Management Plan [APP- 257] to set out the following that would be considered in the AIL delivery planning:</p> <ul style="list-style-type: none"> <li>• Locations of laybys or other such holding areas;</li> <li>• The avoidance ferry departure times including any delayed departures; and</li> <li>• Potential diversion routes.</li> </ul> <p>Any updates will be agreed with Essex Police and submitted into the Examination at a future deadline.</p>
EP-RR14	OnS - Traffic	<p>The safety of all road users during the construction phase is significantly important. Nationally, rural roads have the highest level of loss of life through road traffic collisions and the current network of roads may not be suitable to cope with the increased level of traffic during the construction phase without appropriate management in place and improvements where required. Local communities may be directly impacted as they are located within the construction routes, or subject to higher volumes of traffic being located on diversion routes. Additionally, the surrounding road network will see an increase in the movement of Heavy Goods Vehicles (HGVs).</p>	<p>All drivers of VE construction vehicles will be required to be briefed before visiting site on the needs of other road users, particularly Non-Motorised Users (NMU). Signs shall be provided at the exits from site to warn drivers of NMUs.</p> <p>The Applicant is reviewing the measures within the 9.24 Outline Construction Traffic Management Plan [APP- 257] in relation to road safety. Any updates will be agreed with Essex Police and submitted into the Examination at a future deadline.</p>
EP-RR15	OnS - Traffic	<p>2.8. Consideration must be given to the management and enforcement of vital road traffic restrictions during the construction phase, including areas such as reduced speed limits or weight limit and prohibition of work(s) traffic, ensuring minimal impact to policing resources.</p>	Noted by the Applicant.
EP-RR16	OnS - Traffic	<p>3. Construction Traffic management Plan</p> <p>The following comments relating to the applicants Outline Construction Traffic Management Plan (OCTMP) are noted for consideration. Please note, the OCTMP text is shown in italics</p>	Noted by the Applicant.

Ref	Topic	Relevant representation comment	Applicant's responses
		for reference alongside the relevant document section in brackets. The Essex Police response or question is shown is bold following the quote.	
EP-RR17	OnS - Traffic	<p><i>Abnormal Indivisible Loads (2.3)</i></p> <p><i>Should delivery of AILs or other construction traffic activities, be required outside of the core working hours (see Volume 9, Document 21: CoCP, Section 3.2) prior notice will be given to the local planning authority in a reasonable time (to be agreed with Essex County Council) before such traffic movements commence. (2.3.2)</i></p> <p><b>3.1. Essex Police request the Force AIL Liaison Officer (ALO) is included in such communications to ensure early awareness of proposals to allow for planning of resources.</b></p>	The Applicant is reviewing relevant plans to consider where Essex Police contact details should be added. Any updates will be agreed with Essex Police and submitted into the Examination at a future deadline.
EP-RR18	OnS - Traffic	<p><i>The Project will keep residents fully informed of details in relation to the timing of the delivery of AILs. Ahead of any delivery, the CLO will communicate, where appropriate, information via local notice boards, email updates to stakeholders and those who have registered for updates via the website. The communication could also include notifications issued to the local press and, where appropriate, notification letters to local residents and businesses that may be impacted. (2.3.3)</i></p> <p><b>3.2. Essex Police request the inclusion of Community Impact assessments and awareness of potential community disruption from protest related activities to keep all parties safe and prevent any unlawful behaviour. Engagement with Essex Police is requested to ensure the correct policing response is provided.</b></p>	The Applicant will continue discussions with Essex Police on this topic.
EP-RR19	OnS - Traffic	<p><i>On-Site Haul Roads (3.4)</i></p> <p><i>All routes will be monitored for dust and control, or suppression methods will be deployed as appropriate through the use of dust suppression water bowsers. (3.4.2)</i></p> <p><b>3.3. Essex Police request an emergency contact number should any concerns be identified, and remedial work be necessary.</b></p>	The Applicant is reviewing relevant plans to consider where Essex Police contact details should be added. Any updates will be agreed with Essex Police and submitted into the Examination at a future deadline.
EP-RR20	OnS - Traffic	<p><i>Vehicle Cleaning (3.7)</i></p> <p><i>Measures to ensure materials are not transferred onto the highway, such as a wheel and body wash, will be operated at each construction access, Road cleaning will take place when required to remove any deposits that are carried from the site. (3.7.1)</i></p> <p><i>Banks Person (3.8)</i></p> <p><i>A banks person will be used to direct construction vehicles in and out of a VE construction access, where required, in conjunction with any other traffic (3.8.1)</i></p> <p><b>3.4. It would be advantageous to have the persons responsible for vehicle cleaning and vehicle direction to be clearly identified at each site to ensure intervention measures can be quickly coordinated to prevent an increasing risk to public safety. Additionally, should an incident occur it is easy to locate those Legally responsible for any investigation.</b></p>	Noted by the Applicant
EP-RR21	OnS - Traffic	<p><i>Vehicle Routing (4.1)</i></p> <p><i>The registration numbers for all HGVs making deliveries would be recorded. Coupled with the HGV monitoring device data (where fitted) outlined above, this would allow a check of any</i></p>	Noted by the Applicant.



Ref	Topic	Relevant representation comment	Applicant's responses
		<p><i>reported breaches of the agreed delivery routes and undertake enforcement action if required. (4.1.3)</i></p> <p><b>3.5. Essex Police request access to this data to ensure complaints received into the Commercial Vehicle Unit are dealt with quickly and proportionately.</b></p>	
EP-RR22	OnS - Traffic	<p><i>The construction of the onshore works will require the delivery of a number of AI Ls. These are expected to comprise transformers and reactors for the proposed OnSS. (4.1.9)</i></p> <p><b>3.6. These escorts are undertaken by a limited number of highly trained officers. Essex is subject to numerous development projects and Nationally Significant Infrastructure Projects (NSIPs) which are underway or in the planning stages which will directly impact on the ability to service these movements. Essex Police request early engagement to further discuss this matter and analyse AIL movement data to understand the impact on policing and any requirement for further funding.</b></p>	It is noted by the project that there are limited specialist resources in Essex Police to support Abnormal Indivisible Load (AIL) movements. The Applicant is committed to maintaining good communications with Essex Police to ensure adequate support.
EP-RR23	OnS - Traffic	<p><i>In terms of an initial assessment, a swept path analysis of the A 120 Bentley Road junction has been undertaken, which shows the transformer delivery vehicle would need to turn into Bentley Road from the A 120 east via a contraflow using the eastbound carriageway for a section of around 200m. (4.1.13)</i></p> <p><b>3.7. Essex Police request engagement to discuss the matter further to understand the full movement details and if this would require a police escort. Details of frequency and volume is required at the earliest available opportunity to allow coordination to avoid any undue delays to the project.</b></p>	See response to EP-RR13.
EP-RR24	OnS - Traffic	<p><i>Once the specific transportation vehicles have been confirmed (post consent), an Abnormal Load Assessment Report (ALAR) will be prepared which will set out the key points and issues associated with the selected route for the AILs, to verify that the route is feasible for the delivery, subject to physical and operational mitigation works. The ALAR will inform the traffic management measures that will need to be identified for the movement of the AIL. (4.1.16)</i></p> <p><b>3.8. Essex Police request engagement following production of the ALAR to ensure awareness of the proposed routes and concerns and allow the Commercial Vehicle Unit (CVU) and ALO to provide appropriate support where required.</b></p>	See response to EP-RR13.
EP-RR25	OnS - Traffic	<p><i>To further improve driver information, NH will be approached as operators of Variable Message Signs on the trunk road network to investigate whether existing signs could be used to warn drivers of AILs and to warn them of potential delays. (4.1. 78)</i></p> <p><b>3.9. Essex Police fully support the provision of road and traffic related messages to drivers.</b></p> <p><b>The strategic road network in Essex (particularly the A126 and A12) are heavily used for transporting goods in and out of the UK. Please note however, these signs are managed by the National Traffic Control Centre (NTCC) in Birmingham and have prescribed messaging only. The Variable Message Signs (VMS) managed by Essex County Council Traffic management could provide a more suitable option and allow awareness of disruption to all road users.</b></p>	Noted by the Applicant.
EP-RR26	OnS - Traffic	<p><i>Walking, Cycling, and Horse Rider (WCH) management (4.2)</i></p>	Noted by the Applicant. The Applicant will continue discussions with Essex Police on this topic and whether any revisions to documents are required.



Ref	Topic	Relevant representation comment	Applicant's responses
		<p><i>Where reasonably practicable and where it is safe to do so, the Project will aim to maintain access for WCHs along the public highway at Locations such as at construction accesses and haul road crossings.(4.2.1)</i></p> <p><i>Specific locations on the construction vehicle access routes where management measures such as warning signage may be required on the public highway will be identified in the final CTMP(s) and are likely to include: (and not limited to): Bentley Road; B1027 St. John's Road/Valley Road; The circular cycle routes promoted by Essex County Council (See Appendix N of Volume 6, Part 6, Annex 8.1: Transport Assessment); The 81033 Colchester Road at and including the roundabouts with the A 133 and B1441; and The B1441 Clacton Road. (4.2.2)</i></p> <p><b>3.10. Essex Police CVU can provide a 'Toolbox Talk' for Professional drivers which involves equine and vulnerable road user input using a 'close pass' mat etc. We would request consideration to provide this input to identified hauliers to offer greater community safety.</b></p>	
EP-RR27	OnS - Traffic	<p><i>Emergency Planning (4.4)</i></p> <p><i>The Principal Contractor(s) will be required to identify a local recovery service which will be used in the event of a contractor vehicle breakdown. (4.4.2)</i></p> <p><b>3.11, The recovery of any vehicle by police will be in line with appropriate legislation and the terms of the contract with Automobile Association Developments Limited (AADL) to deliver the Vehicle Recovery Scheme. The Vehicle Recovery Liaison Officer is responsible for overseeing AADL in managing the Scheme.</b></p> <p><b>Any vehicle recovery coordinated by the Principal Contractor must ensure the service provider identified provides a service equal to or better than the AADL recovery contract to ensure additional congestion and undue costs are avoided.</b></p>	Noted by the Applicant.
EP-RR28	Gen – Other	<p><b>Policy</b></p> <p>The following national and local planning policy references are considered to be relevant to the project. Reference is also made to local design considerations in relation to Essex Police, and <b>Appendix 1</b> provides key information on Essex policing priorities and context.</p> <p><b>National Policy</b></p> <p>The requirement for the Applicant to satisfactorily address the issues raised above is consistent with the Government's policy intentions for the planning process to identify and avoid, reduce, or compensate for adverse social effects to deliver sustainable development, as set out in National Policy Statement for National Networks (2{-J14) and the National Planning Policy Framework (2{-J21).</p> <p>The National Planning Policy Framework requires planning policies and decisions to achieve healthy, inclusive, and safe places, and consider the support and delivery of local strategies to improve health (social and cultural) wellbeing for all sections of the community.</p> <p><b>Local Policy</b></p> <p>The Development Plans of the Districts affected by the Order Limits (Braintree District Council for Essex) recognise the essential role played by key social infrastructure providers such as emergency services wherein the maintaining of sufficient operational capacity and resources</p>	The Applicant notes that the National Policy Statements relevant for the project are the National Policy Statements for Energy Infrastructure (EN1, EN3 and EN5). Compliance with relevant policy (which, for example, includes National Policy Statements, NPPF and relevant local plans) is set out in the 9.2 Policy Compliance Document [APP-232]. The Essex Design Guide is referenced within 9.4 Onshore Substation Design Principles document [APP-234].

Ref	Topic	Relevant representation comment	Applicant's responses
		<p>(and infrastructure provision) in conjunction with major development is considered to be necessary in order to deliver sustainable development.</p> <p><b>Essex Design Guide</b></p> <p>The Essex Design Guide provides high level direction for new developments and infrastructure within Essex and includes the strategic development principles from Essex Emergency Services.</p> <p>Crime is forever changing and so are the needs and expectations of policing. Essex Police advocates to continuously adapt and reflect its practices, to ensure that the service provided is efficient and effective in keeping the residents of Essex safe. By working directly with developers and local planning authorities, we can collectively make new and existing communities and infrastructure as safe as they can be, delivering real benefits to the residents of Essex as well as those who visit for business or leisure activities.</p> <p>We see this engagement as an enabler to inform strategic demand and resource allocation and management planning linked to future development and growth.</p> <p>Our aims and objectives include:</p> <ul style="list-style-type: none"> <li>&gt; Understanding long term need and trends.</li> <li>&gt; Scoping how our current models of delivery respond to this need.</li> <li>&gt; Developing how we align closer with our Emergency and Community based partners.</li> <li>&gt; Making the best use of public estate collaborating where beneficial.</li> <li>&gt; Feeding into master plans and larger planned developments at the early stages.</li> <li>&gt; Working with councils and developers for a joint approach to what our needs would be and aligning to long term strategy development.</li> <li>&gt; Feed into guidance for developers and planners.</li> <li>&gt; Build consultative links with Planning Authorities.</li> <li>&gt; Share developing long term strategies and needs for Emergency services provision.</li> <li>&gt; Building an evidence base for predictive demand and risk.</li> <li>&gt; Mapping our current provision to identify estate requirements that reflects our changing delivery models.</li> </ul>	
EP-RR29	Gen - Other	<p>Conclusion</p> <p>As key social infrastructure providers, emergency services and interested parties in this DCO process, Essex Police has identified the Five Estuaries Offshore Wind Farm project as having considerable impact on its operations, service capacity and resources requiring appropriate mitigation and management measures.</p> <p>Essex Police request engagement with the applicant with the aim of reaching substantive agreement on the main issues via a Statement of Common Ground, with any outstanding matters to be discussed and agreed during the Examination.</p> <p>We look forward to receiving an acknowledgement in respect of these representations. Please send this and any future correspondence to: <a href="mailto:Strategic.planning@essex.police.uk">Strategic.planning@essex.police.uk</a></p>	<p>The Applicant welcomes the constructive engagement to date with Essex Police, noting that a SoCG is in development which sets out the proposals from the Applicant to address the concerns raised within updated application documents which will be submitted in to the examination at a later date.</p>

#### 4.10 ESSEX WILDLIFE TRUST [RR-030]

Ref	Topic	Relevant representation comment	Applicant's responses
EWT-RR01	Gen - Other	The scale of OWF planned in the North Sea makes it one of the most significant activities with the potential to impact on wildlife and ecology in our coastal waters and the wider North Sea, arguably second only to fishing. To realise the potential contribution of OWF to decarbonising the energy sector and helping to mitigate the worst impacts of climate change on society and nature, it must protect and support nature's recovery on land and at sea.	Noted by the Applicant
EWT-RR02	Gen - OCSS	<p>The Wildlife Trusts (TWT), of which Essex Wildlife Trust is a member, have long advocated for greater strategic coordination in the planning, design, and delivery of offshore electricity generation together with the offshore and onshore electricity transmission infrastructure needed to distribute electricity generated offshore to where it is needed, to reduce environmental and consenting risks. To this end TWT was represented on the Offshore Transmission Network Review (OTNR) Expert Advisory Group and participated in strategic forums such as the Offshore Wind Evidence and Change (OWEC) Programme.</p> <p>RWE and VE should have regard to the findings of the OTNR and other relevant strategic forums and where possible incorporate their recommendations on reducing adverse impacts on marine and terrestrial ecology. Better coordination of offshore energy generation and transmission infrastructure will reduce the consenting risks and delays that have faced recent OWFs. Strategically planned offshore energy generation and electricity transmission infrastructure (including onshore elements) provides the opportunity for strategic approaches to compensating for residual environmental impacts that cannot be avoided or adequately mitigated. There is significant potential for such measures to have a greater overall positive impact on the environment and biodiversity and take compensation beyond the level of no net loss into achieving net positive effects.</p>	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.
EWT-RR03	Off – Marine Planning	Whilst we recognise that Biodiversity Net Gain policies and delivery frameworks are more developed for terrestrial and intertidal habitats than they are for the marine environment, we would still expect VE to aim to achieve an overall net positive impact on biodiversity and ecology in the marine environment.	Noted by the Applicant.
EWT-RR04	General	We will be examining the Developer's application to determine whether, in our view, RWE and VE have fully explored opportunities for strategic compensation and enhancement approaches and measures to contribute to realising this aim. The areas of concern we wish to address through the DCO process are: <ul style="list-style-type: none"> <li>• Impacts on Margate and Long Sands SAC</li> <li>• Impacts on the Southern North Sea SAC</li> <li>• Impacts on the Outer Thames Estuary SPA</li> <li>• Impacts on the Essex Estuaries SAC</li> <li>• Impacts on the Colne Estuary SPA/Ramsar</li> <li>• Impacts on Hamford Water SAC/SPA/Ramsar</li> <li>• Impacts on Abberton Reservoir SPA/Ramsar</li> <li>• Impacts on the Stour and Orwell Estuaries SPA/Ramsar</li> <li>• Impacts on the Blackwater Estuary SPA/Ramsar</li> <li>• Impacts on terrestrial habitats and protected species, including the Great Holland Pits Local Wildlife Site (LoWS) and EWT nature reserve</li> </ul> Topics that we wish to comment on include: <ul style="list-style-type: none"> <li>• Physical habitat loss and/or disturbance</li> <li>• Marine mammals, including Harbour Porpoise (underwater noise, collision risk, changes to prey distribution and abundance)</li> <li>• Ornithological impacts both offshore and onshore</li> <li>• Impacts on terrestrial mammals, including Bats, Hazel Dormice, Otters, Water Voles and Badgers</li> <li>• Impacts on Reptiles and Amphibians</li> <li>• Impacts on benthic and intertidal ecology</li> <li>• Impacts on fish and shellfish</li> <li>• Impacts on Fisher's Estuarine Moth</li> <li>• Offshore mitigation and compensation proposals</li> <li>• Onshore Biodiversity Net Gain (BNG) proposals</li> </ul>	Noted by the Applicant.

#### 4.11 FDR [RR-031]

Ref	Topic	Relevant representation comment	Applicant's responses
FDR-RR01	OffS - Shipping and Navigation	My main concern is the cable corridor and its potential impact with vessels arriving and departing from the port. As Port of Felixstowe is the largest and deepest container port within the UK, any disruption to its services would not be tenable.	The Applicant recognises the importance of the area for commercial shipping. In order to manage the interaction between project construction vessels and commercial vessel traffic the Applicant has produced an 9.20 Outline Navigation & Installation Plan (NIP) [APP-252] which sets out the processes by which impacts on shipping will be controlled and minimised through engagement, prior planning and communication. The NIP is being revised following stakeholder comment and an updated version will be submitted at Deadline 1. The burial of the export cables will ensure there are no restrictions on port traffic during the operation of Five Estuaries.

#### 4.12 FORESTRY COMMISSION [RR-032]

Ref	Topic	Relevant representation comment	Applicant's responses
FC-RR01	OnS - Biodiversity	Thank you for consulting the Forestry Commission on this project. As the Government's forestry experts, we endeavour to provide as much relevant information to enable the project to reduce any impact on irreplaceable habitat such as Ancient/semi natural Woodland as well as other woodland.	Noted by the Applicant.
FC-RR02	OnS - Biodiversity	We have assessed the route map of the proposed order limits, together with other documentation and can confirm there is no Ancient woodland within the order limit. However, the route does appear to approach the Plantation on Ancient woodland site of Simon's wood on one edge. Ancient woodlands are irreplaceable habitats, this applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS).	Noted by the Applicant, also see response to FC-RR03
FC-RR03	OnS - Biodiversity	We would refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and "Keepers of Time" – Ancient and Native Woodland and Trees Policy in England, in particular the details regarding buffer zones for Ancient woodlands.	<p>Natural England and Forestry Commission's Standing Advice on Ancient Woodland states that ancient woodland should have a buffer zone of at least 15m, or larger if other impacts are likely to extend beyond that distance.</p> <p>"Keepers of Time" – Ancient and Native Woodland and Trees Policy in England does not provide specific buffer distances, but states in Section 9.2 that the Government will avoid and minimise the effects of intensive land uses such as agriculture and development that are in close proximity to or adjoin ancient or native woodland.</p> <p>Section 4.11.82 and 4.11.83 of 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] considers the potential for impacts to ancient woodland, namely Simon's Wood Local Wildlife Site (LoWS) which is adjacent to but outside of the order limits, next to an area where work may be required in respect of visibility splay/ traffic safety rather than intrusive groundwork. No direct impacts are anticipated. Indirect impacts as a result of changes to air or water quality have been considered within 6.3.10 Air Quality [APP-092] and 6.3.6 Hydrology, Hydrogeology and Flood Risk [APP-088] both of which concluded no significant effect.</p>



Ref	Topic	Relevant representation comment	Applicant's responses
			<p>Table 4.16 within 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] and Section 5 of 9.22 Outline Landscape and Ecological Management Plan [APP-254] confirm that protective fencing will be installed around retained habitats of importance (this includes woodland) and retained trees including root protection zones. The location and type of all protective fencing will be specified in the Final Landscape and Ecological Management Plan (LEMP), production and agreement of which will be the subject of a DCO Requirement.</p> <p>Section 2.3 of 9.22.1 Arboricultural Report [APP-255] and Section 5 of 9.22 Outline Landscape and Ecological Management Plan [APP-254] also set out that pre-commencement/ pre-construction survey will be undertaken by an appropriately experienced arboriculturist, and the guidance set out in BS5837:2012 Trees in Relation to Construction will be adhered to where applicable.</p> <p>For clarity, the Applicant confirms that Simon's Wood (which is the only ancient woodland in proximity to the scheme) shall have a 15m buffer applied. A larger buffer is not considered necessary as no impacts beyond that distance have been identified.</p>
FC-RR04	OnS - Biodiversity	For ancient woodlands, there should be a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.	As per the response at FC-RR03 above.
FC-RR05	OnS - Biodiversity	We also note there are four areas of lowland mixed deciduous woodland within the order limits: 1.09ha at approximate location TM 1992 2042, 0.6ha at approximate location TM 1978 2100, Corridor crosses 1.59ha at approximate location TM 1530 2492, Corridor crosses the edge of 1.87ha at approximate location TM 1908 2251. Lowland Mixed Deciduous Woodlands are on the Priority Habitat Inventory (England). They were recognized under the UK Biodiversity Action Plan as being the most threatened and requiring conservation action. The UK Biodiversity Action Plan has now been superseded but this priority status remains under the Natural Environment & Rural Communities Act 2006. (NERC) Sect 40 "Duty to conserve and enhance biodiversity" and Sect 41 – "List of habitats and species of principle importance in England".	Avoiding impacts to woodlands has been a key factor in scheme design. The Applicant confirms that each of the woodlands referenced will be avoided by the commitment to use trenchless crossing techniques, as set out in 6.6.1.1 Obstacle Crossing Register [APP-129].
FC-RR06	OnS - Biodiversity	We note the intention stated in both the Arboricultural Report and the Outline Landscape and Ecological Plan for the intention to use trenchless crossing techniques and horizontal directional drilling techniques to avoid any effects on the woodland. This would be preferable as a scheme that bisects any woodland will not only result in significant loss of woodland cover but will also reduce the ecological value and natural heritage impacts due to habitat fragmentation, and have a huge negative impact on the ability of the biodiversity (flora and fauna) to respond to the impacts of climate change.	As per the response to FC-RR05, the Applicant confirms that each of the woodlands referenced will be avoided by the commitment to use trenchless crossing techniques, as set out in 6.6.1.1 Obstacle Crossing Register [APP-129].
FC-RR07	OnS - Biodiversity	Fragmentation is one of the greatest threats to lowland mixed deciduous woodland.	No woodland fragmentation is predicted. As per the responses to FC-RR05 and FC-RR06, the Applicant confirms that woodland bisected by the route will be



Ref	Topic	Relevant representation comment	Applicant's responses
			avoided by the commitment to use trenchless crossing techniques, as set out in 6.6.1.1 Obstacle Crossing Register [APP-129].
FC-RR08	OnS - Biodiversity	Woodlands can suffer loss or deterioration from nearby development, from buildings or roads, through damage to soils, roots and vegetation and changes to drainage and air pollution from an increase in traffic.	<p>Potential impacts to woodlands and trees are set out in detail in Section 4.11 of 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086], which cross references 6.3.10 Air Quality [APP-092] and [APP-088] 6.3.6 Hydrology, Hydrogeology and Flood Risk (both of which concluded no significant effect). As set out in Table 4.16 within 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] and Section 5 of 9.22 Outline Landscape and Ecological Management Plan [APP-254], damage to soils, roots and vegetation at retained habitats will be prevented as protective fencing will be installed around retained habitats of importance (this includes woodland) and retained trees including root protection zones. The location and type of all protective fencing will be specified in the Final LEMP, production and agreement of which will be the subject of a DCO Requirement.</p> <p>Section 2.3 of 9.22.1 Arboricultural Report [APP-255] and Section 5 of 9.22 Outline Landscape and Ecological Management Plan [APP-254] also set out that pre-commencement/ pre-construction survey will be undertaken by an appropriately experienced arboriculturist, and the guidance set out in BS5837:2012 Trees in Relation to Construction will be adhered to where applicable.</p> <p>In summary, no significant effects on woodland are predicted following the implementation of the proposed mitigation measures.</p>
FC-RR09	OnS - Biodiversity	Also from increasing disturbance to wildlife from noise and light pollution.	<p>Protected and notable species have been considered as important ecological features and potential impacts to them are addressed separately on a species-by-species basis within Section 4.11 of 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086]. This has included consideration of disturbance impacts resulting from noise and lighting.</p> <p>No significant effects on protected or notable species using woodland are predicted following the implementation of the proposed mitigation measures.</p>
FC-RR10	OnS - Biodiversity	We would also like you to note there are some small strips of woodland within order limits, at approximate location of TM 0757 2923 that is still under obligation to one of our legacy grant schemes. The landowner is expected to meet all of the Terms and Conditions of the agreement contract. Failure to do so is likely to require the Forestry Commission to seek to recover all of the relevant grant that has been paid in order to prevent public money being wasted.	The strips of woodland referenced are to the west of Grange Road, in the area of the proposed NGET substation. The Applicant concludes no impacts to them will occur as a result of VE.
FC-RR11	Gen - BNG	We note the plans for the planting of native woodland belts with the intention of connecting existing hedgerows and woodlands to create green networks. Although these are being used primarily for screening purposes. With Government aspirations to plant 30,000 ha of woodland per year across the UK by 2025. There may also be the opportunity to create some larger woodland blocks to increase connectivity and biodiversity across the wider site, especially in the areas adjacent to the lowland mixed deciduous woodland blocks.	<p>Mitigation, compensation and enhancement measures including woodland planting, pond creation and hedgerow planting at the OnSS, are identified within the OLEMP 9.22: Outline Landscape and Ecological Management Plan [APP-254]. The OLEMP sets out the key landscape and ecology elements that will be secured in the Final LEMP, which The Applicant will be required to submit to the relevant planning authority for approval as a requirement of the DCO.</p> <p>As set out within Section 2.4.6 of the 9.22: Outline Landscape and Ecological Management Plan [APP-254], detailed mitigation, compensation and</p>

Ref	Topic	Relevant representation comment	Applicant's responses
			<p>enhancement proposals will be developed post consent, and the process will be informed by the Standards set out in Table 1 of the Essex Green Infrastructure Standards Technical Guidance including early engagement with all relevant stakeholders, ensuring the plans maximise connectivity and enhance multi-functionality and that consideration is made around the long term management and stewardship.</p> <p>Implementing woodland planting across the wider site as part of the DCO is not possible, given the limited rights the Applicant would have in areas that would otherwise only be subject to temporary impact and which in most cases are in agricultural use for food production.</p>
FC-RR12	Gen - BNG	The biosecurity of all planting stock needs to be considered to avoid the introduction of pests and diseases. Woodlands need to be climate, pest and disease resilient.	Section 4.6 of 9.21 Code of Construction Practice [APP-253] includes ecological protection measures in respect of biosecurity and pollution prevention. This identifies planting stock as a primary way of spreading Invasive Non Native Species. The Applicant will review the Code of Construction Practice to consider whether additional control measures are required. Within [APP-254] 9.22: Outline Landscape and Ecological Management Plan, the selection of tree species has taken into consideration Biodiversity Net Gain, soil types, exposure, species provenance, pest and disease resilience, as well as climate resilience. Plant species will be selected that will be resistant to common pests and diseases and a broad range of species selected to spread the risks of substantial proportions of the planting being affected by pests and diseases.
FC-RR13	Gen - BNG	Plans should also be in place for the long term management and maintenance of any new woodland, with access needing to be considered for future management.	Section 10.2.3 of 9.22: Outline Landscape and Ecological Management Plan [APP-254] includes a commitment that all habitats created as part of ecological compensation or enhancement, will be subject to monitoring and management to ensure that aims and objectives are met. .

#### 4.13 HARWICH HAVEN AUTHORITY [RR-043]

Ref	Topic	Relevant representation comment	Applicant's responses
HHA-RR01	Gen - Other	Harwich Haven Authority acknowledges the importance of developing UK offshore renewable generation and is supportive of all initiatives that reduce carbon emissions and are aligned to net zero targets.	Noted by the Applicant.
HHA-RR02	OffS - Shipping and Navigation	As the Statutory Harbour Authority and Trust Port our core remit is to provide safety of navigation to vessels using the waters within our 150 square mile jurisdiction area. Our jurisdiction covers a 12-mile approach to Harwich Harbour, the River Stour, and parts of the River Orwell. We are responsible for the conservancy of the main navigation channel into the Haven, which requires an ongoing maintenance dredging programme to maintain the depth required to accommodate the very largest and deepest container vessels in operation. We operate a 24/7, 365 day a year service to provide pilotage services to five port operators in the Haven, Port of Felixstowe, Navyard, Harwich International Port, Port of Mistley and the Port of Ipswich. The continuous, and uninterrupted flow, of	<p>The 9.10 Navigational Risk Assessment (NRA) [APP-240] and 6.2.9 Shipping and Navigation [APP-078] Chapter demonstrate that risks associated with the development of the Proposed Development have been mitigated to As Low as Reasonably Practicable (ALARP) / not significant in Environmental Impact Assessment (EIA) terms.</p> <p>The Applicant has committed to mitigation to minimise impacts to shipping during installation of the export cable through the 9.10 Outline Navigation Installation Plan (NIP) [APP-252]. Consultation is ongoing to ensure the NIP adequately meets stakeholder requirements including with the HHA.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		<p>vessels into the Port of Felixstowe is critical to UK trade, with approximately 40% of all containerised goods entering the UK via this gateway. In the early Autumn, 2023 we completed a £130m large-scale project to deepen the navigational approach channel into Harwich Harbour to 16.0m below chart datum. The purpose of the project is to accommodate the ever-growing breed of Megamax vessels in operation that (400 metres with a draught of 17.3 metres) call at the Haven ports. With a deeper navigational channel, and new deeper berths at the Port of Felixstowe, we envisage the combined value proposition will attract many more shipping lines to use the Port of Felixstowe and therefore vessels arriving and departing the Haven will increase. The worldwide maritime industry trend for less ship movements but larger vessels carrying equivalent tonnage looks set to continue. The Haven trade gateway is critical to UK PLC and our pilotage services cannot be interrupted. Delayed or missed Megamax arrivals would cause significant cost implications to Harwich Haven Authority. The ports industry is highly competitive and dissatisfied shipping lines are highly likely to look for an alternative port, potentially in Europe, if they do not receive the service standards they require. As a Trust Port we operate commercially but we do not have shareholders, which allows us to reinvest a percentage of our surplus profits back into the Haven for the benefit of stakeholders. We define a stakeholder as anyone that uses, or has an interest in, the Haven and/or our operations. Harwich Haven Authority acts as a custodian of the Haven, and we have responsibility to Protect, Conserve and Improve our area of jurisdiction.</p>	
HHA-RR03	OffS - Shipping and Navigation	<p>We understand that regulatory bodies such as Natural England and the Environment Agency will have been included within your consultation. We would therefore echo any concerns they may have raised in relation to the legally protected and designated areas that exist within the Haven.</p>	Noted by the Applicant.
HHA-RR04	OffS - Shipping and Navigation	<p>During development, construction and operation of the Fives Estuaries Offshore Wind we wish to be registered as an Interested Party and consulted with, including with regard to the below specific points: Maintaining the safety of navigation and safe passage for ships in the Sunk area. Maintaining the safety of navigation and safe passage for ships within Harwich Haven Authority harbour limits. Maintaining the safety of navigation and safe passage for ships within the approaches Harwich Haven Authority harbour limits. Maintaining the safety of navigation and safe passage for ships within adjacent waters to Harwich Haven Authority harbour limits. Ensuring the safety and continued operability of pilot boarding and landing operations in the Sunk area.</p>	Noted by the Applicant.
HHA-RR05	OffS - Shipping and Navigation	<p>Requiring protective measures within the DCO to ensure that the cable route is at a suitable depth to ensure future deep draught vessels can navigate the Sunk area. The cable (and any covering material e.g. rock armour) must be at least 22 metres below Chart Datum to allow future vessel with a draught of 20 metres. Controlling development and project construction related marine operations to ensure that there are no concurrent Restricted Ability to Manoeuvrer (RAM) operations occurring in the Sunk area. This must include the other DCO cable projects in this arear; North Falls project and the National Grid Sea Link project. Exclusion zone(s) must not be put in place in the Sunk area or channel that would restrict 24/7/365 vessel access requirements or pilot boarding operations etc.</p>	<p>9.10 Navigational Risk Assessment (NRA) [APP-240] and 9.2.9 Shipping and Navigation [APP-078] consider a conservative future case scenario to ensure that offshore export cable installation allows vessels with a draught up to 20m safely into Harwich Haven. 9.20 Outline Navigation Installation Plan (NIP) [APP-252] includes protocols to ensure that the installation and maintenance of the offshore export cables does not impact on third-party vessel movements including within a future case environment. The NRA demonstrates ALARP status and the Applicant believes the restrictions placed upon the Proposed Development through the development and securing of the NIP ensure that the Precautionary Principle has been addressed and any risk mitigated.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		Safety zone(s) must not be able to impede vessel traffic movements within the Sunk area or normal operations such as pilot boarding. In the Sunk area, cable depth needs to consider that the world's largest vessels may anchor and dredge anchors in emergency scenario. It must be considered that should a serious incident occur, there may be a significant irreversible environmental harm. As the risk of the worst credible outcome is not precisely calculable in advance, the Precautionary Principle alongside the ALARP principle must be used when considering navigational risk assessment.	
HHA-RR06	OffS - Shipping and Navigation	All works within Harwich Haven Authority statutory harbour limits will require a Work License.	The Applicant has engaged with the HHA on the requirement for a works licence within the statutory harbour limits. The licence cannot be applied for until the detailed design has been carried out, it is known what if any works would fall within the statutory limits and the timings and details of vessels for works is known. Through discussions with HHA the Applicant considers there is no in principle reason a licence could not be granted at the appropriate time.

#### 4.14 HISTORIC ENGLAND [RR-046]

Ref	Topic	Relevant representation comment	Applicant's responses
HH-RR01	N/a	The proposal lies in a sensitive area for the historic environment and the ES confirms the proposal will impact upon a wide range of receptors both designated and undesignated. The baseline and assessment is clearly set out in the desk based assessment (DBA) and accompanying ES chapters.  It was agreed during the scoping process that detailed assessment of the impact of the proposal upon the historic environment would be required, and that the effects of the scheme could potentially be significant. The ES confirms this.	Noted by the Applicant.
HH-RR02	Archaeology and Cultural Heritage	Some evaluation work has been undertaken, for example geophysical survey to determine the significance and therefore the degree of harm to those assets. We have however raised concerns during the pre-application process (See comments in Table 7.2) about the level of detail that can be provided by these methodologies alone, and we believe this is insufficient.	6.3.7 Archaeology and Cultural Heritage [APP-089] Assessment is supported by Desk-Based Assessment, specific geoarchaeological desk-based assessment and geoarchaeological monitoring of GI Works, geophysical survey and trial trench evaluation. Geophysical survey was completed across approximately 85% of the Onshore ECC, TCCs and the OnSS area. The exceptions to this were small areas which were unsuitable for survey (e.g. roads, hedgerows, watercourses, woodland) or restricted by landowner access. Following these surveys, trial trenching and Palaeolithic test pitting was undertaken at the OnSS and at a location where a large area of potential archaeology was identified by the geophysical survey.. This substantial body of work is considered to form a proportionate basis on which to base the ES assessment to make an informed judgement on the impacts of the development upon



Ref	Topic	Relevant representation comment	Applicant's responses
			<p>heritage significance as well as proposals for mitigation of identified effects.</p> <p>Historic England were consulted on the scope of the surveys presented in 6.3.7 Archaeology and Cultural Heritage [APP-089] through Expert Topic Group Meetings and the preparation of Written Schemes of Investigation for the surveys.</p>
HH-RR03	Archaeology and Cultural Heritage	<p>In order to provide an effective mitigation strategy for heritage, assets particularly non designated archaeological sites within the construction corridor, need to be fully assessed so that the significance and value to be determined and assigned. This is best done via a range of techniques, however in our view this should also include intrusive evaluation. At present the values set out in Section 7.10 and assigned to individual heritage assets is in our view based on only a partial assessment. These values are therefore only interim or draft.</p>	<p>The Applicant does not agree that the assessment is partial.</p> <p>The information presented to inform 6.3.7 Archaeology and Cultural Heritage [APP-089] consists of desk-based assessment (including aerial photographic assessment and LiDAR assessment), geoarchaeological desk-based assessment and deposit modelling, geoarchaeological monitoring of GI works and geophysical survey as well as targeted trial trenching.</p> <p>The process of baseline characterisation and survey is designed to address the archaeological potential of the proposed Order Limits in a proportionate manner, leading to an appropriate assessment, permitting informed decision making.</p> <p>This substantial body of work is considered to form a proportionate basis upon which to base the assessment presented within the ES chapter (6.3.7 Archaeology and Cultural Heritage [APP-089]). This work and the assessment represent an appropriate and entirely adequate basis upon which to make an informed judgement on the impacts of the development upon heritage significance as well as proposals for the mitigation of identified effects.</p>
HH-RR04	Archaeology and Cultural Heritage	<p>We acknowledge the applicant has set out mitigation and we accept there are factors that can limit opportunities for evaluation, however further intrusive assessment provides clarity on significance and reduces project risk. Particularly when targeted at key construction areas such as cable landing and direct drilling sites. This is the approach we and Local Planning Authority partners have recommended.</p>	<p>As well as setting out proposed mitigation, 9.23 Outline Onshore Written Scheme of Investigation [APP-256] also sets out further assessment to be undertaken post-consent which includes trial trenching and Palaeolithic test pitting along the cable route. This will inform the detailed design stage of the project. The construction methodology and the width of the Onshore ECC retain enough flexibility for the project to be able to avoid archaeological remains of high significance.</p>
HH-RR05	Archaeology and Cultural Heritage	<p>It is also important to identify any sites which are of equivalent value to a designated heritage asset as soon as possible, and prior to construction work commencing to ensure mitigation measures are effective and can be implemented. One such site - the Little Bromley henge, (See Section 7.10) has already been identified by this scheme.</p>	<p>Based upon the results of the geophysical survey and intrusive investigations, no sites of high significance have been identified within the Order Limits. The further assessment to include trial trenching/test pitting of the remainder of the areas to be impacted within the Order Limits will confirm the presence/absence of archaeological remains of high significance. This will allow either preservation <i>in situ</i>, through avoidance by design for remains of high significance and appropriate mitigation to be implemented for remains of lower significance.</p>



Ref	Topic	Relevant representation comment	Applicant's responses
			Little Bromley Henge does not lie within the Order Limits, it lies 1.5 km to the south of the Order Limits. It had been previously identified by Historic England and put forward for scheduling during the course of the application.
HH-RR06	Archaeology and Cultural Heritage	In addition, geoarchaeological and geotechnical information provided appears to have been based on a very low number of interventions. This is challenging, considering the number and size of the river channels identified. We consider this needs to be revisited by the applicant and more information provided as a matter of some urgency (see Figure 6.12). Again, these are often strategically important construction locations such as drill sites.	The existing number of historic boreholes within the area was relatively low which is acknowledged within the deposit model. This was supplemented by GI works undertaken for the project and Palaeolithic test pits undertaken at the OnSS.  The Applicant has requested further clarification / detail from Historic England on this point as figure 6.12 does not correspond to the Applicants figure numbering.
HH-RR07	Archaeology and Cultural Heritage	We note an Outline Written Scheme of Investigation (WSI) has been prepared in consultation with the statutory consultees which sets out details of post-consent assessment and mitigation measures (Volume 9, Report 23: Outline WSI), and we will also provide further comments on this document in our Written Rep	This is noted by the Applicant. The Applicant notes that 9.23 Outline Onshore Written Scheme of Investigation [APP-256] was prepared in consultation with Historic England. The Applicant is in discussions with Historic England to identify any additional comments or amends that may be required. If necessary a revised Outline onshore WSI, with any amends, would be submitted at a future deadline.
HH-RR08	Offshore Archaeology and Cultural Heritage	The proposed development area includes 105 wrecks and obstructions based on information held by UK Hydrographic Office and Historic England's National Record for the Historic Environment. Furthermore, 235 high potential anomalies and 98 medium potential anomalies have been assigned Archaeological Exclusion Zones.	Noted by the Applicant.
HH-RR09	Offshore Archaeology and Cultural Heritage	The Applicant has explained that marine survey programmes including all geotechnical works are proposed post-consent and prior to construction (should consent be secured).  We can confirm that all survey campaigns would therefore need to be designed and planned to include the collection of archaeologically specific cores, in order to meet archaeological objectives.	Noted by the Applicant.
HH-RR10	Offshore Archaeology and Cultural Heritage	This will need to be set out in an agreed Written Scheme of Investigation (WSI) building on the Outline Written Scheme of Investigation (WSI) (PINs Ref: APP-251) submitted by the Applicant.	Noted by the Applicant.
HH-RR11	Offshore Archaeology and Cultural Heritage	It is apparent from the Offshore Archaeology and Cultural Heritage chapter (PI Ns Ref: APP-080) in the Environmental Statement (ES) that the impact assessment presented relies on embedded mitigation to avoid significant impact. Although they have acknowledged that marine survey works and archaeological analysis and interpretation will be required post consent should permission be secured.	Noted by the Applicant.

Ref	Topic	Relevant representation comment	Applicant's responses
HH-RR12	Offshore Archaeology and Cultural Heritage	The Applicant has therefore interpreted mitigation requirements set out in National Policy Statements for Energy (published November 2023) that reflects the broad characterisation of the proposed development area presented in the ES. Assumptions made about effectiveness of avoidance to remove significant impact effects are predicated on adequacy of all subsequent survey investigations (e.g. geophysical and geotechnical) to allow for adaptive mitigation through design changes, as and when this project encounters presently unknown heritage assets.	Noted by the Applicant.
HH-RR13	Offshore Archaeology and Cultural Heritage	It is therefore important that the Applicant has acknowledged the risk that this project will encounter both the known and presently unknown elements of the historic environment. The production of an Outline archaeological WSI is therefore important.	9.19 Outline Marine Written Scheme of Investigation [APP-251] was prepared in consultation with Historic England.
HH-RR14	Offshore Archaeology and Cultural Heritage	We also confirm that the production of a scheme specific WSI is required as conditions within the deemed Marine Licences (Sched ules 10 and 11) of the draft Development Consent Order (PI Ns Ref: APP-024). We will provide further comment through our Written Representation as there are matters which require your attention. This is needed ensure that this project is most appropriately aligned with expectations set out in the national planning policies.	Noted by the Applicant.
HH-RR15	Offshore Archaeology and Cultural Heritage	We are very concerned that limited detail has been provided about the spatial proximity of this proposed development (Electricity Export Cable) to HMS E6 (subject to statutory protection under the Protection of Military Remains Act 1986). Given the statement made by the Applicant that the study area has been updated since the Preliminary Environmental Information Report consultation was produced. We confirm however that the Ministry of Defence would be the competent authority for designation and administration responsibilities under the 1986 Act.	<p>The Applicant clarifies that there are two UKHO records for the HMSM E6, UKHO14544 (live and recently surveyed, located approximately 600 m north of the Export Cable Corridor) and UKHO14983 (dead and a reported loss location only, located approximately 30m south of the Export Cable Corridor). Although neither of these locations were covered by the project survey data, these records, along with the geophysical anomalies seen within their proximity (MA0602, MA0297) are all covered by Archaeological Exclusion Zones.</p> <p>At this stage the final project design and therefore the spatial location of the export cables is not confirmed, however in keeping with the embedded mitigation the design will be microsited to avoid known and potential archaeological features, and sites of archaeological interest will be subject to further investigation in watching briefs prior to construction.</p>
HH-RR16	Draft Development Consent Order (Draft DCO)	In the event of the project being consented, we would also want to ensure that there is adequate mitigation and we will be providing comments on the DCO wording, and the REAC and OWSI documents.	Noted. The Applicant will review comments once available,
HH-RR17	Onshore - Draft Development Consent Order (Draft DCO)	The Draft Development Consent Order (Ref: Sect ion 3.1, March 2024: Doc Ref: APP-024) Onshore Archaeology Requirement 11 (1) states  'No stage of the onshore works may commence until for that stage an archaeological written scheme of investigation in accordance with the outline onshore written schemes of investigation as	The Applicant suggests that the amend proposed is unnecessary as the LPA does not require that to be specified to take advice on the submitted plan. The addition would treat the named parties as consultees not advisors.

Ref	Topic	Relevant representation comment	Applicant's responses
		<p>appropriate for the relevant stage has been submitted to and approved by the relevant planning authority.'</p> <p>We recommend wording is added to provide names parties which would need to include Historic England, and the County archaeological service (Essex Place Services) as advisors to the LPA.</p>	

#### 4.15 LONDON GATEWAY PORT LIMITED [RR-067]

Ref	Topic	Relevant representation comment	Applicant's responses
LGP-RR01	OffS - Shipping and Navigation	<p>The Port is a Nationally Significant Infrastructure Project (NSIP) and makes a significant contribution to the national economy. Once fully developed, the Port will comprise deep sea shipping and container handling facilities with an annual throughput that will equate to approximately 27% of the predicted national growth in such trade by 2030. The Logistics Park will provide up to approximately 740,000sq.m of vital commercial floorspace. Both are of national significance and importance. DPWLG Concerns The proposed export cable corridor (the "ECC") crosses the deep-water routes (the Sunk and Trinity which lead to Black Deep) (the "DWRs") into the Port of London. The DWRs are the only approaches available for larger vessels to access London Gateway Port. The DWRs are currently both used for entry and exit into/from the London Gateway Port but in the future, as vessels get bigger it may be necessary for one DWR route to be used for entry and one for exit.</p>	<p>9.10 Navigational Risk Assessment (NRA) [APP-240] and 9.2.9 Shipping and Navigation [APP-078] consider a conservative future case scenario With larger vessels using the deep water routes (DWR). The Applicant recognises the importance of the DWRs and is working with stakeholders including London Gateway to ensure they can continue to be used in future case scenarios.</p>
LGP-RR02	OffS - Shipping and Navigation	<p>The Five Estuaries Offshore Windfarm Project works have the potential to cause short and long-term impacts to navigation and to the capacity and operation of London Gateway Port, particularly from the works associated with the ECC. These impacts include: • Permanent impacts because of VE cable depths • Permanent and temporary impacts from surveys, cable laying and repair/maintenance • Permanent impacts from interaction with third party schemes (cable crossings) • Temporary impacts from interaction with third party schemes (simultaneous operations) • Permanent impacts from the location of the offshore sub station platforms • Temporary and permanent impacts from the safety zones • Temporary and permanent impacts from dredging • Temporary impacts on the PLA's onshore navigational equipment • Permanent impact from the change in cable depth due to changes in riverbed/sea • Temporary impact in the dredged depth during installation</p> <p>The range of impacts vary from vessel displacement and delays to placing a constraint on the size of vessel that achieve access to London Gateway port and thus, its future growth and overall capacity.</p>	<p>9.20 Outline Navigation and Installation Plan (NIP) [APP-252] includes protocols to ensure that the installation and maintenance of the offshore export cables does not impact on third-party vessel movements including within a future case environment. Consultation is ongoing on the detail of the NIP.</p>

#### 4.16 MARITIME AND COASTGUARD AGENCY [RR-071]

Ref	Topic	Relevant representation comment	Applicant's responses
MCA-RR01	OffS - Shipping and Navigation	<p>MCA will be responding to the ExA on matters concerning the safety of maritime navigation and maritime Search and Rescue. MCA will provide comments on the Navigation Risk Assessment, Shipping &amp; Navigation chapter of the EIA Report, and the content of the DCO and DML. The main issues for MCA are concerning vessel routeing, vessels' ability for continued safe passage, that risks to all vessels and craft are at an</p>	<p>The Applicant confirms that the MCA's main issues raised have been assessed within 9.10 Navigational Risk Assessment (NRA) [APP-240] and 6.2.9 Shipping and Navigation [APP-078] and were found to be within As Low</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		acceptable level, and the project is not at the detriment to the provision of Search and Rescue, and other emergency response.	as Reasonably Practicable (ALARP) levels. The Applicant also considers that the NRA is fully compliant with the requirements of Marine Guidance Note (MGN) 654 including the completion of an MGN 654 Checklist which has been submitted to demonstrate this (Appendix A of the NRA).

#### 4.17 MARINE MANAGEMENT ORGANISATION [RR-070]

Ref	Topic	Relevant representation comment	Applicant's responses
MMO-RR01	Gen - Planning	<p>Marine Plans</p> <p>The Applicant should demonstrate that they have considered whether the project adheres to all the relevant marine plans and policies in the area. The MMO recommends that this is presented in a single, coherent document instead of a number of separate references throughout the submission. The relevant marine plan policies that should be met can be identified using the Explore Marine Plans tool and policy information on the following website: <a href="https://www.gov.uk/guidance/explore-marine-plans">https://www.gov.uk/guidance/explore-marine-plans</a></p>	The Applicant has drafted a Marine Plan Assessment document which will be submitted at Deadline 1. This will detail how VE is compliant with the South East Inshore, East Inshore and East Offshore Marine Plans.
MMO-RR02	Gen - Planning	MMO requires the Applicant to detail how the proposed project is compliant with the relevant marine plans by producing a marine plan policy assessment in one document. Once a comprehensive marine plan assessment has been provided, the MMO will provide comment on this.	See response to MMO-RR01
MMO-RR03	Gen - Offshore DCO	<p>Benefit of the Order</p> <p>In the MMO's initial comments on the draft DCO/DML, provided to the Applicant on the 4 April 2024, the MMO raised concerns with the inclusion of this provision. The MMO still have significant concerns with Part 2 Article 7 of the DCO and Paragraph 7 of the DMLs. For the benefit of the Secretary of State, the MMO would like to reiterate our position on this below:</p> <p>It is the MMO's stated position that the DML granted under a DCO's should be regulated by the provisions of the Marine and Coastal Access Act 2009 (MCAA 2009), and in respect of this DCO application, specifically by all provisions of section 72 MCAA 2009.</p>	<p>The Applicant notes the MMO's position but does not agree.</p> <p>The drafting in the dDCO reflects a long established precedent regarding the transfer of DCO powers and deemed marine licences that has been considered acceptable by the Secretary of State many times, including most recently in the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.</p> <p>Where a transfer of a deemed marine licence is sought under Article 7(2), the Secretary of State would consider the context of all the provisions of the DCO being transferred. That process would be robust in ensuring a suitable approach is being taken.</p> <p>There is a legal point to note as well that some Articles and Requirements relating to offshore matters within the DCO overlap with the deemed marine licence and it would not be appropriate for those to be transferred separately. In that context, it is appropriate that the Secretary of State has the ability to approve the transfer or grant of a deemed marine licence such that the transfer or grant can fully reflect the relevant DCO and deemed marine licence powers. It is undesirable to separate the transfer of the benefit of the order generally and the transfer of the benefit of the deemed marine licence as doing so could</p>



Ref	Topic	Relevant representation comment	Applicant's responses
			<p>result in transfers occurring at different times and inconsistency in position. Having deemed the marine licence in the Order it is also appropriate that any transfer under that order include the deemed marine licence as part of the wider transfer – it is one element of the wider order powers and should not be separated out from the authority to construct, operate and maintain the NSIP granted by the order.</p> <p>In addition, it is common practice for an application to be made to MMO at the same time as to the Secretary of State in order to vary the terms of the marine licence to reflect the transfer or grant requested under Article 7.</p>
MMO-RR04	Gen - Offshore DCO	<p>PINS Guidance</p> <p>As set out in Advice Note Eleven, Annex B – Marine Management Organisation   National Infrastructure Planning (<a href="http://planninginspectorate.gov.uk">planninginspectorate.gov.uk</a>) where a developer chooses to have a marine licence deemed by a DCO, we, the MMO, “will seek to ensure wherever possible that any deemed licence is generally consistent with those issued independently by the MMO.”</p> <p>Developers can seek consent for a marine licence directly with the MMO, reinforcing that in respect of marine licences, the Development Consent Order (DCO) process is nothing more than a mechanism for granting a marine licence –it is not a vehicle to amend established process and procedures, such as those for the transfer of a marine licence.</p> <p>As the guidance further sets out, we, the MMO are responsible for enforcing marine licences regardless of whether these are ‘deemed’ by a DCO or consented independently, and it is therefore fundamental that all marine licences are clear and enforceable, and consistency is a key element in achieving this.</p> <p>Section 72(7)(a) MCAA 2009 permits a licence holder to make an application for a marine licence to be transferred, and where such an application is approved for the MMO to then vary the marine licence accordingly (section 72(7)(b))</p>	As response to MMO-RR03.
MMO-RR05	Gen - Offshore DCO	<p>Application to transfer or lease</p> <p>In considering the proposed provisions of Article 7 DCO, Article 7(2), being read with Article 7(4) introduces a process involving the Secretary of State providing consent to the transfer in certain circumstances, rather than the MMO as the regulatory authority for marine licences considering the merits of any application for a transfer. The MMO note the proposed ability for the undertaker to lease the deemed marine licence for an agreed period of time – This specific power has been addressed separately below.</p> <p>As the process proposed by the applicant is a significant departure from the current statutory framework in relation to marine licences, it has not been tested, it may therefore be the case that the applicant/undertaker will face unnecessary delays following its application as it is not clear that the Secretary of State will have a process in place to deal with requests of this nature and it is not clear what any consultation period with the MMO would be.</p>	Please see response to MMO-RR03.



Ref	Topic	Relevant representation comment	Applicant's responses
MMO-RR06	Gen - Offshore DCO	<p>Duty to consult MMO</p> <p>It is noted that the Secretary of State “must consult” the MMO (Article 7(6)) –however the obligation goes no further than this, the Secretary of State is not obligated to take into account the views of the MMO in providing its consent and there is no obligation for the MMO to be informed of the decision of the Secretary of State nor the undertaker.</p> <p>In the regulatory sphere it strikes the MMO as highly unusual that a decision to transfer a marine licence or to lease is not the decision of the regulatory authority regulating in that area.</p>	<p>This drafting follows precedent including the recently made Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 where an almost identical submission was made by the MMO and the wording of the equivalent article was specifically considered by the SoS. In that case the equivalent article as made (article 5) provides:</p> <p><i>“(6) The Secretary of State must consult the MMO before giving consent to the transfer of the benefit of the whole of any deemed marine licences under paragraph (3).”</i></p> <p>The Applicant accordingly submits that this issue has been considered by the SoS, precedent should be followed and that it is not for the Applicant to impose requirements on the SoS as to how they deal with any views expressed by the MMO.</p> <p>This drafting is well precedented and cannot reasonably be described as ‘highly unusual’ in the context of offshore wind DCOs. In addition to Sheringham as quoted above, this wording was also included in (as examples and not an exhaustive list) the Hornsea Four OWF Order 2023 (article 5(6)), Hornsea Three OWF 2020 (article 5(6)), East Anglia Three Offshore Wind Farm Order 2017 (article 5(3)) and the Galloper Wind Farm Order 2013 (article 7(2)).</p>
MMO-RR07	Gen - Offshore DCO	<p>Power to vary the marine licence following a transfer</p> <p>Despite the proposed changes to the process of transferring a marine licence it remains that neither the licence holder/undertaker nor the Secretary of State has any power to actually vary any terms of a marine licence and it will still therefore be necessary for the MMO to take steps to vary a marine licence to reflect that it has been transferred to another entity. To our mind the proposed mechanism for transfer of a marine licence does not actually work and in fact does little more than complicate the process.</p> <p>There are also very real practical concerns as to how the proposed process would work in practice. The transfer of the licence would happen first, and then the marine licence would need to be varied. After the transfer of the licence, the new license holder/undertaker would have a marine licence which would still be in the name of the license holder/undertaker who had transferred the licence. The new license holder/undertaker would have no authorisation to carry out any acts until the variation had taken place and until the variation had been affected the original licence holder/ original undertaker would remain liable for any actions undertaken. The procedure under section 72 MCAA avoids this issue entirely.</p>	<p>The Planning Act 2008 is clear that marine licences may be deemed in a DCO in appropriate areas (s149A) and that a DCO may include such further provisions ancillary to the operation of that deemed marine licence (s122(3)), including transfer along with the benefit. It is inarguable from the wording of section 122(5)(a) and (c) that a DCO may “apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order” or “include any provision that appears to the Secretary of State to be necessary or expedient for giving full effect to any other provision of the order”.</p> <p>Deemed marine licences are clearly matter for which provision may be made in a DCO, section 72 MCAA 2009 is a provision relating to that deemed marine licence and the transfer power is accordingly authorised by s122 of the planning Act. The ability to transfer the deemed marine licence is related to the deeming and is submitted to be a sensible, expedient part of the wider power to transfer the benefit of the order.</p> <p>There is accordingly no legal barrier to including these provisions in the dDCO and there is strong precedent clear authority for its inclusion demonstrated set by DCOs in English waters on this position which has been repeatedly adopted by the Secretary of State and has not been subject to legal challenge as to its competency.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
MMO-RR08	Gen - Offshore DCO	<p>Transfer of “any or all of the benefit”</p> <p>Article 7(2)(a) specifies the transfer of “any or all of the benefit of the provisions of this Order (including the deemed marine licence”. Article 72(7)(a) MCAA 2009 specifies: “On an application made by the licensee, the licensing authority which granted the licence – (a) may transfer the licence from the licensee to another person...”</p> <p>As can be seen above there is no concept within the regulatory framework of MCAA 2009 for a marine licence to be transferred (or indeed leased) ‘in part’. This proposal by the applicant creates a new power and an additional level of complexity. The MMO would be grateful if the Applicant could indicate why it considers the ability to either transfer or lease ‘in part’ necessary.</p> <p>The ability to transfer ‘part’ of a marine licence is a wholly new concept and would lack consistency with marine licences granted independently by the MMO – which would make a significant departure from the PINS guidance to applicants as set out above.</p> <p>The MMO objects to the provisions relating to the process of transferring and/or granting the deemed marine licences set out in the draft DCO at Part 2, Article 7 insofar as these are intended to apply to the MMO and requests paragraphs 7(6) and 7(9) be removed in their entirety, with a clarification added to specifically exclude these provisions from applying to the MMO (with corresponding wording amended in the Deemed Marine Licences).</p>	<p>The Applicant notes that there is precedent for excluding deemed marine licences from this sub-paragraph and is considering the wording used</p>
MMO-RR09	Gen - Offshore DCO	<p>Grant to a lessee of a deemed marine licence</p> <p>Article 7(2)(b) specifies a grant to a lessee for an agreed period of “any or all of the benefit of the provisions of the Order (including the deemed marine licences)”</p>	<p>The Applicant notes that there is precedent for the relevant term for this purpose to be ‘transferee’ not lessee, and is considering if this wording can be amended</p> <p>An updated draft DCO is anticipated to be submitted at Deadline 1.</p>
MMO-RR10	Gen - Offshore DCO	<p>‘Leasing’</p> <p>There is however no mechanism either in the DCO or indeed in MCAA 2009 for a marine licence to be ‘leased’, specifically there is no provision for the licence ‘reverting’ to the licence holder after the agreed lease period – in practical terms it would be necessary to vary the marine licence to change the details of the licence holder at the beginning of the agreed period and then again at the end of the agreed period. It is not clear why the applicant considers it necessary to introduce the ability to ‘lease’ the whole or part of a deemed marine licence and we should be grateful for any clarity on this issue.</p> <p>There are significant practical implications should the power to lease be created in this DCO as there is no procedure in place to affect such a lease. Any such lease would require a transfer or variation to allow lessee to claim the benefit of the licence, and then at the end of the lease period the marine licence would need to be varied to transfer it back to the lessor. Further information is required from the applicant as to the detail of this process, for example is it anticipated that the return of the licence to the lessor to be automatic and what would the process be if the lessee refused to transfer the marine licence back.</p>	<p>See response to MMO-RR09.</p> <p>In addition, the Applicant notes that this wording is well precedented and wording to this effect has been included in DCOs for a considerable period of time. It is accordingly not accepted that there are ‘significant practical implications should this power be created in the DCO’ as this power has been being created in DCOs for over a decade and numerous deemed marine licences will have been transferred in that time.</p>
MMO-RR11	Gen - Offshore DCO	<p>Article 7(2)(b) use of the term ‘grant’</p> <p>The MMO would be grateful for clarification on the use of the term ‘grant’ in Articles 7, specifically 7(2)(b) in respect of granting the benefit of the marine licence to a lessee. Article 7(2)(a) refers to the transfer of the marine licence -as is the language of Article 72 MCAA 2009. As the granting of</p>	<p>This wording is well precedented and wording to this effect has been included in DCOs for a considerable period of time. That the term is not used in the MCAA 2009 is not relevant as the Order would be granted under the Planning Act 2008.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		marine licences fall under section 69 MCAA and not section 72, can the applicant provide further explanation of it intention in this regard and its use of the term?	
MMO-RR12	Gen - Offshore DCO	<p>Enforcement</p> <p>It is essential as the regulatory authority in the marine environment that the MMO is always fully aware who has the benefit of marine licence in order that it can carry out its regulatory function and where necessary take enforcement action. The mechanism the applicant is currently proposing for the transfer of a marine licence departs from this established process without clear justification as to why such a departure is necessary or appropriate in the circumstances.</p>	The justification for inclusion has been set out in responses to RR06 and RR07 in response.
MMO-RR13	Gen - Planning	<p>Conclusion</p> <p>It is firmly the MMOs position that the current regulatory framework should prevail, specifically that only a transfer of the whole of a marine licence should be permitted and not part of it and the transfer should be left entirely to the MMO to process outside of the Nationally Significant Infrastructure Project process. The provisions currently proposed by the applicant raise several significant issues and complicates a what is a straightforward and well-established statutory process and the MMO can see little or no benefit to this.</p> <p>The MMO is concerned that the procedure proposed represents an unnecessary duplication of the existing statutory regime set out in s72 of the Marine and Coastal Access Act 2009 and that it will give rise to significant enforcement difficulties for the MMO. The MMO also considers that it has the potential to prejudice the operation of the system of marine regulatory control in relation to the proposed development. The MMO also regards the proposed procedure as cumbersome, more administratively burdensome, slower and less reliable than the existing statutory regime set out in s72 of the 2009 Act.</p> <p>The MMO considers that little advantage is gained for the Applicant by these provisions and the tangible risks and disadvantages that it poses can be avoided by retaining the existing statutory regime in full.</p>	<p>The MMOs position is noted but not agreed with and is submitted to be out of step with precedent and the SoS's recent decision making on this issue.</p> <p>The concept that the MCAA should prevail is contrary to the intention and drafting of the Planning Act 2008. If the MCAA was to prevail in all cases the inclusion of a deemed marine licence in a DCO would not be acceptable, however it is explicitly provided for in line with the ethos of streamlining consents.</p>
MMO-RR14	Gen - Planning	<p>Materiality</p> <p>The MMO has concerns on the use of materiality within the DCO's, the MMO's position is summarised below:</p> <p>The MMO strongly considers that the activities authorised under the DCO and DML should be limited to those that are assessed within the Environmental Impact Assessment ("EIA"), and so the statement within the DML "Such agreement may only be given where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement" should be updated to clarify this.</p> <p>The intention behind EIA is to protect the environment by ensuring that in deciding whether to grant a development consent for a project, and in deciding what conditions to attach to that consent, the decision has full knowledge of what the likely significant environmental effects of the project/development will be. That knowledge then guides the consent process and what conditions, if any, to attach to the consent. Additionally, there is considerable public consultation under the EIA process because the process recognises the importance of local knowledge in environmental decision making.</p>	<p>This wording is well precedented and commonly included in DCOs. It is included in the Sheringham and Dudgeon DCO (2024), which provides in it DMLs in Part 1:</p> <p><i>"8(2) Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statement and approval of an amendment or variation may only be given where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement."</i></p> <p>It is necessary in DCO projects to allow for a degree of flexibility, importantly to allow the use of new or improved construction methods or emerging technologies.</p> <p>Allowing actions which can be demonstrated not to have materially new or different environmental effects cannot be contrary to the EIA as</p>

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		<p>The EIA legislation was designed to apply to those plans/projects which could be sufficiently detailed and particularised at the application stage, to allow the consenting decision to be taken in the full knowledge of what the likely significant effects of that plan or project would be. In such circumstances, it would be unnecessary to create a legal obligation under the order which requires the activities to remain within what was assessed under the EIA, because the consent authorises the detailed and well particularised project, assessed in the EIA to be carried out, and therefore, providing the development is constructed as per the consent, those works would, by default, remain within the parameters of the EIA.</p> <p>If the Applicant is wanting to retain some flexibility and is proposing that the works that can be carried out should be restricted to those which “do not give rise to materially new or materially different environmental effects” to those assessed in the EIA. The concern with this is that the inclusion of the word “materially” here would allow the undertaker to carry out works whose effects are outside of the likely significant effects assessed in the EIA, providing they do not do so materially, i.e. in any significant way, greatly, or considerably. This is not what the purpose of the EIA process is, and it runs contrary to the purpose of EIA. The other issue with this is that whilst the undertaker is responsible for producing the environmental information and statement on which the EIA decision is based, the appropriate authority is responsible for the EIA consent decision, the inclusion of the word materially essentially means that the undertaker makes the decision as to what is and what is not material. Under EIA it is for the appropriate authority to determine what the likely significant effects will be and how those should be mitigated.</p> <p>On this basis, the MMO does not consider that it is appropriate to use the word “material” in these circumstances.</p>	<p>that regime is intended to proportionately control likely significant effects, not any effect regardless of how insignificant it may be. If an effect is not materially new or different, it cannot rise to the level of there being a risk of a significant effect not assessed in the EIA.</p>
MMO-RR15	Gen - Offshore DCO	<p>Site Integrity Plan</p> <p>The MMO note the works are taking place within the Southern North Sea Special Area of Conservation (SNS SAC), designated for harbour porpoise, which are an Annex II Species particularly sensitive to noise.</p> <p>Due to this sensitivity, the Joint Nature Conservation Committee (JNCC) issued guidance in June 2020 regarding the impacts of noise within the SAC. This guidance can be found at:<a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/889842/SACNoiseGuidanceJune2020.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/889842/SACNoiseGuidanceJune2020.pdf</a></p> <p>In order to avoid an Adverse Effect on Site Integrity (AEOI) JNCC have outlined that noise disturbance that impacts or is within an SAC from a plan/project, individually or in combination with other plans and projects, is considered to be significant if it excludes harbour porpoises from more than:</p> <ul style="list-style-type: none"> <li>•20% of the relevant area of the site in any given day,</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>•an average of 10% of the relevant area of the site over a season</li> </ul> <p>These are known as daily and seasonal thresholds respectively.</p> <p>In order to manage noise, and therefore impact, to the SNS SAC, it was agreed that any DCO's for offshore wind are required to include a condition within the DML which requires submission of</p>	<p>Condition 12(1)(j) of part 2 of schedule 10 requires the submission and approval of southern north sea special area of conservation site integrity plan which accords with the principles set out in the outline southern north sea special area of conservation site integrity plan (the draft of which is 9.15 Outline Southern North Sea Special Area of Conservation Site Integrity Plan [APP-246].</p>



Ref	Topic	Relevant representation comment	Applicant's responses
MMO-RR16	Gen - Offshore DCO	<p>a 'Site Integrity Plan' (SIP) to be submitted to the MMO and agreed in writing prior to the commencement of any noisy activity.</p> <p>Site Integrity Plan</p> <p>Therefore the MMO request the following to be included within the DML: Interpretation to include: "JNCC Guidance" means the statutory nature conservation body 'Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs' Joint Nature Conservation Committee Report No.654, May 2020 published in June 2020 as amended, updated or superseded from time to time;"</p> <p>SNS SAC SIP Condition:</p> <p>(1) No piling activities can take place until a Site Integrity Plan (SIP), which accords with the principles set out in the in principle XX Project Southern North Sea SAC Site Integrity Plan, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.</p> <p>(2) The SIP submitted for approval must contain a description of the conservation objectives for the Southern North Sea Special Area of Conservation (SNS SAC) as well as any relevant management measures and it must set out the key statutory nature conservation body advice on activities within the SNS SAC relating to piling as set out within the JNCC Guidance and how this has been considered in the context of the authorised scheme.</p> <p>(3) The SIP must be submitted to the MMO no later than six months prior to the commencement of the piling activities.</p> <p>(4) In approving the SIP the MMO must be satisfied that the authorised scheme at the preconstruction stage, in-combination with other plans and projects, is in line with the JNCC Guidance.</p> <p>(5) The approved SIP may be amended with the prior written approval of the MMO, in consultation with the relevant statutory nature conservation body, where the MMO remains satisfied that the Project, in-combination with other plans or projects at the pre-construction stage, is in line with the JNCC Guidance."</p>	<p>On interpretation, the Applicant will add the JNCC guidance to the next revision of the dDCO.</p> <p>On the SNS SAC SIP condition noted by the MMO, the Applicant has provided 9.15 Outline Southern North Sea Special Area of Conservation Site Integrity Plan [APP-246], a draft outline Site Integrity Plan which is intended to provide this level of detail and is not therefore proposing any change to the condition. The Applicant is reviewing the draft outline plan to ensure that all the points raised are covered and will submit a further response on the detail in due course.</p>
MMO-RR17	Gen - Offshore DCO	<p>As a minimum the SIP should include the following sections:</p> <p>Introduction</p> <ul style="list-style-type: none"> <li>&gt; Purpose of this document</li> <li>&gt; Project Background</li> <li>&gt; The Southern North Sea SAC</li> <li>&gt; Requirements for this Document</li> </ul> <p>Consultation</p> <ul style="list-style-type: none"> <li>&gt; Schedule for Agreement</li> <li>&gt; Southern North Sea SAC for Harbour Porpoise</li> <li>&gt; Conservation Objectives</li> </ul>	<p>The Applicant notes the structure set out by the MMO. The content and structure of the final SIP will be discussed with the MMO post-consent.</p> <p>It should be noted that the outline SIP does not consider UXO as any UXO clearance will be licenced separately.</p>



Ref	Topic	Relevant representation comment	Applicant's responses
		<ul style="list-style-type: none"> <li>&gt; Management Measures</li> <li>&gt; Advice on Activities</li> <li>Project Description</li> <li>&gt; Project Commitments</li> <li>Potential Effects</li> <li>&gt; Summary of Potential Effects of the proposed Project Alone</li> <li>&gt; Summary of Potential In-Combination Effects</li> <li>In Principle Management and Mitigation Measures</li> <li>&gt; Measure 1: Alternate Foundation Methodologies</li> <li>&gt; Measure 2: Noise Mitigation Systems</li> <li>&gt; Measure 3: Scheduling of Pile Driving and UXO Clearance</li> <li>&gt; Measure 4: Clustering of UXO Devices</li> <li>&gt; Other Potential Measures</li> <li>&gt; Measures Not Applicable</li> <li>&gt; Assessment of Efficacy of Measures and Implementation</li> <li>&gt; Other Mitigation Measures outside the Scope of the SIP</li> <li>&gt; EPS Licence</li> <li>&gt; Additional Marine Licence</li> <li>&gt; Summary</li> <li>&gt; References</li> </ul>	
MMO-RR18	Gen - Offshore DCO	DCO - Part 1 (2): Under Buoys "LiDAR" should be spelt with a lowercase "l"	The Applicant will make this change in the next revision of the dDCO.
MMO-RR19	Gen - Offshore DCO	Part 1 (2): Definition for cables should be included or a justification as to why they are not included should be provided. The MMO recommend the following wording: "cable" includes cables for the transmission of electricity and fibre-optic cables;	The Applicant notes that cables are defined in article 2. The Applicant will add a definition to the dMLs in the next revision of the dDCO.
MMO-RR20	Gen - Offshore DCO	Part 1 (2): Under "cable crossings" it is not clear what other existing infrastructure could be". Please can further information be provided on this and clarification provided in the definition.	This is intended as a catch all for any existing infrastructure in place. This may include for example, third party cables or pipelines.
MMO-RR21	Gen - Offshore DCO	Part 1 (2): Under "commence". Is there any proposed monitoring to be carried out prior to the commencement of licensed activities?	Yes, this is covered by the in-principle monitoring plan [APP-265].

Ref	Topic	Relevant representation comment	Applicant's responses
MMO-RR22	Gen - Offshore DCO	Part 1 (2): Defence Infrastructure Organisation Safeguarding – Would be best to have addresses under Part 1 (4) of Schedule 10, for continuity purposes.	This will be amended in the next revision of the dDCO.
MMO-RR23	Gen - Offshore DCO	Part 1 (2): Definition for Defra. The MMO note that this does not appear within DML or DCO so suggest it is removed from the interpretations.	This will be amended in the next revision of the dDCO.
MMO-RR24	Gen - Offshore DCO	Part 1 (2): The MMO do not agree with the definition of “maintain”.	The Applicant would request that the MMO provide further detail on this point in order to allow it to consider the drafting.
MMO-RR25	Gen - Offshore DCO	Part 1: Definition's should align within the document. Definition for MMO is different in the DCO and DML: DCO Part 1 (2) Interpretations: “Marine Management Organisation” or “MMO” means the Marine Management Organisation being the body created under the 2009 Act and who is responsible for the monitoring and enforcement of the deemed marine licences; DML Part 1 (2): “Marine Management Organisation” or “MMO” means the Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH who is the body created under the 2009 Act and who is responsible for the monitoring and enforcement of this licence” The MMO recommend that the address is removed from schedule 10 & 11, as this is noted in Part 1 (4) of the DML's	This will be amended in the next revision of the dDCO.
MMO-RR26	Gen - Offshore DCO	Part 1 (2): The MMO recommend a definition should be included for the MMO's Marine Case Management System (MCMS), and reference should be made to MCMS for submissions of post-consent documentation or notification.	This will be amended in the next revision of the dDCO.
MMO-RR27	Gen - Offshore DCO	Part 1(3) For scour protection the MMO highlights that scour protection has been used to stabilise the use of jack-up barges in similar offshore wind farm locations and the MMO would like further clarification if the Applicant will be intending to do similar within the Project.	Based on the ground conditions and experience from Galloper it is not expected to be needed; however this will only be confirmed post-consent following further surveys and vessel procurement.
MMO-RR28	Gen - Offshore DCO	Part 1(4) In addition to this the MMO would like clarity on where the disposal volumes for drill arisings in connection with any foundation drilling are within the draft DCO (dDCO)/DML. The MMO believes that drill arising should be explicitly stated within the dDCO/DML and the following section should be included in the above Article: disposal of drill arisings in connection with any foundation drilling up to a total of XX cubic metres.	The Applicant will include this in the revised dDCO submitted at Deadline 1.
MMO-RR29	Gen - Offshore DCO	Part 2(d): The MMO note that the removal of sediment samples is set out briefly, however, the MMO consider more detail on how this process should operate is required.	The Applicant considers that appropriate detail is already provided for through the pre-construction monitoring plan, which requires approval from the MMO under condition 13 of part 2 (schedule 10), and condition 14 of part 2 (schedule 11).
MMO-RR30	Gen - Offshore DCO	Part 2 (1)(2)(c): Should this be MHWS's rather than MHW. This should be amended for consistency.	The Applicant notes that the reference made appears to be incorrect or out of date as the referenced section in the submitted dDCO reads “(c) be less than 28 metres from MHWS to the lowest point of the rotating blade; and”.

Ref	Topic	Relevant representation comment	Applicant's responses
MMO-RR31	Gen - Offshore DCO	Part 2(1)(7): Where it notes "The total volume of scour protection material for wind turbine generator foundations must not exceed 1,582,040 cubic metres". Can the maximum volume of scour protection per turbine and per each structure be included as well as the total combined volume?	The Applicant does not consider this is required. Total volume has been consistently used in offshore wind DCOs as the maximum design scenario. It would be of assistance if the MMO could explain why they consider this detail is necessary and what the need is for the additional control it provides over the volumes already given.
MMO-RR32	Gen - Offshore DCO	Part 2 (8): Can "of Seafish" be included after "Kingfisher Information Service" and the email address: kingfisher@seafish.co.uk. "of Seafish" should be included elsewhere in the DML's where the Kingfisher Information Service has been referenced.	This will be amended in the next revision of the dDCO.
MMO-RR33	Gen - Offshore DCO	Part 2 (8)(a): Should be "Kingfisher Fortnightly Bulletin"	This will be amended in the next revision of the dDCO.
MMO-RR34	Gen - Offshore DCO	Part 2 (7): The MMO request the inclusion of a provision within the DML that notification to the MMO of incorrect notification is required. The MMO suggest the following wording is included: Should the undertaker become aware that any of the information on which the granting of this licence was based was materially false or misleading, the undertaker must notify the MMO of this fact in writing as soon as is reasonably practicable. The undertaker must explain in writing what information was material false or misleading and must provide to the MMO the correct information.	This will be amended in the next revision of the dDCO.
MMO-RR35	Gen - Offshore DCO	With respect to any condition which requires the licensed activities to be carried out in accordance with the plans, protocols or statements approved under this licence, the approved details, plan or scheme are taken to include any amendments that may subsequently be approved in writing by the MMO. Subsequent to the first approval of those plans, protocols or statements provided it has been demonstrated to the satisfaction of the MMO that the subject matter of the relevant amendments does not give rise to any materially new or materially different environmental effects to those assessed in the environmental information.	The Applicant is reviewing this point.
MMO-RR36	Gen - Offshore DCO	Part 2: The undertaker must ensure that the MMO, the MMO Local Office, I fishermen's organisations and the Source Data Receipt Team at the UKHO Taunton, Somerset, TA1 2DN (sdr@ukho.gov.uk) are notified within five days of each instance of cable repair, replacement or protection replenishment activity.	This is already included in the submitted DCO at Part 2 paragraph 6(15).
MMO-RR37	Gen - Offshore DCO	Part 2: The following condition should be included: Any jack up barges or vessels utilised during the licensed activities, when jacked up, must exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.	This is already included, please see part 2 condition 7(6) of schedules 10 and 11.
MMO-RR38	Gen - Offshore DCO	Part 2 (10)(2): This should also include reference to the "Environment Agency Pollution Prevention Control Guidelines"	The Applicant requests the MMO provide the specific guideline referred to. EA pollution prevention guidelines were withdrawn in December 2015.

Ref	Topic	Relevant representation comment	Applicant's responses
MMO-RR39	Gen - Offshore DCO	Part 2 (10)(4): The MMO Consider that it would be unrealistic to expect submissions to be submitted to the MMO on the last day of the reporting period. As such the 15th of the following month is reasonable and in-line with other DCO's (e.g. 15 February and 15 August respectively).	The Applicant will make this amendment in the next revision of the dDCO.
MMO-RR40	Gen - Offshore DCO	Part 2 (10)(10): There is currently no timeframe in which to report to the MMO –The standard timeframe recommended is 24 hours and is in line with other DCO's.	The Applicant is considering the timeframe in which it is practical to submit notifications as it is concerned that 24 hours is too little.
MMO-RR41	Gen - Offshore DCO	Part 2 (11)(1): Force Majeure. The MMO do not consider that this provision is necessary as section 86 of MCAA provides a defence for action taken in an emergency in breach of any licence conditions. The MMO require justification or rationale as why this provision is considered necessary.	The Applicant does not agree that this wording is not necessary because Section 86 provides a defence for actions taken in an emergency – this condition is about notifying of a deposit in those circumstances. It does not overlap with s86 which will still apply. No change to the dDCO is proposed.
MMO-RR42	Gen - Offshore DCO	Part 2 (15)(2): No timeframe in which to report to the MMO – recommend 24 hours is appropriate (“at least 24 hours before...”)	The Applicant is considering the timeframe in which it is practical to submit notifications as it is concerned that 24 hours is too little.
MMO-RR43	Gen - Offshore DCO	Part 2 (16)(5): Please include a timeframe e.g. 6 months	The Applicant proposes that, rather than trying to define a timeframe now, the timeframe for reporting has to be approved as part of the approval of the surveys. This would follow the approach taken in the Sheringham DCO (2024) which is:  (4) The undertaker must carry out the surveys agreed under subparagraph (1) and provide the agreed reports to the MMO in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation bodies.  An amendment will be proposed in the next revision of the dDCO.
MMO-RR44	Gen - Offshore DCO	Part 2 (17): Construction monitoring. Can the following provision be included:  The results of the initial noise measurements monitored in accordance with subparagraph 17(2)(b) must be provided in writing to the MMO within six weeks of the installation (unless otherwise agreed) of the first four piled foundations of each piled foundation type. The assessment of this report by the MMO will determine whether any further noise monitoring is required. If, in the opinion of the MMO in consultation with the statutory nature conservation body, the assessment shows impacts significantly in excess to those assessed in the environmental statement and there has been a failure of the mitigations set out in the marine mammal mitigation protocol, all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.	The Applicant is considering this request and precedent wording and will respond at Deadline 1.

Ref	Topic	Relevant representation comment	Applicant's responses
MMO-RR45	Gen - Offshore DCO	Part 2(18)(2)(b): Please include a timeframe, the MMO recommend 12 months for this survey to be undertaken.	The Applicant has included a timeframe in the draft DCO, it is currently specified as "three consecutive years".
MMO-RR46	Gen - Offshore DCO	Part 2(18): Please include the following provision: In the event that the reports provided to the MMO under sub-paragraph (4) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed.	The Applicant would request that the MMO provide further detail on this point including why this is considered to be necessary in this case in order to allow it to consider.
MMO-RR47	Gen - Offshore DCO	Part 2: Completion of construction. Please can the following provision be included: Reporting of scour and cable protection; (1) Not more than four months following completion of the construction of the authorised project, the undertaker must provide the MMO and the relevant statutory nature conservation bodies with a report setting out details of the cable protection and scour protection used for the authorised project. (2) The report must include the following information— (a) the location of cable protection and scour protection; (b) the volume of cable protection and scour protection; and (c) any other information relating to the cable protection and scour protection as agreed between the MMO and the undertaker.	The Applicant is checking that this would not duplicate existing provisions under the conditions and outline plans. It has no objection in principle to the substance of the request but will respond on the drafting in due course.
MMO-RR48	OffS - Marine Water Quality	The MMO have identified a number of information gaps which have been detailed below. The MMO, therefore, defers comment on conclusions relating to likely significant effects until information gaps concerning the sediment data are resolved (see paragraphs 4.1.2-4.1.11).	The Applicant considers there to be sufficient information provided for a robust, appropriate and proportional assessment of the baseline environment allowing for conclusions to be made confirming the Applicant's stance of no significant effects.
MMO-RR49	OffS - Marine Water Quality	MMO raised previous concerns regarding the Preliminary Environmental Information Report (PEIR), which mostly related to the collection of sediment samples to support the ES, and the minor comments requiring attention or recommending action are quoted as follows: i. "The locations of contaminant sample stations appear to be tangentially representative of the North and South Arrays. It appears that only those stations which contained "fines" have been tested, which the MMO presumes to be sediment with $\leq 63\mu\text{m}$ diameter. However, the MMO note that both sites FE1_02 and FE2_06 – which were not tested for contaminants, also contain similar levels of fine material to site FE2_01 (which was tested for contaminants). The MMO do not see the rationale of not testing for contaminants at these sites and request further clarification from the Applicant. ii. Whilst the contaminant results presented indicate very low levels, the number of samples is less than adequate. iii. As with the Arrays and Interconnector, the MMO do not see the rationale of only testing eight sample stations for contaminants when more than eight samples along the export cable corridor (ECC) have a notable proportion of fine material. For example, sample stations prefixed "FE5"	This is noted by the Applicant. As presented in Table 3.2 of 6.2.7 Marine Water and Sediment Quality [APP-072], discussions were held with Cefas following responses consultation on the PEIR to gain further guidance on the appropriateness of the number of samples given that it was considered unlikely that additional samples would provide further clarity or additional information in terms of contamination levels. Consistently low contaminants are seen across the region, as presented in Section 3.6 of 6.2.7 Marine Water and Sediment Quality [APP-072]. Following the discussion with Cefas, the Applicant did not receive the requested feedback prior to the submission of the Application. Further response, as requested by the MMO, is provided in MMO-RR 50 for 4.1.2 i and iii and MMO-RR51 for 4.1.2 ii below.



Ref	Topic	Relevant representation comment	Applicant's responses
		<p>comprise ten sample stations, of which only one was tested for contaminants, but all of which contain a not insignificant level of fine material.</p> <p>iv. The MMO cannot find any justification as to the apparent exclusion of polybrominated diphenyl ethers from the applicant's sampling regime. Whilst it may be the case that this contaminant group is unlikely to exhibit elevated levels in offshore sediments, the MMO would at least have expected some kind of scoping to justify its exclusion. As this is only the PEIR, the MMO do not consider this to be essential to resolve the PEIR consultation, but we would expect some detail in the Environmental Statement."</p>	
MMO-RR50	OffS - Marine Water Quality	<p>Comments 4.1.2 i and iii do not appear to have been actioned. The Array area contains two samples which contain fine material (FE1_02 and FE2_05) which were not analysed for contaminants (compared to three samples which were). The MMO cannot locate any justification as to why these samples were not tested for contaminants, and based on the contaminant sampling undertaken, the southern array area ("FE2") is not characterised for contaminants in any capacity. The cable corridor area contains 35 samples which contain fine material, of which only eight were tested for contaminants, and 27 which were not.</p>	<p>The survey strategy was designed to target those sediments with the greatest <i>predicted</i> mud content as detailed within Section 2.2 of 6.5.5.1, Main Array Benthic Ecology Monitoring Report [APP-119]. The Applicant notes that the array area is predominately sand/ gravel in composition with an absence of fine (mud) material.</p> <p>In reference to those array samples identified by the MMO to contain fine material (FE1_02 and FE2_05), the Applicant would like to offer the following explanation for not analysing these samples for the absence/ presence of contaminants:</p> <ul style="list-style-type: none"> <li>&gt; All samples analysed within the array area contained a mud fraction greater than 6% in composition.</li> <li>&gt; Sample FE1_02 contained a mud fraction of less than 6%, with gravel and sand components of 59.6% and 34.6%, respectively;</li> <li>&gt; Sample FE2_05 contains no mud fractions, with gravel and sand representing 1% and 98.9%, respectively; and</li> <li>&gt; Sample FE2_06, which has not been highlighted by the MMO, contains gravels, sands and muds of 59.2%, 35.8% and 4.9%, respectively.</li> </ul> <p>Given that the array area can be characterised as having low contamination levels and that the samples analysed all returned contaminant levels less than the Cefas Action Level 1, with the exception of Arsenic which is typical for this offshore environment and as recognised by the MMO in the S42 responses (Table 3.2 of 6.2.7 Marine Water and Sediment Quality [APP-072]), it is considered that additional samples would not provide further clarity or additional information in terms of contamination levels.</p> <p>Within the ECC, the eight samples analysed for contaminants contained a fine fraction within the range 8.8% and 84.3% of the total sample. All contaminant samples returned for the ECC were below Cefas Action Level 2 with only four stations recording exceedances of Action Level 1:</p> <ul style="list-style-type: none"> <li>&gt; Sample FE4_02_50m contained a mud fraction of 14.82%, with AL1 exceedances for Arsenic and Nickel;</li> </ul>

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			<ul style="list-style-type: none"> <li>&gt; Sample FE4_05 contained a mud fraction of 8.53% with AL1 exceedances in Arsenic, Cadmium and Nickel.</li> <li>&gt; Sample FE5_09 contained a mud fraction of 71.07% and recorded exceedances of AL1 in Arsenic, Chromium and Nickel</li> <li>&gt; Sample FE7b_02 contained the largest fines percentage within the ECC of 84.15% and recorded exceedances of AL1 in Arsenic and Nickel.</li> </ul> <p>The Applicant considers that additional samples would not provide further clarity or additional information given the contamination levels in the region can be characterised as low even when high mud percentages are considered.</p>
MMO-RR51	OffS - Marine Water Quality	<p>For comment 4.1.2 ii, the number of samples does not appear to have changed since the Section 42 response. The number of samples tested for remains low.</p> <p>As these comments appear to have been unactioned, the MMO considers the cable corridor is inconsistently and insufficiently characterised. Therefore, we ask for justification on comments 4.1.2 i-iii.</p>	<p>The Applicant confirms no additional sampling has occurred since the S42 response however, it is the position of the Applicant that a robust and proportionate characterisation of the baseline has been defined in the assessment.</p> <p>The contaminants sampling referred to in comment 4.1.2 ii is provided in further detail in Section 2.2 and Table 4.4 of 6.5.5.1 Main Array Benthic Ecology Monitoring Report [APP-119] and Sections 2.2.1, 2.2.2 and Tables 4.5 and 4.7 of 6.5.5.2, Export Cable Route and Intertidal Benthic Ecology Monitoring Report [APP-120].</p> <p>PSA results are also detailed within Section 3.6 of 6.2.7 Marine Water Sediment Quality [APP-072].</p> <p>Extensive consultation regarding the methodology and scope of the surveys was undertaken prior to commencement. Following this consultation, the agreed survey strategy was performed.</p>
MMO-RR52	OffS - Marine Water Quality	<p>The MMO notes that comment 4.1.2 iv appears to have been actioned as Polybrominated Diphenyl Ethers (PBDE) data are available for both sediment datasets (array and cable corridor).</p>	<p>This statement is welcomed by the Applicant.</p>
MMO-RR53	OffS - Marine Water Quality	<p>Section 3.6.33 onwards (pp 51) of ES Volume 6.2.3, Chapter 7 Marine Water Sediment Quality, describes intertidal sediment sampling with samples taken at 23 locations, and then details the contaminant results which comprise a subset of three intertidal samples.</p> <p>The report does not detail the locations of these samples within the intertidal area, in the way that it does with the array and cable corridor. A lack of spatial information for these samples critically limits the utility of the data. Therefore, the MMO asks for further detail on these locations.</p>	<p>The co-ordinates of all the intertidal sampling transect locations (high, mid and low water) are provided in Easting and Northing format under the geodetic parameter WGS 84, UTM 31N, 3°E [m] within Table 4.1 and presented spatially in Figure 2.1 of 6.5.5.2 Export Cable Route and Intertidal Benthic Ecology Monitoring Report [APP-120].</p> <p>No exceedances of quality guidelines were identified within the contaminant samples for the intertidal region as stated in Section 3.7.33 and Table 3.11 of 6.2.7 Marine Water Sediment Quality [APP-072].</p>

Ref	Topic	Relevant representation comment	Applicant's responses
MMO-RR54	OffS - Marine Water Quality	It would also be useful if the Applicant would confirm why only three samples were tested for contaminants. The MMO presumes it was due to an absence of fine material from the Particle Size Analysis (PSA) data, however, we would like confirmation on this.	<p>The Applicant confirms the reasoning behind the chosen quantity of intertidal contaminant samples is due to the dominance of sand and gravel and absence of fines identified within the sediment characterisation across the intertidal region. All of the samples reported a fine portion of 0%, as presented in Table 4.4 of 6.5.5.2 Export Cable Route and Intertidal Benthic Ecology Monitoring Report [APP-120].</p> <p>The transect "I_TR05" was proposed to ensure targeting of finer sediments as described in Section 2.2.1 of 6.5.5.2, Export Cable Route and Intertidal Benthic Ecology Monitoring Report [APP-120].</p> <p>The Applicant considers this transect within the ECC to provide a robust characterisation of baseline contaminants of the intertidal region.</p>
MMO-RR55	OffS - Marine Water Quality	Furthermore, the MMO would like confirmation from the applicant on the laboratories contracted for all analyses	<p>The Applicant has provided confirmation of the contracted MMO accredited laboratories as confirmed in Section 3.6.4 of ES Volume 6.2.3, Chapter 7 Marine Water Sediment Quality [APP-072], throughout Section 3.2 of 6.5.5.2, Export Cable Route and Intertidal Benthic Ecology Monitoring Report [APP-120] and Section 3.2 of 6.5.5.1, Main Array Benthic Ecology Monitoring Report [APP-119].</p> <p>For further clarification the analyses undertaken and associated laboratories are as follows:</p> <ul style="list-style-type: none"> <li>&gt; Particle Size Distribution was undertaken by Fugro;</li> <li>&gt; Sediment hydrocarbons (Total hydrocarbon content (THC) and PAHs) were analysed by SOCOTEC;</li> <li>&gt; Sediment Metals were analysed for trace and heavy metal content by SOCOTEC;</li> <li>&gt; Sediment PCBs were analysed by SOCOTEC;</li> <li>&gt; Sediment Organotins were analysed by SOCOTEC and;</li> <li>&gt; Organochlorine Pesticides were analysed by SOCOTEC.</li> </ul>
MMO-RR56	OffS - Marine Water Quality	The MMO also notes that raw data for sediment quality should be provided as an annex to the Marine Water Sediment Quality chapter. Otherwise, our assessment for contaminants other than trace metals, Polycyclic Aromatic Hydrocarbons (PAHs) and PBDEs will be based on a qualitative description of the results only.	<p>The Applicant's position is that quantitative data is presented within the application and assessment of all sediment contaminants can therefore be based as such.</p> <p>Section 3.1.2 of 6.2.3 Marine Water Sediment Quality [APP-072] states the relevant chapters and annexes informing the chapter. These include 6.5.5.1 Main Array Benthic Ecology Monitoring Report [APP-119] and 6.5.5.2, Export Cable Route and Intertidal Benthic Ecology Monitoring Report [APP-120].</p>

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			<p>For the array area, the raw data is provided quantitatively in 6.5.5.1 Main Array Benthic Ecology Monitoring Report [APP-119] in the following tables:</p> <ul style="list-style-type: none"> <li>&gt; Sediment characteristics in Table 4.3</li> <li>&gt; Particle size distribution (PSD) in Table 4.4</li> <li>&gt; THC in Table 4.6</li> <li>&gt; PAHs in Table 4.7</li> <li>&gt; Metals in Table 4.8</li> <li>&gt; PCBs in Table 4.9</li> <li>&gt; Organotins in Table 4.10</li> <li>&gt; Organochlorine Pesticides in Table 4.11</li> </ul> <p>For the ECC and intertidal, the raw data is provided quantitatively in 6.5.5.2 Export Cable Route and Intertidal Benthic Ecology Monitoring Report [APP-120] in the following tables:</p> <ul style="list-style-type: none"> <li>&gt; Intertidal Sediment characteristics in Table 4.4</li> <li>&gt; Intertidal PSD in Table 4.5</li> <li>&gt; Export cable route sediment characteristics in Table 4.6</li> <li>&gt; Export cable route PSD in Table 4.7</li> <li>&gt; Intertidal and Export cable route THC in Table 4.9</li> <li>&gt; Intertidal and Export cable route PAHs in Table 4.10</li> <li>&gt; Intertidal and Export cable route Metals in Table 4.11</li> <li>&gt; Intertidal and Export cable route PCBs in Table 4.12</li> <li>&gt; Intertidal and Export cable route Organotins in Table 4.13</li> <li>&gt; Intertidal and Export cable route Organochlorine Pesticides in Table 4.14</li> </ul> <p>The justification for excluding these data from the Marine Water and Sediment Quality chapter is due to the lack of exceedance of relevant guideline thresholds (i.e. Cefas ALs), as presented in the relevant aspects of Section 3.6 of ES Volume 6.2.3, Chapter 7 Marine Water Sediment Quality.</p>
MMO-RR57	OffS - Marine Water Quality	Given the information gaps highlighted above in the MMO's response. The MMO defers comment on necessary mitigation until the information gaps have been adequately addressed.	The Applicant has not identified any information gaps and subsequently no additional mitigation to that presented within the application is deemed necessary.

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			The Applicant considers the assessment to be robust, appropriate and proportionate based upon an accurate and thorough characterisation of the baseline environment.
MMO-RR58	OffS - Benthic and Intertidal	<p>The MMO notes that Volume 6, Part 2, Chapter 1: Offshore Project Description states “At this stage in the VE development process, decisions on exact locations of infrastructure and the precise technologies and construction methods employed cannot be made. Therefore, the project description at this stage is indicative and the design envelope approach (often referred to as the ‘Rochdale Envelope’) has been used to provide certainty that the final project as built will not exceed these parameters, whilst providing the necessary flexibility to accommodate further project refinement during the detailed design phase post-consent”.</p> <p>The project description is as clearly presented as could be reasonably expected at this stage. However, considering the proximity of the VE project to the Galloper OWF (and the Applicant stated benefit of using existing datasets when extending operational OWFs), the MMO queries the inclusion of gravity base jacket foundations as the engineering solution in the assessment (as worst-case scenario) rather than the pile foundations achieved at Galloper (and presented in Figure 1.3 of Volume 6, Part 2, Chapter 1 of the ES – also see Annex 1, Figure 2 below).</p>	<p>The Application notes that though the projects are close in proximity, the WTG and OSP sizes and water depth are notably different. These differences may result in different foundations being necessary for the Project.</p> <p>Nonetheless the Applicant is planning to remove Gravity Based Structures (GBS) from the design envelope as set out in the Notification of Intention to Submit a Change Request submitted at pre-examination Deadline D.</p>
MMO-RR59	OffS - Benthic and Intertidal	<p>VE states that it is impossible to quantify the quantum of paint flakes released from Wind Turbine Generator (WTG) corrosion protection measures and that all paint will be confirmed as suitable for use in the marine environment. The Applicant also states, “the scale of material released will be extremely small in the context of such material that comes from general vessel traffic in the North Sea”.</p> <p>Recent research has shown that antifouling paint particles typically used in the marine environment fundamentally alter sediment microbial communities (Tagg et al. 2024) and the input of paint flakes from WTG is likely to be localised and persistent over the lifetime of the Project. Therefore, the MMO still advocates for the monitoring of a subset of WTGs to assess the prevalence/abundance of paint flakes in surrounding sediments. Although we agree that it is impossible to quantify the exact quantum of paint flakes released from any single WTG, we suggest that an assessment of surficial sediment bound paint flakes should be considered in pre- and post-construction monitoring (even if this solely involves the collection and storage/provision of samples to collaborators for this purpose) so that a robust assessment can be made of the sediment bound paint flakes before and after construction.</p>	The Applicant maintains its position as stated during the Section 42 consultation. This is that the scale of any material i.e. paint flakes being released will be extremely small and is unlikely to show any clear trend of any impacts associated with the release of paint flakes compared to background levels.
MMO-RR60	OffS - Benthic and Intertidal	While the MMO believes the appropriate evidence base has been proposed for use in the assessment, we defer to the relevant Statutory Nature Conservation Body (SNCB) regarding the use of the Marine Life Information Network (MarLIN) MarESA in the sensitivity assessment and the classification of samples into EUNIS biotopes as they are best placed to comment with reference to these topics.	Noted by the Applicant.
MMO-RR61	OffS - Benthic and Intertidal	The appropriate data sources have been identified. Data from a site specific benthic subtidal survey campaign in November 2021 and historical data (e.g., from Galloper OWF pre- and post-construction surveys) have been used to characterise the area.	Noted by the Applicant.
MMO-RR62	OffS - Benthic and Intertidal	The MMO note that the Cefas OneBenthic dataset has also been used to demonstrate the macrofaunal assemblages across the VE array and offshore export cable corridor (ECC) in Section 5.7 of the Benthic and Intertidal Ecology Chapter of the ES.	Noted by the Applicant.



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MMO-RR63	OffS - Benthic and Intertidal	Volume 6, Part 1, Chapter 3 of the ES includes the methodology used in the Environmental Impact Assessment and details the approach to cumulative effects. We note that the North Falls Development Consent Order (DCO) application is being applied for following the VE DCO application and that a coordinated approach to construction is being pursued in as far as is practicable.	Noted by the Applicant.
MMO-RR64	OffS - Benthic and Intertidal	The cumulative impact assessment for benthic ecology receptors includes a long list of projects to be considered, alongside the status (at the time of reporting) of each development, and an appropriate study area has been used in the assessment as shown in Figure 5.8 of the Benthic and Intertidal Ecology chapter (also see Annex 1, Figure 3 below).	Noted by the Applicant.
MMO-RR65	OffS - Benthic and Intertidal	While the exact location of the Project infrastructure is not yet known, Sabellaria spinulosa was not recorded in reef form within the offshore ECC or the WTG array area during the characterisation survey in 2021 and the Applicant has committed to micro-siting to avoid adverse effects on sensitive/protected habitats, biogenic reefs, or protected species should they be encountered following analysis of the pre-construction survey data. The Applicant has confirmed that "Pre-construction surveys will be undertaken to determine the location, extent and composition of any habitats of principal importance and/or Annex I and impacts to the features will be avoided as far as reasonably practicable".	Noted by the Applicant.
MMO-RR66	OffS - Benthic and Intertidal	The MMO agrees with the embedded mitigation of micro-siting infrastructure to avoid habitats of principle importance.	Noted by the Applicant.
MMO-RR67	OffS - Benthic and Intertidal	The Offshore Project Description chapter of the ES states that trial trenching may be undertaken up to two years prior to the commencement of the offshore construction phase. While the maximum burial depth is stated within the design envelop (3.5 m), the MMO seeks clarification from the Applicant what the minimum acceptable cable burial depth would be and if the cable will be removed should the minimum burial depth not be achieved.	The Applicant notes that the target cable burial depth will be defined post-consent in a pre-construction Cable Burial Risk Assessment (CBRA), taking account of the ground conditions and other factors (9.12 Outline Cable Specification and Installation Plan [APP-242]).
MMO-RR68	OffS - Benthic and Intertidal	As stated in paragraph 4.2.5, the MMO defers to the relevant SNCB, regarding the cable burial hierarchy, mitigation strategy and potential use of cable protection within the Margate and Long Sands Special Area of Conservation (M & LS SAC) and any potential impacts on the protected features and conservation measures at this site.	Noted by the Applicant.
MMO-RR69	OffS - Fish and Shellfish	The MMO notes site-specific data collected from fisheries surveys undertaken for earlier OWF developments (e.g. Galloper, Greater Gabbard and Gunfleet Sands) have been used to provide the site characterisation. The survey data were collected between 2007 – 2014 and in our opinion are appropriate to identify the general fish assemblages typically found in the vicinity of VE. Other sources of publicly available information used to inform the assessment include MMO fisheries reports, spawning and nursery ground data (Coull et al. 1998 and Ellis et al. 2012), International Herring Larval Survey (IHLS) data, ICES beam trawl and bottom trawl data, and seabed sediment data from the British Geological Survey (BGS) and EUSea Map. Collectively, the MMO considers that the evidence used to inform the fisheries and fish ecology assessment is appropriate.	This is welcomed by the Applicant.
MMO-RR70	OffS - Fish and Shellfish	We, however, believe there may be some inaccuracies with the IHLS data used to inform the assessment as there appear to be some data missing. Please see paragraphs 4.3.19, 4.3.20, 4.3.22 and 4.3.23 for further details.	The Applicant directs the MMO to the Applicant's responses to references MMO-RR85, MMO-RR86, MMO-RR88 and MMO-RR89.

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MMO-RR71	OffS - Fish and Shellfish	The potential impacts arising from the construction and operation of VE have been identified in Table 6.10 of the Fish and Shellfish Ecology ES Chapter. The impacts and effects identified are appropriate and that the evidence used to inform the ES is generally consistent with that submitted for operations of a similar nature.	This is welcomed by the Applicant.
MMO-RR72	OffS - Fish and Shellfish	The MMO still have some concerns related to the appropriateness of the mitigation measures presented by the Applicant (see paragraphs 4.3.15 – 4.3.16 and 4.3.26). This includes the methodology used to calculate 'peak' spawning, and thus the duration of the temporal restriction (see paragraphs 4.3.19 – 4.3.23).	The Applicant held a meeting with the MMO's advisors Cefas on the 8 <sup>th</sup> August 2024, where these concerns were discussed in more detail.  With regards the MMOs concerns relating to the appropriateness of the mitigation measures presented, the Applicant directs the MMO to the Applicant's responses to references MMO-RR83, MMO-RR84 and MMO-RR91. Regarding the MMO concerns regarding the methodology used to determine the peak herring spawning period, the Applicant directs the MMO to the Applicant's responses to references MMO-RR85 to MMO-RR89.
MMO-RR73	OffS - Fish and Shellfish	VE has now carried out habitat suitability assessments following the MarineSpace et al. (2013a and 2013b) methods for herring and sandeel respectively. These are presented as Figure 3.9 for herring and Figure 3.15 for sandeel in the Fish and Shellfish Ecology Technical Baseline Report. The Applicant acknowledges that the array overlaps areas of 'high' potential herring spawning habitat and 'high' sandeel habitat suitability, as shown in the heatmaps presented. This is especially true for the southern array for herring, with the northern array and much of the cable corridor overlapping less suitable herring spawning habitat. For sandeel, both the northern and southern array overlap 'high' suitability habitat, along with some of the cable corridor.	This is noted by the Applicant.
MMO-RR74	OffS - Fish and Shellfish	The Applicant does highlight that there is poor correlation between site-specific Particle Size Analysis (PSA) data and the British Geological Survey (BGS) data in some areas. In addition to the large areas of suitable sandeel habitat in the vicinity of the array area (AA) and export cable corridor (ECC) which could call in to question the importance of this habitat to sandeel at a regional scale. It should be noted that although there may be suitable habitat in the broader area, it may not be evenly distributed due to a number of biological and environmental factors, and therefore the EEC and AA may still represent an area of importance for sandeel. The Applicant should also note that the MarineSpace et al. (2013a and 2013b) methods have recently been revised to improve the seabed sediment data coverage used in the methods, see Kyle-Henney et al., 2023 (for herring) and Reach et al., 2023 (for sandeel). These represent the best available methods for assessing habitat suitability for herring and sandeel, however we recognise that these would not have been available at the time the VE ES was written.	As informed by the heatmapping exercise (detailed in 6.5.6.1: Fish and Shellfish Ecology Technical Baseline Report [APP-121]), the outputs of which are presented in Figures 3.15 of 6.5.6.1: Fish and Shellfish Ecology Technical Baseline Report [APP-121] and Figure 6.9 of 6.2.5 Fish and Shellfish Ecology [APP-075]) undertaken in accordance with the MarineSpace (2013) methodology, the array areas were identified as having medium to high confidence that the seabed may be suitable for spawning, and the ECC as having low to medium confidence that the seabed may be suitable for spawning, with a discrete area of high confidence in the mid-section of the ECC. The Applicant, notes that as detailed in paragraph 6.11.248 of Volume 6, Part 2, Chapter 5: Fish and Shellfish Ecology, and paragraph 3.1.59 of Volume 6, Part 5, Annex 6.1: Fish and Shellfish Ecology Technical Baseline Report, sandeel spawning grounds are located across the southern North Sea (Coull et al., 1998), with potential sandeel habitats also present across the eastern English Channel and Dover Strait. This is supported by the heatmapping exercise, which classified the southern North Sea, and eastern English Channel and areas within the Dover Strait as having medium to high confidence that the seabed may be suitable for spawning.  The Applicant therefore maintains that, taking into consideration the broadscale nature of sandeel habitats, across the southern North Sea and English Channel, that the Five Estuaries array areas and ECC are

Ref	Topic	Relevant representation comment	Applicant's responses
			<p>not considered areas of key importance for sandeel inhabitation, or spawning activity.</p> <p>The Applicant also, reaffirms, that as raised by the MMO, the methodologies as detailed in Kyle-Henney et al., (2023) and Reach et al., (2023) were not available at the time of writing. Therefore, the heatmapping exercise was undertaken in accordance with the best available information and methodologies at the time.</p>
MMO-RR75	OffS - Fish and Shellfish	<p>The MMO notes that the underwater noise assessment carried out by the Applicant now includes a section assessing the impacts of underwater noise (UWN) generated by the detonation of UXO. In addition, the Applicant has now included the requested UWN modelling using the 135 dB SELss threshold (as per Hawkins et al. 2014) to predict the impact range for behavioural effects in herring (see Figures 6.22 and 6.23 in the chapter Fish and Shellfish Ecology). The Applicant's use of this threshold is an appropriate approach however please see paragraph 4.3.9. The plume modelling provided also seems broadly appropriate and shows that the impacts of elevated Suspended Sediment Concentration (SSC) and the potential smothering effects will likely extend up to a maximum of 500m. The SSC will decrease with distance from the source and will last for the duration of the disturbance plus a maximum of one tidal cycle. VE is now in agreement that the impacts of UWN due to piling and elevated SSC due to cable installation works and bed preparation have the potential to impact spawning herring due to the proximity of suitable herring spawning habitat (see paragraphs 4.3.15-4.3.16). These impacts have been assessed as not significant with the appropriate mitigation; and whilst the MMO agrees with this statement, we do not have sufficient confidence in the mitigation measures that the Applicant has presented at this stage (see paragraphs 4.3.19-4.3.23 and 4.3.26 for further comments).</p>	<p>Regarding the presentation of the 135 dB SELss threshold (as per Hawkins et al. 2014) (the use of which the Applicant does not support), the Applicant directs the MMO to the Applicant's response to reference MMO-RR77 below.</p> <p>With regard to the MMOs concerns about the proposed mitigation measures, the Applicant directs the MMO to the Applicants responses to references MMO-RR85 to MMO-RR89, and MMO-RR91 below.</p>
MMO-RR76	OffS - Fish and Shellfish	<p>It would have aided the assessment if the Applicant had overlaid the UWN modelled noise contours over the herring potential spawning habitat heatmap provided in Figure 3.9 of the Fish and Shellfish Ecology Technical Baseline Report, rather than overlay the noise contours over IHLS data and Coull et al. (1998) data. This would have provided a more robust demonstration of where noise contours overlap areas of suitable spawning habitat, as opposed to just showing noise overlap with those areas where larvae are caught.</p>	<p>The Applicant confirms that these outputs will be provided at Deadline 1.</p>
MMO-RR77	OffS - Fish and Shellfish	<p>VE considers the 135 dB behavioural impact threshold for herring (based on Hawkins et al. (2014) to be too precautionary due to the environment in which the study was undertaken (a quiet lough). The Applicant suggests that the environment is not comparable to the study area where fish receptors are likely acclimated to higher background UWN. Whilst the MMO agrees with the Applicant that there are environmental differences between Hawkins et al. (2014) and the present study area, it should be noted that the use of the 135 dB threshold constitutes the best available evidence in lieu of an appropriate alternative. The use of the 135 dB threshold is considered best practice by Cefas and its use in UWN modelling is consistent with other projects of a similar nature. We note that the Applicant has presented the 135 dB threshold noise contour in Figures 6.22 and 6.23 of the ES chapter Fish and Shellfish Ecology, these figures would be much clearer if only the relevant noise contours were presented (186 dB, 203 dB, 207 dB, 210 dB (SELcum) as per Popper et al. 2014) and 135 dB SELss, as per Hawkins et al. 2014), rather than showing contours at 5dB intervals, most of which are not relevant to the assessment and results in overcrowded figures that are difficult to interpret.</p>	<p>The Applicant confirms that the underwater noise contours, as defined using the 135dB SELss threshold (based on a study by Hawkins et al., (2014)) have been presented as 5dB increments in Figures 6.22 and 6.23 in 6.2.5 Fish and Shellfish Ecology [APP-075]. The presentation of these contours as 5 dB increments has been undertaken to reflect the range of potential behavioural responses to underwater noise stimuli, and the influence of factors such as the type of fish/shellfish, sex, age and condition, as well as other stressors to which the fish/shellfish have been exposed. The presentation of these contours has been further supported by a literature review in paragraph 6.11.180 <i>et seq.</i> of 6.2.5 Fish and Shellfish Ecology [APP-075]. The Applicant would also like to highlight, that the 135dB SELss threshold (Hawkins et al., 2014), has been presented separately to the injurious and temporary threshold shifts (TTS) (Popper et al., 2014) due to the</p>

Ref	Topic	Relevant representation comment	Applicant's responses
			<p>different noise metrics being presented. The Applicant does not consider it appropriate to present these metrics together in the same figures.</p> <p>Furthermore, the Applicant, maintains their position, that they do not support the application of the 135 dB SEL contour to establish behavioural impact ranges for sensitive receptors. The use of this threshold for noise impact assessments is expressly advised against by the authors of the paper. Specifically, this threshold is based on a study undertaken within a quiet loch on fish not involved in any particular activity (i.e. not spawning), and it is therefore not considered appropriate to use this threshold within a much noisier area such as the English Channel (which is subject to high levels of anthropogenic activity and consequently noise) as the fish within this area will be acclimated to the noise and would be expected to have a correspondingly lower sensitivity to noise levels</p>
MMO-RR78	OffS - Fish and Shellfish	<p>The Applicant has presented a brief assessment of UXO clearance as part of the UWN assessment, it should be noted that UXO clearance will be consented under a separate Marine Licence (post-consent) and therefore not under the DCO. Please also note that two marine licences may be required: one for determining the number of UXOs and a second for the clearance of the UXOs found. Based on the information provided at this stage, it is anticipated that there will be up to 2000 UXO targets with up to 60 requiring clearance in the pre-construction phase. Clearances will occur either by high-order or low-order (deflagration) methods and will be limited to two in a 24-hour period. The maximum expected UXO weight is 698 kg a 0.5kg donor charge will be used of both low and high order clearance. The preliminary results show that mortality and potential mortal injury will likely occur up to 890 metres away from the source given the worst-case scenario. VE has identified potential suitable mitigation measures such as micro siting, preference for low order clearance and use of bubble-curtains as noise abatement measures. Given the proximity of suitable herring spawning habitat to the AA and ECC, the MMO note that suitable mitigation and/or noise abatement measures should be further explored.</p>	<p>The Applicant confirms that, as noted by the MMO, the potential for impacts on fish and shellfish receptors from UXO clearance are detailed in paragraph 6.11.221 <i>et seq.</i> of 6.2.5 Fish and Shellfish Ecology [APP-075], however the UXO clearance will be consented under a separate Marine Licence (post DCO-consent).</p> <p>The Applicant confirms that, as detailed paragraph 4.1.1 <i>et seq.</i> of 9.14.2, Marine Mammal Mitigation Protocol – UXO [APP-245], the Applicant has highlighted a suite of mitigation measures that the Applicant could implement for VE UXO clearance. However, the Applicant reasserts that, as stated in paragraph 4.1.2, the UXO clearance mitigation measures for VE will be determined in consultation with relevant SNCBs once charge weights, survey data, noise data, and information on maturation of emerging technologies are confirmed. The additional data and information will inform noise modelling to be fed into the Final UXO Clearance Marine Mammal Mitigation Protocol (MMMP).</p> <p>The Applicant acknowledges that two marine licences may be required: one for determining the number of UXOs and a second for the clearance of the UXOs found.</p>
MMO-RR79	OffS - Fish and Shellfish	<p>The Applicant states that cables will be buried below the seabed wherever possible, with a target burial depth to be defined post-consent, using a Cable Burial Risk Assessment (CBRA) to take account of the ground conditions and other factors. In line the with the National Policy Statement EN3 (Department of Energy &amp; Climate Change, 2011), the MMO recommends that, where possible, cables are buried to a minimum depth of 1.5m (subject to local geology or seabed obstructions). Burying cables to the minimum depth will reduce the risk of snagging and damage</p>	<p>This is noted by the Applicant. The Applicant reiterates that a target burial depth will be informed by post-consent 9.9 Outline Cable Burial Risk Assessment [APP-239], and the CSIP (in accordance with the Outline Cable Specification and Installation Plan [APP-242]) which will also identify what (if any) cable protection is required to address both technical and ecological requirements. As noted by the MMO it is in the Applicant's interest to ensure, as far as reasonably possible, that</p>



Ref	Topic	Relevant representation comment	Applicant's responses
		to cables by other marine vessels e.g. anchors, bottom-towed gear. It will also increase the distance between electro-sensitive fish receptors and electro-magnetic fields (EMF).	cables are either sufficiently buried or otherwise protected to reduce risk of snagging or damage.
MMO-RR80	OffS - Fish and Shellfish	<p>The MMO raised concerns in our Section 42 response regarding quantifying the impacts to spawning grounds and habitat as a percentage of area affected. For ease this information has been provided again below:</p> <p>The MMO do not support the calculation of total spawning habitat, as this approach can over, or underrepresent spawning grounds and is solely based on substrate suitability. The MMO have provided a summary of the reasons below why we do not support the calculation of total spawning habitat:</p> <p>(i) Spawning areas can change over time or become recolonised.</p> <p>(ii) Whilst spawning and nursery ground maps are used to provide the most recent and appropriate information to identify spawning areas, they do not fully define/consider/identify the following:</p> <ul style="list-style-type: none"> <li>&gt; All potential areas of spawning,</li> <li>&gt; Any habituation that may occur i.e., identify areas where higher densities of spawning are present,</li> <li>&gt; Specific substrate requirements e.g., substrates which are most suitable within the wider broadscale sediments,</li> <li>&gt; More suitable topography e.g., ridges/edges of sandbanks where sandeel may spawn or furrows where herring may spawn,</li> <li>&gt; Environmental factors that may influence spawning intensity such as temperature, oxygenation, natural disturbance, anthropogenic disturbance etc.,</li> <li>&gt; Calculations of specific spawning areas are based on peak spawning times i.e., the number of days of a spawning period rather than considering the entire spawning season.</li> </ul>	<p>The Applicant agrees with the points raised by the MMO with regards to the interchangeable nature of spawning and nursery ground extents. The spawning and nursery grounds and spawning seasons are defined by Ellis et al., (2012) and Coull et al., (1998). The extents of the grounds and the durations of spawning periods are considered highly precautionary, on the basis that Coull et al., (1998) specifically states that the spawning and nursery grounds should be seen as representing the widest known distribution given current knowledge and should not be seen as rigid. This is also the case with the duration of spawning seasons, with the seasons tabulated in Coull et al., (1998) described as the generally accepted maximum duration of spawning.</p> <p>Furthermore, the Applicant would like to highlight that the EIA, in line with PINS Advice Note Nine: Rochdale Envelope (PINS, 2018a), is based on identifying the Maximum Design Scenario (MDS) for each impact assessed. This approach ensures that the scenario that would result in the greatest impact (e.g., largest footprint, longest exposure, or largest dimensions) is considered. The MDS for fish and shellfish receptors is provided in Table 6.10 of 6.2.5 Fish and Shellfish Ecology [APP-075] and provides parameters which are judged to give rise to the maximum levels of effect for the assessment undertaken, as set out in 6.2.1 Offshore Project Description [APP-069]. As such, the habitat disturbance percentages as presented in 6.2.5 Fish and Shellfish Ecology [APP-075] are derived from a worst-case scenario and is considered inherently precautionary.</p> <p>In addition, the Applicant highlights, that when considering the temporal MDS, relative to spawning periods, an assumption is made that entirety of the proposed works (for example piling activities) will occur within the spawning periods, and therefore the actual temporal impact on the receptors will be considerably less.</p> <p>Lastly, the Applicant would like to highlight that the quantification of impacts, to contextualise the assessment, is a standard approach that is adopted by a multitude of offshore wind farm applications (Hornsea Four OWF (Orsted, 2021); Rampion 2 OWF (RED, 2023); Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects (Equinor, 2022)).</p> <p>Therefore, the Applicant considers that quantifying the percentage overlap of spawning grounds and the percentage temporal interaction with spawning periods is suitably precautionary for the assessment presented in 6.2.5 Fish and Shellfish Ecology [APP-075].</p>



Ref	Topic	Relevant representation comment	Applicant's responses
MMO-RR81	OffS - Fish and Shellfish	The MMO notes that VE has attempted to justify the use of percentages to quantify the amount of habitat and the amount (duration) of the spawning season impacted. These have been used throughout the ES chapter Fish and Shellfish Ecology despite concerns raised in the Section 42 response. The Applicant argues "that the spawning grounds and the duration of spawning periods are considered highly precautionary; this is on the basis that Coull et al., (1998) specifically states that the spawning and nursery grounds should be seen as representing the widest known distribution given current knowledge and should not be seen as rigid. This is also the case with the duration of spawning seasons, with the seasons tabulated in Coull et al., (1998) described as the generally accepted maximum duration of spawning." The MMO disagrees with these statements, and for the reasons stated in the paragraph 4.3.12. The high uncertainty associated with exact quantification of these areas/periods as a percentage is not an appropriate approach. We recommend the Applicant presents these as raw figures in appropriate units such as m2 or days-1.	The Applicant directs the MMO to the Applicant's response to MMO-RR80 above. The Applicant confirms that the raw figures (and their appropriate units) are also provided in Table 6.10 of Fish and Shellfish Ecology [APP-075].
MMO-RR82	OffS - Fish and Shellfish	The MMO notes that the Applicant has cited Geffen (1986) in the Herring Seasonal Restriction Note, but this study is not included in the reference list.	This is noted by the Applicant and the reference will be provided in an updated Herring Seasonal Restriction Note, which the Applicant will aim to provide at Deadline 1.
MMO-RR83	OffS - Fish and Shellfish	The Applicant has proposed the following mitigation measures in addition to those presented at the PEIR stage: i. To avoid population impacts to Downs herring from UWN during their spawning season, no piling will be undertaken within the array areas during the 'peak' Downs herring spawning period, defined by the Applicant as 6th November until 1st January. ii. To avoid population impacts to Downs herring spawning habitat and herring eggs and larvae from increased SSC due to cable installation and bed preparation works, dredged material from the northern array area will not be disposed of within the southern array area, to ensure sediment characteristics of the southern array area are maintained. The MMO considers these mitigation measures (paragraphs 4.3.15 i and ii) are not appropriate in their current form, please see below for further details.	The Applicant directs the MMO to the Applicant's responses to references MMO-RR85 to MMO-RR90, and MMO-RR91.
MMO-RR84	OffS - Fish and Shellfish	To inform measure 4.3.15 i and identify a suitable temporal piling restriction, VE has carried out a back-calculation method to identify the 'peak' spawning period for the Downs herring stock. The data have been used to calculate the start and end of the 'peak' spawning period based on the earliest/latest survey start date, less the number of days from hatch length to catch length, less the yolk absorption and egg development periods. This involves the use of IHLS data for 2007-2022 and the following parameters: i. IHLS survey timings and bottom sea temperature data. ii. Larval length in survey sample data. iii. Laval length at hatching. iv. Egg development period. v. Yolk absorption period. vi. Growth rate.	This is welcomed by the Applicant.

Ref	Topic	Relevant representation comment	Applicant's responses
		<p>The Applicant has used a larval length of 11 millimetres (mm) on which to base the calculation of a conservative estimate of the start and end of peak spawning as most of the larvae within the survey will have been spawned later than the calculated start date as 89.9% of all larvae recorded were <math>\leq 11</math> mm. The length at hatch has been estimated at 5 mm this is considered to be a conservative estimate however this size is occasionally reported for the Downs stock (0.5% of the recorded larvae). The justification for, and the choice of 11mm length at catch and 5mm length at hatch is appropriate.</p>	
MMO-RR85	OffS - Fish and Shellfish	<p>The egg development period used in the calculation is based on Russell (1976). Data for the temperature at the maximum sampling depth for each trawl is recorded as part of the IHLS data (2007- 2022) and these temperature data have been used to determine the average temperature at the maximum sampling depth. This represents the average seafloor temperature for the egg development period. A temperature of 8.5°C has been used as a conservative temperature, which is the average temperature of the IHLS dataset covering the (coolest) northeastern extent of the English Channel. This is 1.4°C cooler than the average temperature for the entire English Channel. Based on this, a 14-day egg development duration has been used to inform the start date. The egg development duration calculation based on Russell (1976) is appropriate, however it is not clear at this stage whether 8.5°C is an appropriate temperature for the calculation. VE compares the temperature chosen with the average for the English Channel, stating that it is 1.4°C cooler. It should be noted that the project is not located in the English Channel but the Southern North Sea. Therefore, comparing temperatures with the English Channel is not appropriate. Furthermore, it is not clear if the temperature used by the Applicant to inform the back-calculation is appropriate. The Applicant has chosen the average temperature, however this cannot be considered a precautionary approach, as the temperature in the IHLS data ranged from 6.3°C to 10.1°C. The minimum temperature values should be used in the calculation to ensure that there is no scope for underestimating the time from peak spawning; and therefore, potentially allowing piling works to occur during this sensitive period.</p>	<p>The Applicant acknowledges that the note makes references to the English Channel and not the Southern North Sea. This will be amended in the Deadline 1 Submission.</p> <p>The Applicant confirms that the mean seafloor temperature used to inform the back calculation (8.5°C) was based on all the sample temperatures recorded within the full 15-year dataset across the extent of the Southern North Sea (noting that temperatures in the Southern North Sea were 1.4°C cooler than the average temperature for the English Channel).</p> <p>The Applicant appreciates that while temperatures lower than 8.5°C were identified in the Southern North Sea, these temperatures are evident outside of any larval hotspots (see Figure 2.2 of 6.5.6.4 Herring Seasonal Restriction Note [APP-125]. The Applicant also notes, that as evident in Figures 6.1 to 6.11, herring larval hotspots are generally associated with areas of warmer water, with the lowest temperature recorded in the hotspots in any year being 10 °C.</p> <p>The Applicant notes that the MMO proposes the use of the minimum temperature values to inform the back calculations. The Applicant would like to highlight, that the Russell et al. (1976) paper does not provide values for yolk absorption and egg development at such a resolution to enable the use of a 6.3°C value, the 8.5°C temperature remains the most appropriate value to use.</p> <p>Specifically, this value can still be considered a precautionary temperature to determine the durations for egg development and yolk absorption as in all other years the temperature within areas of peak herring larval densities (i.e. the region of greatest importance) was above this value and so the durations would be faster than those used within the calculations.</p> <p>As such, the Applicant considers that to use a lower temperature than the already conservative 8.5°C, particularly as low as 6.3°C proposed by the MMO, would be excessively conservative as to be meaningless when considering the temperature values associated with the hotspot (i.e. the primary area of spawning).</p>

Ref	Topic	Relevant representation comment	Applicant's responses																								
MMO-RR86	OffS - Fish and Shellfish	<p>The Applicant has presented data showing the average temperature at the maximum sampling depth for each IHLS sampling station for the years 2007 –2022 in Figure 2.2 in the document Herring Seasonal Restriction Note. The temperatures at the maximum depth for each sampling station for each of these years has then been presented in Figures 6.1 - 6.14 (in Appendix B of the Herring Seasonal Restriction Note). However, the legend for Figures 6.1 - 6.14 states that the data show 'Average Temperature (degrees)', rather than the site and year specific bottom temperature for that particular year. The MMO asks for VE to clarify if these are average values or single values for each year.</p>	<p>The Applicant confirms that the temperatures presented in Figures 6.1 - 6.14 show the temperatures recorded at the maximum sampling depth at each sampling station. The Applicant also confirms that the hauls and their associated temperatures within the vicinity of an allocated station ID (a grid of master station locations was created, as stations are not assigned to each year of data) are averaged at each allocated point based on the surveyed samples that were present that year. Figure 2.2 of Herring Seasonal Restriction Note, shows the mean temperatures recorded at the maximum sampling depths, from 2007-2022.</p>																								
MMO-RR87	OffS - Fish and Shellfish	<p>The yolk absorption duration and the growth rate chosen for the back calculation are also not appropriate. Kiorboe et al., (1985) and Geffen (2002) have been used to inform the yolk absorption period and Oeberst et al. (2009) has been used to inform the growth rate. It should be noted that these studies use herring from the west coast of Scotland (the Clyde stock), Baltic and Limfjord, Denmark (the Dogger stock). None of these herring stocks exhibit the same spawning period as the Downs stock (November – January). A comparison of growth rates between stocks which have different spawning characteristics and are therefore physiologically different is not appropriate. VE should use the yolk absorption periods from Russell (1976) (see Table 2 below), and the growth rates from Heath (1993) which focus on the Downs stock and are therefore appropriate sources.</p> <table border="1"> <thead> <tr> <th colspan="2">Table 1 Egg development periods</th> <th colspan="2">Table 2 Yolk absorption periods</th> </tr> <tr> <th>Average temperature</th> <th>Days</th> <th>Average temperature</th> <th>Days</th> </tr> </thead> <tbody> <tr> <td>12 - 13° C</td> <td>7-9</td> <td>12.8° C</td> <td>3 &amp; 9</td> </tr> <tr> <td>10 - 11° C</td> <td>10-12</td> <td>12.0° C</td> <td>5 &amp; 14</td> </tr> <tr> <td>7 - 8° C</td> <td>14-18</td> <td>10.7° C</td> <td>7 &amp; 16</td> </tr> <tr> <td>3 -4° C</td> <td>49</td> <td>10.3° C</td> <td>7 &amp; 20</td> </tr> </tbody> </table> <p>From Russell 1976.</p>	Table 1 Egg development periods		Table 2 Yolk absorption periods		Average temperature	Days	Average temperature	Days	12 - 13° C	7-9	12.8° C	3 & 9	10 - 11° C	10-12	12.0° C	5 & 14	7 - 8° C	14-18	10.7° C	7 & 16	3 -4° C	49	10.3° C	7 & 20	<p>The Applicant notes the MMO's request to adopt a slower growth rate in line with that proposed by Heath (1993). The Applicant however is confident that the equation presented by Oeberst et al. (2008) to calculate growth rates is appropriate to estimate the growth rate for the Downs herring stock. The growth rate presented by Heath (1993) is based on herring stocks distributed across the northeast Atlantic, which would equate for significant variations in temperature, with the temperatures within the more northerly stocks much lower than those within the Downs stock region. The calculation as presented in Heath (1993) does not account for temperature as a variable, whilst it is widely accepted that sea temperature affects herring larvae growth rates (Stevenson 1962; Keegen et al. 1986; McGurk 1984; Ottersen and Loeng 2000). On this basis, that the Applicant does not consider Heath (1993) to be a reliable source for the determination of growth rates. The Applicant is therefore confident that the calculation presented in Oeberst et al. (2008), which accounts for temperature as a variable, is appropriate to determine the growth rate of the Downs stock herring.</p> <p>The Applicant also notes the MMOs request to adopt the yolk absorption periods from Russell (1976). The Applicant confirms that the yolk absorption durations adopted by Kiorboe et al., (1985) and Geffen (2002) have been deemed most appropriate, due to the temperatures recorded within the studies. The average temperatures for yolk absorption periods recorded by Russell (1976) ranged from 10.3°C to 12.8°C, which are not comparable to the bottom temperatures of the southern North Sea (in the IHLS data). The Applicant therefore deemed the yolk absorption durations from Kiorboe et al., (1985) and Geffen (2002) are more suitable, as they are based on herring larvae reared at temperatures of 7°C and 8 °C respectively.</p>
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MMO-RR88	OffS - Fish and Shellfish	<p>The IHLS data used to inform the back-calculations also appears to be incomplete. VE states that IHLS data from 2007-2022 have been used to inform the calculations, some limitations in the data have been acknowledged such as the lack of any surveys of the Downs stock in 2018 and the lack of a December survey in 2014. However there appears to be some additional dates and even surveys missing from Table 2.1 of the Underwater Noise Report which shows the survey years and the start and end dates of the IHLS data for each year. A quick cross reference with the IHLS data from ICES data portal (see <a href="https://www.ices.dk/data/data-portals/Pages/Eggs-and-larvae.aspx">https://www.ices.dk/data/data-portals/Pages/Eggs-and-larvae.aspx</a>) shows that the data presented in the table do not match. For example, from 2019 - 2022 the table appears to show that no January surveys took place, however ICES reports that in 2021 there was a survey from January 6th- 9th and in 2022 there was a survey from January 8th - 11th. In addition, there appear to be inconsistencies between the start and end dates of surveys shown in Table 2.1 compared to the data on the ICES portal, for example for 2019, Table 2.1 states that the survey occurred from December 18th – 19th, when ICES reports the dates as December 16th – 20th. This is not an exhaustive list and a number of other similar inconsistencies were also identified, the Applicant should revisit the ICES portal and obtain the correct and complete IHLS data set for the Q12 and Q1 surveys. It should be noted that until 2018, the Southern North Sea and eastern English Channel (SNS) Downs IHLS surveys were conducted as three separate sampling events; one in the 3rd quarter of each year undertaken by the Netherlands between 16th - 31st December, and two in the 1st quarter of each year; between 1st - 15th January undertaken by Germany, and between 16th – 31st January undertaken by the Netherlands. From 2018 onwards, the latter survey (between 16th – 31st January) was discontinued, however, the spatial coverage for all surveys remains the same and it is only the temporal coverage which has changed.</p>	<p>The Applicant confirms that a revised Herring Seasonal Restriction Note will be provided at Deadline 1, with the latest IHLS data incorporated.</p>
MMO-RR89	OffS - Fish and Shellfish	<p>In the MMO's response at the PEIR stage we mentioned that herring spawning typically occurs later in the season in the area of the Downs spawning ground where VE is located, compared to the areas of spawning ground in the English Channel. With this in mind, our suggestion that a 'peak' of spawning activity could potentially be established, was on the basis of breaking down the IHLS survey data by each of the three survey periods (two survey periods for 2018 onwards), this would allow for better interrogation of the data to identify when larval abundances were at their highest in the Southern North Sea spawning ground. This important step needs to be considered in order to better explore the refinement of the spawning restriction. The MMO are content to arrange a meeting between the Applicant, the MMO and our technical advisers Cefas to discuss this matter, prior to the Applicant carrying out further back calculations.</p>	<p>A meeting was also held with the MMO's advisors, Cefas on the 8<sup>th</sup> August 2024, where this was detailed further.</p> <p>The Applicant confirms that a revised Herring Seasonal Restriction Note will be provided at Deadline 1, with consideration of the larval densities recorded within the individual surveys.</p>
MMO-RR90	OffS - Fish and Shellfish	<p>The MMO would like to highlight that once a peak spawning period has been agreed, a suitable buffer period should also be implemented to allow for settlement of seabed habitats and allow migration of herring to their spawning grounds. This buffer period has been set at eight days for other projects of a similar nature.</p>	<p>The Applicant confirms that multiple measures of conservatism are already incorporated into the definition of a peak spawning period for downs stock herring. These include:</p> <ul style="list-style-type: none"> <li>&gt; The consideration of a four hatch sizes, from 5mm (the most conservative hatch size to determine the start date) to 11mm (the most conservative hatch size to determine the end date) as informed IHLS survey data;</li> <li>&gt; The inclusion of a 14 day egg development duration, a 7 day yolk absorption period and slower growth rate (0.34 mm d-1);</li> </ul>



Ref	Topic	Relevant representation comment	Applicant's responses
			<p>&gt; The use of the earliest survey start date and latest survey end dates across all four hatch sizes as a precautionary measure, extending the seasonal restriction period from 38 days to 56 days.</p> <p>VE lies within the migration pathway for herring, however, is positioned on the northeastern return leg of the herring migration pathway. Therefore, it is not considered that piling would have any impacts on herring migration to the spawning grounds. Notwithstanding this, the Applicant is confident that that it has implemented a sufficiently precautionary approach in defining the Downs stock herring spawning period to accommodate the migration of herring from the spawning grounds.</p>
MMO-RR91	OffS - Fish and Shellfish	<p><b>Sediment Disposal Restriction</b></p> <p>As far as the MMO can tell, the mitigation measure proposed by the applicant, 4.3.15 ii, has been informed by the sediment suitability maps for herring (and sandeel) and is aimed at maintaining the sediment characteristics in each array and therefore their potential suitability to herring (and sandeel). Although we agree that sediment collected during cable installation and bed preparation works should be returned to broadly the same location from where it originated this mitigation measure is not sufficient in isolation to reduce other impacts to herring associated with increased SSC such as potential smothering of eggs and larvae.</p> <p>The sediment disposal restriction does not provide adequate protection to spawning herring and resultant eggs and larvae. Herring are benthic spawners attaching their demersal eggs to coarse sediments such as gravel and sandy gravels. Cable burial and bed preparation is estimated to disturb approximately 42 million cubic metres (m<sup>3</sup>) of sediment over the whole construction period. If these activities are to be carried out during the herring spawning season there is a potential for smothering of herring eggs due to the resulting sediment deposition. Given that the southern array overlaps areas of 'high' herring spawning potential (Figure 3.9 of chapter Fish and Shellfish Ecology Technical Baseline Report) and that the impacts of elevated SSC may extend up to 500m from the source, there may be potential for significant impacts to herring spawning success at a population level. Therefore, a temporal restriction on bed preparation and cable laying works in the southern array area will be necessary. It should be noted that the cable corridor and northern array overlap areas of lower herring spawning potential and therefore are of less concern. The MMO recommends that a temporal restriction is conditioned on the deemed marine licence (DML) to restrict dredging and disposal of material from the northern array area during the Downs herring spawning season in order to minimise the potential for impacts to herring eggs and larvae from activities likely to generate high SSC.</p>	<p>The Applicant assumes that the MMO are recommending a temporal restriction to restrict dredging and disposal of material from the southern array area and not the northern array area.</p> <p>As informed by the IHLS surveys, areas of high densities of herring eggs and larvae for the Downs herring stock occur consistently in the English Channel. The presence of eggs and larvae within the array areas and across the wider southern North Sea are comparatively much lower.</p> <p>Considering the overlap of the southern array area with a historic spawning ground (as defined by Coull et al., 1998) and the presence of suitable spawning substrates for herring, the Applicant has therefore taken a precautionary approach to ensure herring spawning habitat characteristics are maintained in the southern array area. The Applicant therefore maintains that further mitigation to minimise the potential for impacts to herring eggs and larvae in the southern array area is not necessary, due to the significantly lower densities of herring eggs and larvae present in the area.</p>
MMO-RR92	OffS - Fish and Shellfish	<p>Whilst the MMO agrees with some of the results of the cumulative assessment, we do not support the Applicant's conclusions of no significant cumulative effects for the impacts of UWN and elevated SSC. The mitigation measures that the Applicant has currently presented to reduce impacts to herring from these two sources are not appropriate in their current form, please see paragraphs 4.3.15-4.3.16, 4.3.19-4.3.23 and 4.3.26 for details.</p>	<p>The Applicant maintains that with the implementation of the proposed mitigation measures, which include a seasonal piling ban to mitigate against impacts to spawning herring from underwater noise, and a sediment disposal restriction to mitigate against impacts to spawning herring from smothering effects from sediment deposition, there will be</p>



Ref	Topic	Relevant representation comment	Applicant's responses
			<p>no significant cumulative effects for the impacts of UWN and elevated SSC.</p> <p>The Applicant also directs the MMO to the Applicant's responses to references MMO-RR83, MMO-RR85 to MMO-RR89, and MMO-RR91.</p>
MMO-RR93	OffS - Fish and Shellfish	<p>In the Fish and Shellfish Ecology Technical Baseline, VE states the following; 'until recently, fish were assumed to flee the noise stimulus at a rate of 1.5 m/s, however recent projects (RWE, 2022; Equinor, 2022; Ørsted, 2021; Vattenfall, 2019) have been advised to also consider stationary receptor modelling for some species groups'. Please note that the MMO's position on the use of a fleeing receptor has not changed and is as follows: The MMO do not support the use of a fleeing fish receptor when modelling the range of effect for UWN because there is no empirical evidence that fish will flee from a source of disturbance. The 'generic' fish swimming speed of 1.5m/s is based on Hirata K (1999). However, this does not comprise empirical evidence that fish will flee from the source of noise, and its use in this way may be considered speculative. It should also be recognised that swimming speeds are not the same as fleeing speeds. In studies which have sought to quantify swimming speed in fish, swimming performance is categorised into sustained, burst and prolonged swimming (Beamish, 1978; Cano-Barbacil et al., 2020), which are defined in the literature as follows:</p> <ul style="list-style-type: none"> <li>i. Sustained swimming is aerobically generated and can be maintained for periods of time without muscular fatigue (excess of 200 minutes).</li> <li>ii. Burst swimming is the maximum achievable swimming speed, this type of swimming is anaerobically generated and can only be sustained over short periods (20-30 seconds).</li> <li>iii. Prolonged swimming is a transitional speed between burst and sustained swimming which can be maintained for intermediate lengths of time (1-200 minutes).</li> </ul>	<p>The Applicant considers that the fleeing receptor approach is relevant where mobile species are not spatially restricted (due to breeding activity for example). Where species are restricted in such ways, the assessment has been undertaken using the static receptor modelling outputs. The Applicant confirms that spawning herring, sandeel, and seahorses have all been assessed as stationary receptors when regarding impacts from underwater noise.</p> <p>The Applicant would also note however that the assumption that fish would remain exposed to noise for the entire duration of piling with no response reaction represents a highly precautionary position.</p>
MMO-RR94	OffS - Fish and Shellfish	<p>We know that fish will respond to loud noise and vibration, through observed reactions including schooling more closely; moving to the bottom of the water column; swimming away, and burying in substrate (Popper et al., 2014). However, this is not the same as fleeing, which would require a fish to flee directly away from the source over the distance shown in the modelling. We are not aware of scientific or empirical evidence to support the assumption that fish will flee in this manner. The assumption that a fish will flee from the source of noise is overly simplistic as it overlooks factors such as fish size and mobility, philopatric behaviours (foraging, reproductive or migratory) which may cause an animal to remain/return to the area of impact. Ultimately, the use of a fleeing fish model relies too heavily on an assumption, rather than being supported by an adequate evidentiary standard befitting of an Environmental Impact Assessment. If the Applicant is aware of new, empirical evidence characterising fish fleeing behaviour which may be of use, the MMO would be happy to review it</p>	<p>As noted previously, the Applicant acknowledges the MMO's position and confirms the inclusion of UWN modelling for a stationary receptor, which is highly precautionary.</p>
MMO-RR95	OffS - Fish and Shellfish	<p>The MMO emphasises that the authors of the Fish and Shellfish Ecology Technical Baseline have been made aware of the MMO's and Cefas' position on the use of a fleeing receptor in modelling and the lack of evidence to support a 'fleeing' speed of 1.5m/s on various occasions as part of other Offshore Wind Farm applications, and so we presume the inclusion of this within the report to be an error.</p>	<p>The Applicant directs the MMO to the Applicants response to reference MMO-RR93.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
MMO-RR96	OffS - Marine Mammal	The MMO defers to Natural England for comments on whether all relevant marine mammal receptors have been scoped in for assessment. For marine mammals, the primary species considered in the assessment are grey seal, harbour seal, and harbour porpoise. We believe this was agreed through the Evidence Plan Process.	This is noted by the Applicant.
MMO-RR97	OffS - Marine Mammal	<p>Previous Comments on Annex 6.2 Underwater Noise Technical Report:</p> <p>4.4.3 The MMO note that sections 1.3.9 to 1.3.10 of the report state that “The current version of INSPIRE (version 5.1) is the product of re-analysing all the impact piling noise measurements in Subacoustech Environmental’s measurement database and cross-referencing it with blow energy data from piling logs... This analysis showed that, based on the most up-to-date measurement data for large piles at high blow energies, the previous iterations of INSPIRE tended to overestimate the predicted noise levels at these blow energies. With this in mind, the current version of INSPIRE attempts to calculate closer to the average fit of the measured noise levels at all ranges”. The MMO welcome this clarification, and acknowledge the drive for reducing unnecessary conservatism in modelling. Allegedly, the current version of INSPIRE should produce more realistic predictions. However, the MMO consider that in light of these, the various claims throughout the PEIR (especially in the Marine Mammal Ecology chapter) that the noise modelling and predictions are ‘highly precautionary’ seem unjustified.”</p> <p>The MMO note that this comment has not been addressed, although it is similar to paragraph 4.4.19 which has been responded to.</p>	The Applicant acknowledges the MMO’s concerns regarding the use of the term ‘highly precautionary’. The Applicant’s position is that although the revisions in modelling attempt to reduce conservatism to attempt to be more realistic in its predictions, these are still highly precautionary inasmuch as the more realistic predictions are still based on layers of worst case parameters in piling.
MMO-RR98	OffS - Marine Mammal	<p>“The MMO advise that more caution should be warranted given the lack of measured data for larger piles (in the region of 15 m diameter). The MMO note that previous source level estimates for lower hammer energies (i.e., 5,500 kJ for up to 16 m diameter piles proposed for Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects) were 242.9 dB SPL<sub>peak</sub> and 224.1 SEL<sub>ss</sub>, compared to 243.2 dB SPL<sub>peak</sub> and 224.4 dB SEL<sub>ss</sub> for VE.”</p> <p>The MMO want to highlight that whilst this point was an observation, it does not appear to be addressed.</p>	The Applicant acknowledges the MMO’s observation. A crude calculation would estimate the difference in acoustic output between 5500 kJ and 7000 kJ in an otherwise like-for-like condition to be approximately 1 dB. The modelling used by the Applicant, based on considerable empirical data, has shown that increases in noise output at high blow energies to be less than this assumption.
MMO-RR99	OffS - Marine Mammal	The MMO can confirm that the caption of Figure 1.3 has been updated for the ES to include the hammer energies for the different piles. As expected, the largest hammer energy considered in the report is 1,600 kJ (for the 9.5 m pile in the North Sea) (which is much smaller than the proposed 7,000 kJ). A new figure – Figure 1.4 has also been added to the report showing a comparison between the unweighted SEL <sub>ss</sub> measured impact piling data and modelled data using INSPIRE (for the same piles presented in Figure 1.3).	This is noted by the Applicant.
MMO-RR100	OffS - Marine Mammal	The MMO have previously commented in our Section 42 response that: “The purpose of the noise monitoring is to determine the actual underwater noise levels on site for comparison with the modelled levels presented in Annex 6.2 and used as the basis for the impacts predicted in the EIA, which are themselves intended to be worst-case. The MMO largely agree with sections 1.3.13 – 1.3.14 of Annex 6.2 that the measurements taken during installation will be constrained by the piling plan and site limitations and a direct (like-for-like) comparison with a modelled scenario is unlikely to be possible. Nevertheless, even if the piling locations and choice of transects would not be matched precisely, both modelling and monitoring should provide enough information to deduce some envelope of received level (RL) curves in each case. Thus, some sort of comparison/s in the form of ‘level vs range’ plots (for comparable hammer strike energies), with the associated envelopes of variability, should be possible and would be expected.”	The Applicant is not aware of this being included at any other projects. GIS shapefiles covering 5dB increments have been produced as part of the modelling, which can be used to aid with comparisons with measured data.

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		<p>Level vs range plots are mentioned in section 1.3.13 of the report but from what the MMO can see, the text in this section is the same as that provided at PEIR (no updates or further information provided). We have further addressed this point under comments 4.4.22-4.4.37. In summary, the Received Level curves would not only facilitate sense-checking analysis but could also provide more context for comparing with future monitoring measurements (we acknowledge though that the inclusion of predictions at 750 m is a valuable addition in this direction, although for the scope of checking the cumulative exposure impacts and other potentially longer range results, the model predictions in the further far-field regions also play a very important role).</p>	
MMO-RR101	OffS - Marine Mammal	<p>Piling predictions (single pile):</p> <p>The MMO have reviewed the predictions for piling (of single and consecutive monopiles). Maximum Permanent Threshold Shift (PTS) injury ranges in marine mammals of 7.3 km for very-high frequency (VHF) cetaceans (i.e., harbour porpoise) and &lt; 100 m for phocid pinnipeds (i.e., seals) were predicted using the impulsive SELcum (cumulative sound exposure) criteria (Southall et al., 2019). TTS ranges of 30 km and 14 km were predicted for VHF cetaceans and phocids respectively. For fish, a maximum range of 36 km (stationary receptor) was predicted for TTS using the Popper et al. (2014) criteria, as well as potential mortal injury (7.1 km) and recoverable injury (11 km). The MMO consider that the predictions look plausible for VHF cetaceans (and low- and mid-frequency cetaceans) and fish, under the modelling assumptions provided in the report, more specifically the source levels, piling profiles and marine mammal fleeing speeds.</p> <p>For phocids (seals) however, the PTS and TTS predictions look smaller than the MMO would expect. For example, under the modelling assumption that led to the predictions mentioned under paragraph 7.2.6 above, we would expect some modest PTS ranges for phocids (typically a few hundred meters, perhaps up to 1 km). The MMO request that the applicant confirms if the predictions for phocid pinnipeds are correct, or if some particular assumptions have been made regarding the fleeing behaviour and/or noise exposure of the phocids fleeing receptors?"</p> <p>There are some changes to the predicted ranges presented in the ES (compared to PEIR). Please see Annex 2 of this response for a summary of the predictions.</p>	<p>The Applicant acknowledges the MMO's note on low impact ranges for seals. Modelling is quite sensitive down at the very short ranges and small changes in the piling sequence can have noticeable effects on impact ranges. It is expected that the slow start at 10bl/min assisted the cumulative ranges to drop below 100 m. It should be remembered that the practical implication of a difference in impact range of 100 m and, say, a few hundred metres, would be negligible.</p>
MMO-RR102	OffS - Marine Mammal	<p>The MMO notes that the ES report has been updated. In summary, in a 24-hour period there is the potential that up to four pin piles can be driven at a single WTG foundation location per piling vessel (4 piles would take 16 hours duration in total, see Table 1.12 in Annex 6.4). Further scenarios exploring piling at multiple locations have been considered, at the Southern Array – SW corner location and the Northern Array – N edge location to give a wide geographical spread as well as a worst case for water depths. Two different protocols have been investigated. Firstly, a sequential condition was run where pile installations are staggered as an experiment to avoid concurrent piling at multiple locations. Secondly, the concurrent condition had the piles at the north and south of the site installed simultaneously. See paragraphs 4.4.22-4.4.37 for further comments.</p>	<p>This is noted by the Applicant.</p>
MMO-RR103	OffS - Marine Mammal	<p>Continuous (non-piling sources):</p> <p>In the MMO's Section 42 response we advised that "Small effect ranges (largely &lt; 100m) have been predicted for other sources of noise including the operational noise from wind turbines, and various construction activities (i.e., cable laying, suction dredging, trenching, rock placement and vessel noise). A fleeing animal receptor has been assumed for all marine mammals, and therefore the predicted effect ranges are minimal."</p>	<p>This is noted by the Applicant.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		<p>This was more a general observation than a comment requiring action. From the MMO's review of Annex 6.2 presented in the ES, there has been no change to the continuous (non-piling sources) assessment since the PEIR.</p>	
MMO-RR104	OffS - Marine Mammal	<p>Unexploded Ordnance (UXO) clearance:</p> <p>"The maximum equivalent charge weight for the potential UXO devices that could be present within the VE site boundary has been estimated as 698 kg; this has been modelled alongside a range of smaller devices: 25, 55, 120, 120, and 525 kg. In addition, low-order deflagration has been assessed, which assumes that the donor or shaped-charge (charge weight 0.5 kg) detonates fully but without the follow-up detonation of the UXO.</p> <p>To estimate the potential impact from UXO detonation, an attenuation correction has been added to the Soloway and Dahl (2014) equations for the absorption over long ranges (i.e., of the order of thousands of metres), based on measurements of high intensity noise propagation taken in the North Sea and Irish Sea in similar depths to VE. This uses standard frequency-based absorption coefficients for the seawater conditions expected in the region. The MMO consider the predictions look reasonable. The assessment concludes that the maximum PTS range calculated for UXO is 13 km for the VHF cetacean category, based on the unweighted SPL<sub>peak</sub> criteria and largest UXO device of 698 kg (we get a PTS prediction of 14.2 km for VHF cetaceans assuming the methodology from Soloway and Dahl and no attenuation correction)."</p> <p>This was more a general observation than a comment requiring action. From the MMO's review of Annex 6.2 presented in the ES, there has been no change to the UXO assessment since the PEIR.</p>	<p>This is noted by the Applicant.</p>
MMO-RR105	OffS - Marine Mammal	<p>"With regard to Table 7.2. (Summary of consultation relating to marine mammals). The MMO do not agree that it would be inappropriate to assess the significance of TTS, and believe an assessment of TTS should be included in underwater noise impact assessments, in addition to the assessment of the risk of PTS and disturbance. However, it was agreed that, as a minimum, the predicted TTS effect ranges along with the number of animals at risk should be present in the ES."</p> <p>The Applicant has addressed this point within Table 7.2 of Chapter 7 Marine Mammals. The Applicant notes that the TTS impact ranges have been presented in Section 7.10, but there has been no assessment of magnitude, sensitivity or significance as previously agreed.</p>	<p>This is noted by the Applicant. As agreed, TTS effects ranges and number of animals have been presented in 6.2.7 Marine Mammal Ecology [APP-076].</p>
MMO-RR106	OffS - Marine Mammal	<p>"With regard to Section 7.5.18: A 5 km Effective Deterrence Range (EDR) for low-order detonations has been assumed, which was suggested by Sofia Offshore Wind Farm. The MMO requested further evidence to support this EDR, and it was noted that Sofia Offshore Wind Farm would be undertaking underwater noise monitoring for low order clearance to provide empirical data to evidence the 5 km EDR. The MMO are yet to see empirical evidence to support the 5 km EDR."</p> <p>The Applicant has addressed the point for further evidence to support this Evidence Deterrence Range (EDR) within Table 7.2 of Chapter 7 Marine Mammals: "The Applicant recognises that the Sofia Offshore Wind Farm UXO clearance campaign (MLA/2020/00489) had unsuccessful low order clearance attempts and therefore there is no empirical data to support the 5 km EDR (SOWFL, 2023). However, the Applicant is also aware that Moray West Offshore Wind Farm UXO (MS- 00010483) were cleared using EODEX method with 100% success rate. Underwater noise monitoring was conducted for the first 30 detonations, the data has not been analysed as of the</p>	<p>This is noted by the Applicant. The 5 km EDR aligns with the recommended EDR for low-order clearance in the JNCC (2023) Marine Noise Registry. This is the best estimate to be used in the absence of specific data.</p>



Ref	Topic	Relevant representation comment	Applicant's responses
		<p>time of ES submission, but indications show that low order resulted in noise levels lower than what was modelled. Additionally, the JNCC (2023) Marine Noise Registry recognises the 5 km EDR for low order clearance. The Applicant therefore has presented the following assessment: a 26 km EDR for high order clearance, a 5 km EDR for low order clearance, and TTS as a proxy for both high and low order clearance. See Section 7.1 for methodology approach and Section 7.10 for UXO clearance impact assessment". The MMO is aware that the JNCC MNR applies a 5 km EDR for low order clearance. Hopefully further monitoring data for UXO clearance, including low order, will become available in due course.</p>	
MMO-RR107	OffS - Marine Mammal	<p>"The MMO consider that the claims made throughout the report, particularly in section 7.7.11 of Chapter 7 (that the SELcum PTS predictions are 'highly precautionary' and 'very unlikely to be realised') are unsubstantiated. "As a result of these and the uncertainties on animal movement, model parameters, such as swim speed, are generally highly conservative and, when considered across multiple parameters, this precaution is compounded therefore the resulting predictions are very precautionary and very unlikely to be realised". The MMO would argue how 'uncertainties' can be 'highly conservative'. Although it is reasonable to assume that a marine mammal will swim away from the source, the actual concept of fleeing, specifically swimming away from the pile at a constant speed for a sustained period of time (over several hours), is not precautionary. The primary aim of the underwater noise modelling is to present the realistic worst-case scenario. While the MMO acknowledge that there may be conservative assumptions made (for instance, that pulsed sound does not lose its impulsive characteristics while propagating away from the source), these conservatisms may be offset by uncertainties surrounding the predicted source levels and fleeing speeds."</p> <p>The Applicant has addressed this point within Table 7.2 of Chapter 7 Marine Mammals: "The Applicant maintains that the assessment of cumulative PTS (SELcum) is highly precautionary given the information presented in Section 7.6. The modelling does not account for recovery in threshold shift in between pulses or the loss of impulsive characteristics with distance. With regards to the fleeing model, the model uses typical swimming speeds rather than fleeing speeds which is considered to be conservative".</p> <p>This point is not agreed. While the Applicant is correct that the modelling does not account for recovery in threshold shift in between pulses or the loss of impulsive characteristics with distance, as we explained previously, these conservatisms may be offset by the assessment uncertainties, especially regarding the scaling of piling noise and assessment parameters. Furthermore, the Underwater Noise Report in Annex 6.4 specifically states that the current version of INSPIRE attempts to calculate closer to the average fit of the measured noise levels at all ranges (to reduce unnecessary conservatism in the modelling). This is therefore at odds with the (various) claims that the assessment is 'highly precautionary'.</p>	<p>The Applicant maintains at that, at present, the estimation of SELcum PTS onset ranges is highly over-precautionary. The current underwater noise modelling for SELcum PTS onset using the Southall et al. (2019) criteria assumes the following:</p> <ul style="list-style-type: none"> <li>&gt; the amount of sound energy an animal is exposed to within 24 hours will have the same effect on its auditory system, regardless of whether it is received all at once (i.e. within a single bout of sound) or in several smaller doses spread over a longer period; and,</li> <li>&gt; the sound retains its impulsive character, regardless of the distance to the sound source.</li> </ul> <p>However, in practice:</p> <ul style="list-style-type: none"> <li>&gt; there is recovery of a threshold shift if the dose is applied in several smaller doses (e.g. between pulses during pile driving or in piling breaks) leading to an onset of PTS at a higher energy level than assumed with the given SELcum threshold; and,</li> <li>&gt; impulsive sound loses its impulsive characteristics while propagating away from the sound source, resulting in a slower shift of an animal's hearing threshold than would be predicted for an impulsive sound.</li> </ul> <p>Both assumptions therefore lead to a conservative determination of the impact ranges.</p> <p>While the INSPIRE model attempts to calculate closer to the average fit of the measured noise levels at all ranges (to reduce unnecessary conservatism in the modelling), this still does not take into consideration the impulsiveness of the sound or recovery of the hearing threshold between pulses.</p>
MMO-RR108	OffS - Marine Mammal	<p>The MMO would be happy to review any updated mitigation plans the Applicant submits (i.e., Marine Mammal Mitigation Plans).</p>	<p>This is noted by the Applicant.</p>
MMO-RR109	OffS - Marine Mammal	<p>Transboundary effects are considered in section 7.16 of Chapter 7 Marine Mammal Ecology. The report appropriately recognises that there may be behavioural disturbance or displacement of marine mammals from the VE site as a result of underwater noise. Behavioural disturbance</p>	<p>This is noted by the Applicant.</p>



Ref	Topic	Relevant representation comment	Applicant's responses
		<p>resulting from underwater noise during construction could occur over large ranges (tens of kilometres) and therefore there is the potential for transboundary effects to occur where subsea noise arising from VE could extend into waters of other European Economic Area (EEA) states. VE OWF is located in close proximity to other states (e.g., French, German waters) and therefore there is the potential for transit of certain species between areas. The mobile nature of marine mammals also results in the potential for transboundary effects to occur.</p>	
MMO-RR110	OffS - Marine Mammal	<p>Annex 6.2 Underwater Noise Report details the underwater noise modelling undertaken to support the ES. A summary of the approach to the noise modelling assessment and the results is provided in Annex 2 of this response for reference.</p> <p>There is no change in the report (from the PEIR to ES) from section 1.5 (Other noise sources) onwards. Therefore, our comments are primarily in relation to the installation of monopiles and pin piles at VE.</p> <p>We note the sizable scale of piling parameters considered for the foundation scenarios included in this assessment. In particular, the worst-case monopile scenario assumes the installation of a 15 m diameter pile, with a maximum hammer energy of 7,000 kJ. Furthermore, the maximum hammer energy is applied and sustained over a period of almost 7 hours, which is preceded by a relatively short and steep ramp-up (lasting only 35 minutes).</p> <p>The local environmental conditions surrounding the construction site, namely water depths of 40-50 m and above, and seabed sediments made up of gravel and sand combinations, seem, in general, favourable for good sound propagation. Together with the above observations on piling parameters, the overall conditions seem conducive to generate high noise levels both in the near and in the far field.</p>	<p>This is noted by the Applicant.</p> <p>Regarding hammer energies, please see the Applicant's response to MMO-RR111 below.</p>
MMO-RR111	OffS - Marine Mammal	<p>Comments on the source levels (page 32), predicted noise levels at 750 m (page 42), and the difference between monopile and pin pile level predictions:</p> <p>We appreciate the inclusion of the information about noise level predictions at the distance of 750 m from the source (Table 1.15 of the Underwater Noise Report), in addition to the source level values (Table 1.13). While the source levels are essentially a modelling concept and are in general best understood only within the particular context of the chosen propagation model and modelling setup, the predictions at 750 m have the particular advantage (as acknowledged in the report) of being comparable with other modelling predictions or, indeed, with measurements (either from similar environments or from future monitoring at the current site).</p> <p>Having said the above, we observe that the predicted noise level values do not seem particularly high, especially when considering the piling parameters assumed for monopiles (namely, 7000 kJ blow energy and 15 m diameter pile) which are considerably larger than the corresponding pin pile parameters (4000 kJ and 3.5 m diameter pile). However, the SPL<sub>peak</sub> and SEL<sub>ss</sub> values are only about 1.5–2 dB higher when comparing the monopile predictions with the corresponding pin pile predictions. The increase in blow energy alone could plausibly account for this relatively modest increase in predicted noise levels; however, this is at odds with the emerging evidence from literature, which suggests that the pile diameter is also a very important factor in the scaling of the piling noise (von Pein et al., 2022). In particular, the increase of pile diameter by a factor of 4 (as in the present case) could add some additional 9–10 dB to the SEL<sub>ss</sub> values at 750 m (cf. Fig 10, eq. 10-12 from von Pein et al., 2022). In this context, we also note that the report acknowledges that the INSPIRE model is based on existing empirical data, which allegedly does not exist for the</p>	<p>The Applicant does not agree that the variation in parameters leads to as great a difference in underwater noise levels ("source", or at any position) as would be suggested by the MMO, following von Pein <i>et al.</i> (2022). Following their methodology would lead to predictions of noise, noise impacts and impact ranges that would be vastly greater than have been monitored in real situations.</p> <p>The intentions of the paper represent a welcome contribution to the literature, but we would urge caution in the application of their conclusions. The authors apply a relatively simplistic calculation methodology, stating effectively that the effect of a doubling in energy leads to a 3 dB increase in noise level for any doubling of energy e.g. 500 kJ to 1000 kJ, or 3000 kJ to 6000 kJ. In practice it is much more complex than this, and the increases at higher energies lead to an increase much lower than 3 dB.</p> <p>They also appear to greatly overestimate the effect of diameter. Their validation data in section 5.2 for pile diameter, although fitting in wide bounds of 7.5 dB, also show empirical noise levels that appear to be trending <i>down</i> at the largest pile diameters, and are almost identical at 3.5 m diameter as at 7.8 m.</p> <p>Subacoustech's research indicates that pile diameter, although contributory, has a relatively small effect on noise emission. As above,</p>

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		<p>parameters relevant for the foundations assessed herein, and thus needed to be extrapolated, based on the existing trends, up to the scale of piling anticipated for the current application.</p>	<p>a scaling law leading to an increase of 9-10 dB (we assume the MMO means Fig 7, there is no Fig 10) as a result of a changing pile diameter (pin pile vs monopile at Five Estuaries) alone would produce noise level predictions that would be much greater than have been seen in direct measurements and lead to a greatly over-conservative assessment.</p>
MMO-RR112	OffS - Marine Mammal	<p>Comments on the worst-case SPL<sub>peak</sub> predicted levels at 750 m, compared to the worst-case PTS predictions for VHF cetaceans (202 dB peak pressure threshold):</p> <p>We note that when considering the maximum blow energy of 7000 kJ for monopiles, the worst case unweighted SPL<sub>peak</sub> prediction at 750 m is 202.8 dB (Table 1.15) at all three modelling locations, which actually slightly exceeds the PTS threshold value of 202 dB SPL<sub>peak</sub> for VHF cetaceans under the Southall et al. (2019) impulsive criteria. This indicates that the maximum PTS ranges for VHF cetaceans would be slightly larger than 750 m (approximately 800–820 m in our estimates). However, the summary results in Tables 1.16, 1.21 and 1.26 predict maximum ranges of only 730m, 730m and 740m at the three modelling locations, respectively for VHF cetaceans.</p> <p>Notwithstanding the above observation, following our sense checking of modelling outputs presented throughout the report, we have been able to reasonably match the Subacoustech predictions for marine mammals and fish, based on the modelling parameters and assumptions as provided in the report, such as the source levels (note however the previous comment on source level and predicted levels at 750 m), piling profiles and marine mammal fleeing speeds. It should be noted that our internal sense checking process follows a streamlined approach (for example, using generic textbook-like values for parametrising the environmental properties, such as those of the seabed and of the water column, or the use of coarser numerical grids and bathymetric discretisation, and generic source spectra), and thus is not intended to match exactly the outputs of a fully-customised model (which could include, for example, validation/calibration of the transmission loss, refining of source spectra, etc.), but rather to explore the envelope of variability for the main modelling outputs and thus check the plausibility of the predictions presented in the report.</p> <p>Some of the predictions (e.g., the predictions for fish species) compare favourably with our estimates, while others seem to sit closer to the lower end of the envelope of plausible outcomes (e.g., the PTS ranges for cumulative exposure for marine mammals). This could be explained by a number of factors, including the propagation loss and source spectra assumption, as mentioned above, although this remains somewhat speculative lacking explicit evidence that would facilitate a more in-depth comparison and analysis (e.g., curves of the received level (RL) versus range (unweighted and/or weighted), source spectra). As mentioned in our previous Section 42 response, the RL curves would not only facilitate such sense-checking analysis but could also provide more context for comparing with future monitoring measurements. We do acknowledge though that the inclusion of predictions at 750 m is a valuable addition in this direction, although for the scope of checking the cumulative exposure impacts and other potentially longer range results, the model predictions in the further far-field regions also play a very important role.</p> <p>Given the assessment uncertainties as outlined above, the focus should be on ensuring that appropriate mitigation measures are secured to reduce the risk of potential impacts. The MMO would be happy to review any marine mammal mitigation plans.</p>	<p>The Applicant welcomes the MMO's broad agreement with the results of the underwater noise modelling, and their effort in checking to confirm modelling.</p> <p>The MMO is correct in relation to the comments for the 202 dB SPL<sub>peak</sub> prediction at 750 m and the VHF cetacean criterion. This occurred because of different transect step resolutions that can be used in the modelling. The model can calculate the noise level at different steps away from the source, which depending on the use are generally between 1 m and 100 m; smaller steps are suitable for shorter range calculations. Where different step sizes are used in different calculations, as is the case for the noise level calculations at 'source' and for 750 m, and for calculation of impact ranges, then there can be discrepancies, akin to rounding errors; the more detailed modelling (smaller steps) tend to be more accurate and typically result in slightly smaller ranges. In this case the calculation of impact ranges, rather than the level at 750 m, was undertaken with greater detail.</p> <p>The addition of noise levels at 750 m are relatively repeatable and consistent before there is significant environmental effects with transmission losses. The inclusion of a nominal Receive Level curve necessarily follows a specific transect, and the monitoring of this specific transect for validation in the future would almost certainly not be possible. We would suggest that for site validation, the use of predicted noise levels at 750 m will be of the greatest usefulness.</p> <p>It should be noted that Outline Marine Mammal Mitigation Protocols for Piling and UXO [APP-244 and APP-245 respectively] have been submitted with the application.</p>

Ref	Topic	Relevant representation comment	Applicant's responses											
MMO-RR113	OffS - Marine Mammal	The MMO welcomes that additional noise modelling has been undertaken to assess impact piling for the construction of a sheet piled enclosure at the landfall location on the Essex coast between Holland-on-Sea and Frinton-on-Sea. Although it is expected that vibro-piling will be used for these activities, impact piling has been presented to represent a worst case with regards to noise as this has not been ruled out. The MMO considers this to be appropriate.	Noted by the Applicant											
MMO-RR114	OffS - Marine Mammal	<p>In summary, a single scenario has been modelled, considering the installation of 750 mm wide Larssen sheet piles, measuring 20 m in length using the assumed ramp up given in Table 1-1. It is possible that eight piles could be sequentially installed in a 24- hour period; this has been considered in the modelling.</p> <p>The modelling results show that noise levels and ranges for potential impacts will be greater during high tide conditions. The report concludes that “all ranges at which PTS and TTS impacts could occur for marine mammals are expected to be less than 100 m. For fish, the maximum TTS range (186 dB SELcum threshold) is predicted to be 160 m for a single pile, increasing to 460 m when 8 sequentially installed piles are considered” (for a stationary receptor).</p> <p>Nevertheless, the modelling report lacks information on the environment where piling will occur. Figure 1-1 for example, shows the landfall area as well as the representative modelling location used for this study. It would be helpful if this figure could also show the bathymetry of the domain. There is no indication of the water depths at the piling source. The report simply states: “as the furthest from land and therefore deepest location, this represents the location likely to lead to the largest potential impact ranges”.</p>	The Applicant can clarify that sea area around the landfall area location as modelled, at least within 1 km, is reasonably flat. The depth at the landfall location is 0.8 m at MLWS and 5.3 m at MHWS.											
MMO-RR115	OffS - Marine Mammal	<p>Furthermore, the report provides the unweighted SPL<sub>peak</sub> and SEL<sub>ss</sub> source levels in Table 1-2 (below for reference). Both high and low tides have been considered for this modelling using tidal data from the Walton-on-the-Naze:</p> <ul style="list-style-type: none"> <li>• Mean High Water Springs (MHWS): 4.6 m above lowest astronomical tide (LAT); and</li> <li>• Mean Low Water Springs (MLWS): 0.1 m above LAT.</li> </ul> <p><i>Table 1-2 Summary of the unweighted source levels used for modelling.</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Source levels</th> <th>Sheet pile (MHWS)</th> <th>Sheet pile (MLWS)</th> </tr> <tr> <th>750 mm wide, 300 kJ blow energy</th> <th>750 mm wide, 300 kJ blow energy</th> </tr> </thead> <tbody> <tr> <td>Unweighted SPL<sub>peak</sub></td> <td>224.0 dB re 1 µPa @ 1 m</td> <td>216.7 dB re 1 µPa @ 1 m</td> </tr> <tr> <td>Unweighted SEL<sub>ss</sub></td> <td>194.2 dB re 1 µPa<sup>2</sup>s @ 1 m</td> <td>171.0 dB re 1 µPa<sup>2</sup>s @ 1 m</td> </tr> </tbody> </table> <p>We request further evidence to justify the source levels assumed in the modelling. We note for previous/other assessments, typical impact piling source levels for a similar hammer energy (i.e., 350 kJ) were higher than what is assumed here. The (low) source levels assumed in this assessment explains the modelled outputs (predicted impact ranges) presented.</p> <p>Given the assessment uncertainties as outlined above, the focus should be on ensuring that appropriate mitigation measures are secured to reduce the risk of potential impacts. The MMO would be happy to review any marine mammal mitigation plans that the Applicant submits.</p>	Source levels	Sheet pile (MHWS)	Sheet pile (MLWS)	750 mm wide, 300 kJ blow energy	750 mm wide, 300 kJ blow energy	Unweighted SPL <sub>peak</sub>	224.0 dB re 1 µPa @ 1 m	216.7 dB re 1 µPa @ 1 m	Unweighted SEL <sub>ss</sub>	194.2 dB re 1 µPa <sup>2</sup> s @ 1 m	171.0 dB re 1 µPa <sup>2</sup> s @ 1 m	The source levels and its transmission are strongly influenced by the shallow water in this location. Subacoustech has found that deeper water leads to a greater apparent source level, which, where the depths are in the region of 30-40m, will not make a substantial difference, but when the depths are very shallow (<10m, LAT is 0.7m) as here, the reduction is significant and the sound will also attenuate rapidly. For these reasons the Applicant is confident the source levels are appropriate.
Source levels	Sheet pile (MHWS)	Sheet pile (MLWS)												
	750 mm wide, 300 kJ blow energy	750 mm wide, 300 kJ blow energy												
Unweighted SPL <sub>peak</sub>	224.0 dB re 1 µPa @ 1 m	216.7 dB re 1 µPa @ 1 m												
Unweighted SEL <sub>ss</sub>	194.2 dB re 1 µPa <sup>2</sup> s @ 1 m	171.0 dB re 1 µPa <sup>2</sup> s @ 1 m												
MMO-RR116	OffS - Fisheries	MMO defers to the National Federation of Fishermen's Organisations and Sussex Inshore Fisheries and Conservation Authorities, along with standalone representatives on matters of	Noted by the Applicant.											



Ref	Topic	Relevant representation comment	Applicant's responses
		commercial fisheries. The MMO will continue to be part of the discussions relating to securing any mitigation, monitoring or other conditions required within the DMLs.	
MMO-RR117	OffS - Shipping and Navigation	The MMO defers to the Maritime and Coastguard Agency and Trinity House on matters of shipping and navigation. The MMO will continue to be part of the discussions relating to securing any mitigation, monitoring or other conditions.	Noted by the Applicant.
MMO-RR118	OffS - Aviation	The MMO defers to the Civil Aviation Authority, Ministry of Defence and Maritime and Coastguard Agency on matters of Civil and military aviation and supports any comments raised. The MMO will continue to be part of the discussions relating to securing any mitigation and monitoring or other conditions required within the DMLs.	Noted by the Applicant.
MMO-RR119	OffS - SLVIA	The MMO defers to Natural England as the SNCB on matters of Seascape, Landscape and Visual Resources. The MMO will continue to be part of the discussions relating to securing any mitigation and monitoring or development of any plans/conditions on this matter.	Noted by the Applicant.
MMO-RR120	OffS - Archaeology	The MMO defers to the Historic England on matters of shipping and navigation. The MMO will continue to be part of the discussions relating to securing any mitigation, monitoring or other conditions.	Noted by the Applicant.
MMO-RR121	Gen - Other	The MMO has multiple concerns in relation to both the details within the ES and the conditions within the DMLs.  We strongly recommend that the Applicant engage with the MMO throughout the process in order to ensure the assessment is as smooth as possible and agreements can be reached through a Statement of Common Grounds (SoCG).	Noted by the Applicant. The Project is developing a SoCG with the MMO and hopes to address these concerns.

#### 4.18 MINISTRY OF DEFENCE [AS-008]

Ref	Topic	Relevant representation comment	Applicant's responses
MOD-RR01	General	I write to provide the MOD safeguarding position on information provided in the Preliminary Environmental Information Report (PEIR) Statement.  It is acknowledged that the final design of this project has not yet been determined and that an indicative design envelope has been provided. Chapter 1 of the PEIR provides a description of the project, stating that the project could be made of up to 79 turbines, 420m to tip height mean high water springs (MHWS). The development is split into two array areas: the southern and northern array boundaries.	Noted by the Applicant.
MOD-RR02	OffS – Aviation	<b><u>Air Defence Radar</u></b> Section 13.6.10 of Chapter 13 Military and Civil Aviation covers Military Aviation references the MOD's Air Defence (AD) Radars.  Wind turbines have been shown to have detrimental effects on the operation of AD radar. These include the desensitisation of the radar in the vicinity of wind turbines,	The Applicant acknowledges that effects from the development of the Five Estuaries Offshore Wind Project are anticipated to the MOD's Air Defence Radar (ADR) system. The Applicant is working with the MoD to mitigate this.



Ref	Topic	Relevant representation comment	Applicant's responses
		and the creation of "false" aircraft returns. The probability of the radar detecting aircraft flying over or in the locality of the turbines would be reduced, hence turbine proliferation within a specific locality can result in unacceptable degradation of the radar's operational integrity. This would reduce the RAF's ability to detect and manage aircraft in United Kingdom sovereign airspace, thereby preventing it from effectively performing its primary function of Air Defence of the United Kingdom.	
MOD-RR03	OffS – Aviation	<p>Within section 13.6.11 and 13.6.12, it is recognised that the turbines would be visible and detected by the AD radars at RRH Trimmingham and RRH Neatishead.</p> <p>Due to the relocation of the AD radar based at RRH Trimmingham to RRH Neatishead, there is no requirement for the RRH Trimmingham AD radar to be taken into account or mitigation provided.</p>	Noted by the Applicant that there is no impact to the Remote Radar Head (RRH) Trimmingham ADR system and mitigation is not required for RRH Trimmingham ADR.
MOD-RR04	OffS – Aviation	<p>The MOD has undertaken an assessment based on 79 wind turbines at 420m to tip height MHWS using the Rochdale Envelope boundary co-ordinates. Turbines within both the southern and northern array areas will be detectable to the AD Radar at RRH Neatishead. The impact of the turbines on the AD radar at RRH Neatishead will therefore need to be addressed through a suitable technical mitigation solution. It is the applicant's responsibility to provide a suitable technical mitigation solution to the MOD.</p> <p>Mitigation to address the impact of the development on the AD Radar at RRH Neatishead is considered at 13.16.4. It is stated that engagement with the MOD will continue throughout the application process, this is welcomed.</p>	<p>The Applicant has welcomed the engagement with the MOD and acknowledges the predicted impact to the RRH Neatishead ADR system. Since the PEIR stage of the project design and assessment completed by the MOD, there have been changes in the outline parameters to the Five Estuaries Offshore Wind Project ahead of Examination which includes a reduction in the maximum blade tip height and offshore array areas.</p> <p>The MOD have been provided the changes in the design envelope and are completing an updated assessment based on the reduction in maximum blade tip height, in order to establish if an impact to RRH Neatishead is predicted. Results of the MOD assessment is awaited, engagement with the MOD will continue throughout Examination.</p>
MOD-RR05	OffS – Aviation	The potential presence of unexploded ordnance (UXO) has been identified as a relevant consideration in section 1.4.11 of Chapter 1. The potential presence of UXO and disposal sites is also a relevant consideration to the installation of cables and other intrusive works that may be undertaken in the maritime environment.	This is noted by the Applicant.
MOD-RR06	OffS – Aviation	Impact on military low flying has been scoped in and the applicant states in the table 13.9 that they are committed to lighting and charting the turbines. In the interests of air safety, the MOD would request that the development be fitted with MOD accredited aviation safety lighting in accordance with the Civil Aviation Authority, Air Navigation Order 2016.	The Applicant acknowledges the MOD request for MOD accredited aviation safety lighting and has incorporated the need to comply with this standard in the requirements (Requirement 3 in schedule 2) and DML conditions requirements.
MOD-RR07	OffS – Aviation	With regard to the remainder of the proposed development including the interarray cables and the export cables which will make landfall at Holland Haven, these elements would not pass through or occupy any MOD statutory safeguarding zones.	Noted by the Applicant.
MOD-RR08	OffS – Aviation	In relation to the onshore element of the proposed development, figure 1.1 of the Chapter 1 identifies the landfall zone to be on the shoreline of Holland Haven. The MOD hope to be consulted once the final landfall location has been decided to determine any impact on MOD assets. Going by the map of the onshore cable corridor, we have established that the corridor does not occupy any statutory safeguarding zones, however, as suggested in section 1.1.6 more information will be provided in the Development Consent Order application. The MOD request that we are consulted once the cable route and onshore landfall location is finalised.	The Applicant has engaged and will continue to consult with MOD throughout Examination.

#### 4.19 NATIONAL GRID ELECTRICITY TRANSMISSION PLC [RR-078]

Ref	Topic	Relevant representation comment	Applicant's responses
NG-RR01	Gen - National Grid	<p><b>Norwich to Tilbury</b></p> <p>The Norwich to Tilbury project comprises the construction of around 159km new overhead line and around 25km of underground cabling over a total route of 184km between the existing National Grid Norwich Main Sub-Station and Bramford substations in the North East Anglia (NEA) region, continuing from Bramford down to Tilbury substation in the South East Anglia (SEA) region, via a New East Anglia Connection Node Substation located in the Tendring District, east of Arleigh. The East Anglia Connection Node (EACN) Substation will be the point of operational interface where the connection between the Project and the National Grid Electricity Transmission System will be established.</p> <p>National Grid has commenced their Section 42 Statutory Consultation and intends to submit an application to the Planning Inspectorate on behalf of the Secretary of State, for a Development Consent Order for the Norwich to Tilbury project in mid 2025.</p>	<p>This is noted by the Applicant.</p> <p>A Tripartite Position Statement included at Annex A within the 9.30 Coordination Document [APP-263] was developed and submitted with the application.</p> <p>It is the Applicant's intention to continue to work with National Grid to revise this document and submit an updated version into the Examination at a later deadline.</p>
NG-RR02	Gen - National Grid	<p><b>Sea link</b></p> <p>Sea Link involves the installation of a new 2 gigawatt (GW) high voltage direct current (HVDC) cable link between Suffolk and Kent, approximately 145 kilometres (km) long and predominantly offshore. Currently the Project has an offshore interaction in the form of cable crossing with the Sea Link project. National Grid intends to submit an Application to the Planning Inspectorate on behalf of the Secretary of State for a Development Consent Order for the Sea Link project in quarter 1 2025.</p> <p>NGET's proposals are part of The Great Grid Upgrade – the largest overhaul of the grid in generations, we are in the middle of a transformation, with the energy we use increasingly coming from cleaner greener sources. NGET's infrastructure projects across England and Wales are helping to connect more renewable energy to homes and businesses. To find out more about NGET's current projects please refer to NGET's network and infrastructure webpage. <a href="https://www.nationalgrid.com/electricity-transmission/network-andinfrastructure/infrastructure-projects">https://www.nationalgrid.com/electricity-transmission/network-andinfrastructure/infrastructure-projects</a>. NGET needs to ensure adequate protection for their future projects both in terms of protection for future assets and future land and rights for the delivery of these project.</p>	<p>This is noted by the Applicant.</p>
NG-RR03	Gen - National Grid	<p><b>Co-operation with Norwich to Tilbury Project</b></p> <p>In line with good practice and the new policy considerations in the updated Energy NPS', particularly EN-5, which requires that "2.14.2 the construction planning for the proposals has been co-ordinated with that for other similar projects in the area on a similar timeline;", the parties will continue to co-operate on co-ordination. NGET, Five Estuaries and the North Falls Offshore Wind Farm project have been co-operating since the announcement of the grid connection points in 2022 with the objectives of minimising cumulative impacts particularly in relation to Traffic and Transport (including construction traffic and site access), Landscape and Visual and Operational Noise. Further information is provided in the Tripartite Position Statement Document included within the Coordination Document (Application Document 9.30).</p>	<p>This is noted by the Applicant.</p>
NG-RR04	Gen - Land interest's	<p><b>Protection of NGET Assets</b></p> <p>As a responsible statutory undertaker, NGET's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. As such, NGET has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the draft Order Limits or proposed to be so located in future.</p> <p>As noted, NGET's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order Limits (or which will be so located) should be maintained at all times and access to inspect and maintain such apparatus must not be restricted.</p>	<p>The Applicant notes that NGET has no existing apparatus within the Order Limits. The Applicant considers National Grid Electricity Transmission PLC's statutory undertaking will not be detrimentally impacted by VE.</p> <p>The Applicant is continuing discussions with National Grid on this topic.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		<p>NGET will therefore require protective provisions to be included within the draft Development Consent Order (the "Order") for the Project to ensure that assets existing at the time of construction of the Project are adequately protected and to ensure compliance with relevant safety standards.</p> <p>NGET is liaising with the Applicant in relation to such standard protective provisions, along with any supplementary agreements including crossing agreements in respect of the Sea Link Project which may be required. Accordingly NGET have not appended the version of the Protective Provisions which they require to be included in the Order to the relevant representation. However NGET will submit these at Written Representation Stage, if not agreed between the parties by that point with an explanation of any outstanding issues.</p>	
NG-RR05	Gen - OCSS	<p>In addition given the interaction with the Project, NGET and the Promoter (along with the promoters of the North Falls Offshore Windfarm Project) are co-operating with each other to work up a Co-operation Agreement between the parties to govern the interactions between the parties in respect of the three interacting projects in particularly in terms of issues such as Traffic and Transport Interactions and Site Access, Landscape and Visual Interactions and operational noise, drainage as well as other construction related interfaces. NGET will also require bespoke Protective Provisions to govern the relationship between the parties in connection with the use of their overlapping Compulsory Acquisition powers to ensure that all three parties can deliver their Projects and the connection to the new NGET EACN. These are being worked up between the parties and again NGET will submit their preferred wording for these bespoke Protective Provisions at the Written Representation Stage, if they are not agreed with the parties by that point with an explanation of any outstanding issues.</p>	<p>The Applicant concurs that the parties are working together on bespoke protective provisions for the EACN.</p>
NG-RR06	Gen - Land interest's	<p><b>Compulsory Acquisition Powers in respect of the Project</b></p> <p>As noted, where the Applicant intends to acquire land or rights, or interfere with any of NGET's existing interests in land, NGET will require further discussion with the Applicant and requires protective provisions requiring NGET's consent to any compulsory acquisition of any rights affecting NGET's interests existing at the time. The Project will include the ability to compulsorily acquire rights over the land within which the EACN will be constructed to allow the projects to get their cables to the connection points which will be specified by NGET following detailed design. As those connection points are not yet known, the rights are sought over the whole area to allow flexibility to route the cables as required to meet the then current standards.</p> <p>A commercial connection agreement will also manage the connection works between the parties within the proposed substation footprint. The Project have agreed to enter into reciprocal protective provisions to secure the delivery of both projects. These provisions provide each undertaker sufficient protection from overlapping development consent and compulsory acquisition powers, providing sufficient assurance to each Examining Authority and the Secretary of State that each DCO can be granted as sought. The detail of these protections now needs to be worked up and agreed between the parties.</p>	<p>The Applicant notes that it is in ongoing discussions with NGET on this point. The Applicant also notes that the position on the EACN substation has to be differentiated from the 'normal' protective provisions approach. NGET has no apparatus within the Order Limits and the CA proposed would accordingly not interfere with any of NGET's statutory undertaking.</p>

#### 4.20 NATIONAL HIGHWAYS [RR-079]

Ref	Topic	Relevant representation comment	Applicant's responses
NHW-RR01	General	<p>National Highways is responsible for the operation, maintenance, and improvement of the Strategic Road Network (SRN) in England on behalf of the Secretary of the State. In the area within and surrounding this Five Estuaries Offshore Wind Farm's substation's location within Tendring District Council, we have responsibility for the trunk road A120, part of the Strategic Road Network (SRN). We are currently reviewing the technical information that</p>	<p>Noted by the Applicant.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		supports this consultation and discussion is on-going. Therefore, I would request you to register myself, [Redacted], on behalf of Spatial Planning Team, Operations East Region, National Highways. Please contact us if you require any clarification.	

#### 4.21 NATIONAL TRUST [RR-080]

Ref	Topic	Relevant representation comment	Applicant's responses
NT-RR01	Gen - LBBG	<p>The National Trust (the Trust) wishes to register as an interested party in respect of the application for a Development Consent Order for the Five Estuaries Offshore Windfarm. National Trust's Interest in the Proposal. The National Trust's interest in this application relates to the Applicant's Habitats Regulations Assessment and the proposed derogation case for lesser black-backed gull (LBBG) in relation to the Alde-Ore Estuary (AOE) Special Protection Area (SPA) as set out in submitted document APP-052 - Report 5.6, Lesser Black-Backed Gull Implementation and Monitoring Plan (LIMP).</p> <p>It is noted that the mechanism for securing the LBBG compensation is set out in Schedule 14 of the draft Development Consent Order (APP-024).</p>	The Applicant welcomes National Trusts wish to register as an interested party and looks forward to continuing to engage with the Trust.
NT-RR02	Gen - LBBG	<p>Renewable Energy Development</p> <p>The Trust believes strongly in the need to grow renewable energy and reduce the UK's and the Trust's use of fossil fuels. We are supportive of renewable energy as a matter of principle and believe that appropriate development can play an important role. The Trust is aware of the significant number of developments proposed for the East Anglian coast over the next few years many of which relate to renewable energy schemes. We will welcome renewable schemes that are holistically designed to consider the effects on the environment including wildlife, landscape and cultural heritage including the cumulative effects of similar schemes impacting related species and landscapes.</p> <p>The Trust notes that assessments carried out to support the proposed Five Estuaries offshore windfarm have identified that the proposal, in combination with other projects, will have an adverse impact on Lesser Black-Backed Gulls, and in accordance with the Habitat Regulations, compensatory measures are required for the predicted losses.</p> <p>The Trust does not object to the principle of the proposed Five Estuaries Offshore Windfarm Project. However, we do not support proposals that would give rise to an adverse effect on the integrity of the lesser black backed gull feature of the Alde-Ore Estuary (SPA) without a satisfactory derogation case.</p>	The integrity of the lesser black backed gull feature of the Alde-Ore Estuary is considered within 6.8.1.3 Lesser Black Backed Gull Ecological Impact Assessment [APP-228] and 6.8.1 Lesser Black Backed Gull Compensatory Areas Environmental Impact Assessment [APP-225]. LBBG do not currently breed in the area considered for LBBG compensation within the Application. It is concluded that the activities required for construction, operation and maintenance of the Applicant's proposed LBBG compensatory site would not adversely impact LBBG.
NT-RR03	Gen - LBBG	<p>Proposed LBBG Compensation</p> <p>The proposed compensation measures for LBBG, as set out in the abovementioned Lesser Black-Backed Gull Implementation and Monitoring Plan (LIMP) are: Orford Ness (AOE SPA) • Predator exclusion fencing • Predator monitoring and control • Habitat restoration and management. OR Outer Trial Bank • Predator monitoring and eradication • Habitat management.</p> <p>The National Trust owns part (but not all) of the compensation site identified at Orford Ness. At the time of writing, the Applicant has not arranged to access National Trust land to survey the site in detail to assess suitability for compensatory measures. Following submission of the DCO application, the National Trust has had an initial discussion with the Applicant about the nature and location of the proposal. However, there are complexities with access to, and rights over the land.</p>	<p>The Applicant has since arranged access to the proposed LBBG compensation area in coordination with the Trust and is currently undertaking surveys to characterise the area for suitability and further site refinement and fence placement.</p> <p>Following Section 42 consultation the Applicant removed the option of site access from Aldeburgh to the proposed LBBG compensation site, see Figure 2.1 in 6.8.1 Lesser Black Backed Gull Compensatory Areas Environmental Impact Assessment [APP-225]. Access from the south across the River Ore from Orford Quay is retained as the single access route.</p>



Ref	Topic	Relevant representation comment	Applicant's responses
		<p>The exact position of the predator exclusion fence isn't clear from the site plan. The Trust owns and wishes to retain an existing access track along the eastern side of the red line plan. The Applicant advised the Trust that they had included the track as an access route onto the site based on 30year old information that vehicles could traverse along the track South from Aldeburgh. Coastal change and frequent shifting of the shingle in this location has meant that this route has been impassable to vehicles for many years, however as the only overland connection to the mainland it remains an important emergency transit route of last resort for pedestrians and as such must remain unobstructed.</p> <p>The National Trust is not yet able to advise whether it would support compensatory proposals in the general proposed location however we do not support the site as drawn given the need to retain access over the track.</p> <p>The National Trust is facilitating the delivery of mitigation for the Galloper offshore windfarm on the Southern spit of Orford Ness approximately 4.5km from the proposed Five Estuaries compensation site. This scheme co-designed with Natural England and carried out directly by the National Trust team is in its third year and is demonstrating successful growth in the target species. The National Trust is aware that a neighbouring landowner is facilitating the delivery of compensation measures for the impacts of Vattenfall's Norfolk Boreas and Vanguard offshore windfarms on LBBGs in a location directly adjacent to the Five Estuaries proposed site and that in its second year of delivery this project has yet to demonstrate any signs of success.</p>	<p>The Norfolk Projects and East Anglia projects compensation site is still in its infancy and adaptive management measures are in place to help with the future success of the site. The Applicant believes that a site adjacent to the current Norfolk projects site would be most advantageous for the future success of the projects.</p>
NT-RR04	Gen - LBBG	<p>We are also aware that the proposed North Falls Offshore Windfarm (currently at pre-application stage) is considering Orford Ness as a potential compensation site (as referred to in APP-049 Report 5.3 Lesser Black-Backed Gull Compensation – Evidence, Site Selection &amp; Roadmap). We are concerned about the piecemeal nature of these proposals, including achieving the desired outcomes and the visual impact of the proposed predator fencing in a sensitive landscape (National Landscape and Heritage Coast).</p>	<p>The Applicant is in active discussions with the North Falls Wind Farm Project across many aspects of each projects design including compensation measures.</p>
NT-RR05	Gen - LBBG	<p>The National Trust has advised the Applicant that we consider that land at Lantern Marshes on Orford Ness (which is also owned by the Trust) would be a more suitable location for the compensation and, as Natural England suggest on Page 13 of Report 5.3, the two windfarm developers could work together to establish a joint scheme. We consider that the Lantern Marsh site has merit, to the extent that initial internal feasibility work has been undertaken and the National Trust have for the last three years carried out minor works to this area complementary to our work on the Southern Spit with the aim of making the habitat on Lantern Marsh attractive for LBBGs with some limited success.</p>	<p>The Applicant notes the National Trust's position on Lantern Marsh. The Applicant considers its proposed site to be equally suitable for LBBG nesting habitat.</p>
NT-RR06	Gen – Land Interest	<p>Status of National Trust Land</p> <p>Where the National Trust considers its landholding to be of significant historic interest and/or natural beauty, it can designate such land as 'inalienable' pursuant to section 21 of the National Trust Act 1907. This means that the freehold title to the land is to be held in perpetuity for the benefit of the nation and therefore cannot be sold or mortgaged in the conventional sense. Once the land has been designated 'inalienable' this status cannot be undone. The land owned by the National Trust at Orford Ness has been declared inalienable. In this case, it is not at all clear if there is any intention to compulsory acquire National Trust land or rights over National Trust land. The National Trust has not discussed any access arrangements or the terms of any Option Agreement with the Applicant.</p>	<p>Noted by the Applicant. The surveys currently being undertaken on the National Trusts land will feed into the assessment for the requirement for a land agreement with the interest. The Applicant intends to pursue these conversations in due course. The Applicant is not seeking to compulsorily acquire the freehold of any of these plots.</p>
NT-RR07	Gen - LBBG	<p>Archaeology and Unexploded Ordnance (UXO)</p> <p>The Trust has a duty to protect our heritage and all archaeology within its care. The proposed LBBG compensation site has the potential for below ground archaeology and unexploded ordnance. It is imperative then, that the site is subject to an archaeological survey prior to any groundworks. Areas proposed for development should be subjected to a UXO survey. No discussions have taken place as to how the Trust,</p>	<p>The effects to below ground archaeological remains arising from the LBBG compensation area is addressed in [APP-225]. Below ground impacts from installation of the fencing would be limited to the insertion of slim metal fenceposts which will be driven into the ground by machine. Due to the small dimensions of the posts these are unlikely to damage</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		County Council Archaeologist and Applicant might work together to achieve a suitable and appropriate methodology for the archaeological work to be undertaken prior to any development.	or destroy below ground archaeological remains in such a way to reduce their heritage significance. The scrape for the buried fencing skirt will only be excavated to between 50-100mm in depth (and so contained entirely within the topsoil layer) and will not be of sufficient depth to affect below ground archaeological remains.
NT-RR08	OnS-LVIA	<p>Landscape and Visual Impact and Impact on Designated Heritage Assets</p> <p>Orford Ness is wholly within the Suffolk Coast and Heaths National Landscape and is a focal point within the area of the Alde-Ore estuary. It is also the location for several designated heritage assets including listed buildings and scheduled monuments. The visual impact of the proposed measures must be assessed against their impact on both the landscape and these heritage assets. Part of the proposed measures involves erecting a 6ft anti-predator fence around the site. Whilst the National Trust does not object in principle to the need for anti-predator fencing which can be useful for protecting nesting sites, we do consider that including any fencing over the shingle ridge and beach including the above-mentioned trackway would have a negative and highly visible impact on the designated landscape and heritage assets.</p> <p>A fence erected as currently submitted on the high point of the ridge would effectively cut the Ness in half and in such a flat landscape would be visible from several important vantage points including: • Looking North from the Grade II listed Bomb Ballistics building. The roof of the Bomb Ballistics building is a key location for visitors to Orford Ness (approx. 15,000 annually) from which to observe the surrounding landscape. • Looking South from the Martello tower holiday cottage and Slaughden ridge car park on the edge of Aldeburgh to the North. • Looking North from the Grade II listed Black Beacon, another visitor accessible elevated viewing area with approx. 15,000 annual visitors • Looking East from the much-used sea wall footpath which forms part of the King Charles III England Coast Path • Looking East from watercraft using the river • Looking West from watercraft using the sea</p>	There are a number of known cultural heritage receptors within 3km of the Site. Most of these relate to its use by the military for the testing of bomb ballistics and atomic weapons and comprise scheduled monuments and Grade II listed structures. The fencing will not be perceptible from the assets. The area for the fencing installation is not considered to form part of the setting which contributes to the significance of the assets, and thus the installation will not affect the ways in which the historic interests of the assets are understood or appreciated. The proposed fencing will not block or inhibit any views between the assets, which will be maintained. It is considered that there is no potential for harm to their heritage significance.
NT-RR09	Gen - LBBG	<p>Conclusion</p> <p>The National Trust recognises the threats that climate change poses and the role that renewable energy can play in reducing the UK's use of fossil fuels. The National Trust will continue to engage in discussions with the developer regarding the use of our land at Orford Ness to deliver compensation for lesser black-backed gulls. We therefore wish to register as an Interested Party and will provide updates to the Examining Authority on our position as these discussions progress.</p>	The Applicant welcomes the Trust's support to the project. We will continue to engage with the Trust and respond to its advice and insight.

#### 4.22 NETWORK RAIL [RR-082]

Ref	Relevant representation comment	Applicant's responses
NTR-RR01	<p>Network Rail is a statutory undertaker and owns, operates and maintains the majority of the rail infrastructure of Great Britain, including the including the Sunshine Coast Line and verges which runs from Colchester to Walton-on-the-naze, which lies to the west of Five Estuaries Offshore Wind Farm (the Railway).</p> <p>The Order sought by the Promoter includes development consent to construct, operate, maintain, and decommission an offshore wind farm and the associated development to connect the offshore wind farm to the national grid this is proposed to generating capacity in excess of 100MW. The Project is a proposed extension to the operational Galloper Offshore Wind Farm situated off the coast of Suffolk. The Promoter seeks authority and powers in the draft Order for new rights to be</p>	Noted by the Applicant. The Applicant has engaged with Network Rail and is seeking to progress negotiation on protective provisions.

Ref	Relevant representation comment	Applicant's responses
	<p>compulsorily acquired over the following plots on the Railway and land owned by Network Rail: I 1. 436571 square metres of agricultural land, access track, pond and hedgerow, drains, pylons and overhead cables (plot 05-014); I2. 103 square metres of railway (plot 05-016); I3. 5373 square metres of access track (plot 05-017); I4. 56801 square metres of agricultural land (plot 05-019).</p>	
NTR-RR02	<p>Network Rail wishes to ensure that the Scheme will not have a detrimental impact on the operation of the Railway and that the safety of the Railway is maintained during the construction, operation and ongoing maintenance requirements of the Scheme.</p> <p>As the Promoter proposes to compulsorily acquire new rights to be exercised in close proximity to the Railway, Network Rail wishes to object to the making of the Order on the ground that the rights sought might interfere with the safe and efficient operation of the Railway. In order for Network Rail to be in a position to withdraw its objection Network Rail will require adequate protective provisions and/or requirements to be included within the Order (and for the avoidance of doubt Network Rail require these Protective Provisions to be in the form set out at Appendix 1 to these Relevant Representations) and an agreement with the Promoter to ensure that the new rights sought are exercised in regulated manner to prevent adverse impacts to the Railway. Network Rail is continuing to review the Promoter's plans, draft Order and application documents, and will continue to work constructively with the Promoter to clarify any issues raised. The Examining Authority and the Secretary of State will need to be satisfied that railway safety and operations will not be compromised by the making of the Order. Network Rail respectfully requests that the Examining Authority treats Network Rail as an Interested Party for the purposes of the Examination and Network Rail reserves the right to produce additional and further grounds of concern when further details of the Scheme and its effects on Network Rail's assets are available.</p>	<p>Noted by the Applicant. The Applicant has engaged with Network Rail and is seeking to progress negotiation on protective provisions</p>
NTR-RR03	<p>Appendix 1 Protective Provisions for the benefit of Network Rail</p> <p>PROTECTIVE PROVISIONS PART [ ] FOR THE PROTECTION OF RAILWAY INTERESTS</p> <p>1. The provisions of this Part of this Schedule have effect, unless otherwise agreed in writing between the undertaker and Network Rail and, in the case of paragraph [15] of this Part of this Schedule any other person on whom rights or obligations are conferred by that paragraph.</p> <p>2. In this Part of this Schedule— "asset protection agreement" means an agreement to regulate the construction and maintenance of the specified work in a form prescribed from time to time by Network Rail; "construction" includes execution, placing, alteration and reconstruction and "construct" and "constructed" have corresponding meanings; "the engineer" means an engineer appointed by Network Rail for the purposes of this Order; "network licence" means the network licence, as the same is amended from time to time, granted to Network Rail Infrastructure Limited by the Secretary of State in exercise of their powers under section 8 (licences) of the Railways Act 1993; "Network Rail" means Network Rail Infrastructure Limited (company number 02904587, whose registered office is at Waterloo General Office, London SE1 8SW) and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition "associated company" means any company which is (within the meaning of section 1159 of the Companies Act 2006) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited and any successor to Network Rail Infrastructure Limited's railway undertaking; "plans" includes sections, designs, design data, software, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes and details of the extent, timing and duration of any proposed occupation of railway property; "railway operational procedures" means procedures specified under any access agreement (as defined in the Railways Act 1993) or station lease; "railway property" means any railway belonging to Network Rail and- (a) any station, land, works, apparatus and equipment belonging to Network Rail or connected with any such railway; and (b) any easement or other property interest held or used by Network Rail or a tenant or licensee of Network Rail for the purposes of such railway or works, apparatus or equipment; "regulatory consents" means any consent or approval required under: (a) the Railways Act 1993; (b) the network licence; and/or (c) any other relevant statutory or regulatory provisions; by either the Office of Rail and Road</p>	<p>Noted by the Applicant. The Applicant has engaged with Network Rail and is seeking to progress negotiation on protective provisions</p>



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	<p>or the Secretary of State for Transport or any other competent body including change procedures and any other consents, approvals of any access or beneficiary that may be required in relation to the authorised development; "specified work" means so much of any of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property and, for the avoidance of doubt, includes the maintenance of such works under the powers conferred by article 4 (maintenance of authorised project) in respect of such works.</p> <p>3. (1) Where under this Part of this Schedule Network Rail is required to give its consent or approval in respect of any matter, that consent or approval is subject to the condition that Network Rail complies with any relevant railway operational procedures and any obligations under its network licence or under statute. (2) In so far as any specified work or the acquisition or use of railway property is or may be subject to railway operational procedures, Network Rail must— (a) co-operate with the undertaker with a view to avoiding undue delay and securing conformity as between any plans approved by the engineer and requirements emanating from those procedures; and (b) use their reasonable endeavours to avoid any conflict arising between the application of those procedures and the proper implementation of the authorised development pursuant to this Order.</p> <p>4. (1) The undertaker must not exercise the powers conferred by— (a) article 3 (development consent granted by the Order); (b) [article [x] (maintenance of authorised project);] (c) article 17 (discharge of water); (d) article 18 (authority to survey and investigate the land onshore); (e) article 21 (compulsory acquisition of land); (f) article 23 (compulsory acquisition of rights); (g) article 27 (acquisition of subsoil only or airspace only); (h) [article [x] (power to override easements and other rights)] (i) article 30 (temporary use of land for carrying out the authorized project); (j) article 31 (temporary use of land for maintaining the authorised project); (k) article 32 (statutory undertakers); (l) article 25 (private rights); (m) article 36 (felling or lopping of trees and removal of hedgerows); (n) article 37 (trees subject to tree preservation orders); (o) the powers conferred by section 11(3) (power of entry) of the 1965 Act; (p) the powers conferred by section 203 (power to override easements and rights) of the Housing and Planning Act 2016; (q) the powers conferred by section 172 (right to enter and survey land) of the Housing and Planning Act 2016; (r) any powers under in respect of the temporary possession of land under the Neighbourhood Planning Act 2017; in respect of any railway property unless the exercise of such powers is with the consent of Network Rail. (2) The undertaker must not in the exercise of the powers conferred by this Order prevent pedestrian or vehicular access to any railway property, unless preventing such access is with the consent of Network Rail. (3) The undertaker must not exercise the powers conferred by sections 271 or 272 of the 1990 Act, article 32 (statutory undertakers), [article [x] (power to override easements and other rights or private rights of way)] or article 25 (private rights), in relation to any right of access of Network Rail to railway property, but such right of access may be diverted with the consent of Network Rail. (4) The undertaker must not under the powers of this Order acquire or use or acquire new rights over, or seek to impose any restrictive covenants over, any railway property, or extinguish any existing rights of Network Rail in respect of any third party property, except with the consent of Network Rail. (5) The undertaker must not under the powers of this Order do anything which would result in railway property being incapable of being used or maintained or which would affect the safe running of trains on the railway. (6) Where Network Rail is asked to give its consent pursuant to this paragraph, such consent must not be unreasonably withheld but may be given subject to reasonable conditions but it shall never be unreasonable to withhold consent for reasons of operational or railway safety (such matters to be in Network Rail's absolute discretion). (7) The undertaker must enter into an asset protection agreement prior to the carrying out of any specified work.</p> <p>5. (1) The undertaker must before commencing construction of any specified work supply to Network Rail proper and sufficient plans of that work for the reasonable approval of the engineer and the specified work must not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by arbitration. (2) The approval of the engineer under sub-paragraph (1) must not be unreasonably withheld, and if by the end of the period of 28 days beginning with the date on which such plans have been supplied to Network Rail the engineer has not intimated their disapproval of those plans and the grounds of such disapproval the undertaker may serve upon the engineer written notice requiring the engineer to intimate approval or disapproval within a further period of 28 days beginning with the date upon which the engineer receives written notice from the undertaker. If by the expiry of the further 28 days the engineer has not</p>	



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	<p>intimated approval or disapproval, the engineer shall be deemed to have approved the plans as submitted. (3) If by the end of the period of 28 days beginning with the date on which written notice was served upon the engineer under sub-paragraph (2), Network Rail gives notice to the undertaker that Network Rail desires itself to construct any part of a specified work which in the opinion of the engineer will or may affect the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker desires such part of the specified work to be constructed, Network Rail must construct it without unnecessary delay on behalf of and to the reasonable satisfaction of the undertaker in accordance with the plans approved or deemed to be approved or settled under this paragraph, and under the supervision (where appropriate and if given) of the undertaker. (4) When signifying their approval of the plans the engineer may specify any protective works (whether temporary or permanent) which in the engineer's opinion should be carried out before the commencement of the construction of a specified work to ensure the safety or stability of railway property or the continuation of safe and efficient operation of the railways of Network Rail or the services of operators using the same (including any relocation de-commissioning and removal of works, apparatus and equipment necessitated by a specified work and the comfort and safety of passengers who may be affected by the specified works), and such protective works as may be reasonably necessary for those purposes must be constructed by Network Rail or by the undertaker, if Network Rail so desires, and such protective works must be carried out at the expense of the undertaker in either case without unnecessary delay and the undertaker must not commence the construction of the specified works until the engineer has notified the undertaker that the protective works have been completed to their reasonable satisfaction.</p> <p>6. (1) Any specified work and any protective works to be constructed by virtue of paragraph 5(4) must, when commenced, be constructed— (a) without unnecessary delay in accordance with the plans approved or deemed to have been approved or settled under paragraph 5; (b) under the supervision (where appropriate and if given) and to the reasonable satisfaction of the engineer; (c) in such manner as to cause as little damage as is possible to railway property; and (d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe use of any railway of Network Rail or the traffic thereon and the use by passengers of railway property. (2) If any damage to railway property or any such interference or obstruction shall be caused by the carrying out of, or in consequence of the construction of a specified work, the undertaker must, notwithstanding any such approval, make good such damage and must pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may sustain by reason of any such damage, interference or obstruction. (3) Nothing in this Part of this Schedule imposes any liability on the undertaker with respect to any damage, costs, expenses or loss attributable to the negligence of Network Rail or its servants, contractors or agents or any liability on Network Rail with respect of any damage, costs, expenses or loss attributable to the negligence of the undertaker or its servants, contractors or agents.</p> <p>7. The undertaker must- (a) at all times afford reasonable facilities to the engineer for access to a specified work during its construction; and (b) supply the engineer with all such information as they may reasonably require with regard to a specified work or the method of constructing it.</p> <p>8. Network Rail must at all times afford reasonable facilities to the undertaker and its agents for access to any works carried out by Network Rail under this Part of this Schedule during their construction and must supply the undertaker with such information as it may reasonably require with regard to such works or the method of constructing them.</p> <p>9. (1) If any permanent or temporary alterations or additions to railway property are reasonably necessary in consequence of the construction or completion of a specified work in order to ensure the safety of railway property or the continued safe operation of the railway of Network Rail, such alterations and additions may be carried out by Network Rail and if Network Rail gives to the undertaker 56 days' notice (or in the event of an emergency or safety critical issue such notice as is reasonable in the circumstances) of its intention to carry out such alterations or additions (which must be specified in the notice), the undertaker must pay to Network Rail the reasonable cost of those alterations or additions including, in respect of any such alterations and additions as are to be permanent, a capitalised sum representing the increase of the costs which may be expected to be reasonably incurred by Network Rail in maintaining, working and, when necessary, renewing any such alterations or additions. (2) If during the construction of a specified work by the undertaker, Network Rail gives notice to</p>	

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	<p>the undertaker that Network Rail desires itself to construct that part of the specified work which in the opinion of the engineer is endangering the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker decides that part of the specified work is to be constructed, Network Rail must assume construction of that part of the specified work and the undertaker must, notwithstanding any such approval of a specified work under paragraph 5(3), pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may suffer by reason of the execution by Network Rail of that specified work. (3) The engineer must, in respect of the capitalised sums referred to in this paragraph and paragraph 10(a) provide such details of the formula by which those sums have been calculated as the undertaker may reasonably require. (4) If the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions a capitalised sum representing such saving must be set off against any sum payable by the undertaker to Network Rail under this paragraph.</p> <p>10. The undertaker must repay to Network Rail all reasonable fees, costs, charges and expenses reasonably incurred by Network Rail— (a) in constructing any part of a specified work on behalf of the undertaker as provided by paragraph 5(3) or in constructing any protective works under the provisions of paragraph 5(4) including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those works; (b) in respect of the approval by the engineer of plans submitted by the undertaker and the supervision by the engineer of the construction of a specified work; (c) in respect of the employment or procurement of the services of any inspectors, signallers, watch-persons and other persons whom it shall be reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of a specified work; (d) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer, require to be imposed by reason or in consequence of the construction or failure of a specified work or from the substitution or diversion of services which may be reasonably necessary for the same reason; and (e) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction or failure of a specified work.</p> <p>11. (1) In this paragraph- “EMI” means, subject to sub-paragraph (2), electromagnetic interference with Network Rail apparatus generated by the operation of the authorised development where such interference is of a level which adversely affects the safe operation of Network Rail’s apparatus; and “Network Rail’s apparatus” means any lines, circuits, wires, apparatus or equipment (whether or not modified or installed as part of the authorised development) which are owned or used by Network Rail for the purpose of transmitting or receiving electrical energy or of radio, telegraphic, telephonic, electric, electronic or other like means of signalling or other communications. (2) This paragraph applies to EMI only to the extent that such EMI is not attributable to any change to Network Rail’s apparatus carried out after approval of plans under paragraph 5(1) for the relevant part of the authorised development giving rise to EMI (unless the undertaker has been given notice in writing before the approval of those plans of the intention to make such change). (3) Subject to sub-paragraph (5), the undertaker must in the design and construction of the authorised development take all measures necessary to prevent EMI and must establish with Network Rail (both parties acting reasonably) appropriate arrangements to verify their effectiveness. (4) In order to facilitate the undertaker’s compliance with sub-paragraph (3)- (a) the undertaker must consult with Network Rail as early as reasonably practicable to identify all Network Rail’s apparatus which may be at risk of EMI, and thereafter must continue to consult with Network Rail (both before and after formal submission of plans under paragraph 5(1)) in order to identify all potential causes of EMI and the measures required to eliminate them; (b) Network Rail must make available to the undertaker all information in the possession of Network Rail reasonably requested by the undertaker in respect of Network Rail’s apparatus identified pursuant to sub-paragraph (a); and (c) Network Rail must allow the undertaker reasonable facilities for the inspection of Network Rail’s apparatus identified pursuant to sub-paragraph (a). (5) In any case where it is established that EMI can only reasonably be prevented by modifications to Network Rail’s apparatus, Network Rail must not withhold its consent unreasonably to modifications of Network Rail’s apparatus, but the means of prevention and the method of their execution must be selected in the reasonable discretion of Network Rail, and in relation to such modifications paragraph 5(1) has effect subject to the sub-paragraph. (6) Prior to the commencement of operation of the authorised development the undertaker shall test the use of the authorised development in a manner that shall first have</p>	

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	<p>been agreed with Network Rail and if, notwithstanding any measures adopted pursuant to sub-paragraph (3), the testing of the authorised development causes EMI then the undertaker must immediately upon receipt of notification by Network Rail of such EMI either in writing or communicated orally (such oral communication to be confirmed in writing as soon as reasonably practicable after it has been issued) forthwith cease to use (or procure the cessation of use of) the undertaker's apparatus causing such EMI until all measures necessary have been taken to remedy such EMI by way of modification to the source of such EMI or (in the circumstances, and subject to the consent, specified in sub-paragraph (5)) to Network Rail's apparatus. (7) In the event of EMI having occurred – (a) the undertaker must afford reasonable facilities to Network Rail for access to the undertaker's apparatus in the investigation of such EMI; (b) Network Rail must afford reasonable facilities to the undertaker for access to Network Rail's apparatus in the investigation of such EMI; (c) Network Rail must make available to the undertaker any additional material information in its possession reasonably requested by the undertaker in respect of Network Rail's apparatus or such EMI; and (d) the undertaker shall not allow the use or operation of the authorised development in a manner that has caused or will cause EMI until measures have been taken in accordance with this paragraph to prevent EMI occurring. (8) Where Network Rail approves modifications to Network Rail's apparatus pursuant to sub-paragraphs (5) or (6) – (a) Network Rail must allow the undertaker reasonable facilities for the inspection of the relevant part of Network Rail's apparatus; (b) any modifications to Network Rail's apparatus approved pursuant to those sub-paragraphs must be carried out and completed by the undertaker in accordance with paragraph 6. (9) To the extent that it would not otherwise do so, the indemnity in paragraph 15(1) applies to the costs and expenses reasonably incurred or losses suffered by Network Rail through the implementation of the provisions of this paragraph (including costs incurred in connection with the consideration of proposals, approval of plans, supervision and inspection of works and facilitating access to Network Rail's apparatus) or in consequence of any EMI to which sub-paragraph (6) applies. (10) For the purpose of paragraph 10(a) any modifications to Network Rail's apparatus under this paragraph shall be deemed to be protective works referred to in that paragraph. (11) In relation to any dispute arising under this paragraph the reference in article 47 (Arbitration) to the Institution of Civil Engineers shall be read as a reference to the Institution of Engineering and Technology.</p> <p>12. If at any time after the completion of a specified work, not being a work vested in Network Rail, Network Rail gives notice to the undertaker informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of railway property, the undertaker must, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect railway property.</p> <p>13. The undertaker must not provide any illumination or illuminated sign or signal on or in connection with a specified work in the vicinity of any railway belonging to Network Rail unless it has first consulted Network Rail and it must comply with Network Rail's reasonable requirements for preventing confusion between such illumination or illuminated sign or signal and any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway.</p> <p>14. Any additional expenses which Network Rail may reasonably incur in altering, reconstructing or maintaining railway property under any powers existing at the making of this Order by reason of the existence of a specified work must, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker, be repaid by the undertaker to Network Rail.</p> <p>15. (1)The undertaker must pay to Network Rail all reasonable costs, charges, damages and expenses not otherwise provided for in this Part of this Schedule (subject to article 45 (no double recovery) which may be occasioned to or reasonably incurred by Network Rail— (a) by reason of the construction, maintenance or operation of a specified work or the failure thereof; or (b) by reason of any act or omission of the undertaker or of any person in its employ or of its contractors or others whilst engaged upon a specified work; (c) by reason of any act or omission of the undertaker or any person in its employ or of its contractors or others whilst accessing to or egressing from the authorised development; (d) in respect of any damage caused to or additional maintenance required to, railway property or any such interference or obstruction or delay to the operation of the railway as a result of access to or egress from the authorised development by the undertaker or any person in its employ or of its contractors or others; (e) in respect of costs incurred by Network Rail in complying with any</p>	



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	<p>railway operational procedures or obtaining any regulatory consents which procedures are required to be followed or consents obtained to facilitate the carrying out or operation of the authorised development; and the undertaker must indemnify and keep indemnified Network Rail from and against all claims and demands arising out of or in connection with a specified work or any such failure, act or omission: and the fact that any act or thing may have been done by Network Rail on behalf of the undertaker or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under the engineer's supervision shall not (if it was done without negligence on the part of Network Rail or of any person in its employ or of its contractors or agents) excuse the undertaker from any liability under the provisions of this sub-paragraph. (2) Network Rail must – (a) give the undertaker reasonable written notice of any such claims or demands (b) not make any settlement or compromise of such a claim or demand without the prior consent of the undertaker; and (c) take such steps as are within its control and are reasonable in the circumstances to mitigate any liabilities relating to such claims or demands. (3) The sums payable by the undertaker under sub-paragraph (1) shall if relevant include a sum equivalent to the relevant costs. (4) Subject to the terms of any agreement between Network Rail and a train operator regarding the timing or method of payment of the relevant costs in respect of that train operator, Network Rail must promptly pay to each train operator the amount of any sums which Network Rail receives under sub-paragraph (3) which relates to the relevant costs of that train operator. (5) The obligation under sub-paragraph (3) to pay Network Rail the relevant costs shall, in the event of default, be enforceable directly by any train operator concerned to the extent that such sums would be payable to that operator pursuant to sub paragraph (4). (6) In this paragraph— "the relevant costs" means the costs, losses and expenses (including loss of revenue) reasonably incurred by each train operator as a consequence of any specified work including but not limited to any restriction of the use of Network Rail's railway network as a result of the construction, maintenance or failure of a specified work or any such act or omission as mentioned in subparagraph (1); and "train operator" means any person who is authorised to act as the operator of a train by a licence under section 8 of the Railways Act 1993.</p> <p>16. Network Rail must, on receipt of a request from the undertaker, from time to time provide the undertaker free of charge with written estimates of the costs, charges, expenses and other liabilities for which the undertaker is or will become liable under this Part of this Schedule (including the amount of the relevant costs mentioned in paragraph 15) and with such information as may reasonably enable the undertaker to assess the reasonableness of any such estimate or claim made or to be made pursuant to this Part of this Schedule (including any claim relating to those relevant costs).</p> <p>17. In the assessment of any sums payable to Network Rail under this Part of this Schedule there must not be taken into account any increase in the sums claimed that is attributable to any action taken by or any agreement entered into by Network Rail if that action or agreement was not reasonably necessary and was taken or entered into with a view to obtaining the payment of those sums by the undertaker under this Part of this Schedule or increasing the sums so payable.</p> <p>18. The undertaker and Network Rail may, subject in the case of Network Rail to compliance with the terms of its network licence, enter into, and carry into effect, agreements for the transfer to the undertaker of— (a) any railway property shown on the works and land plans and described in the book of reference; (b) any lands, works or other property held in connection with any such railway property; and (c) any rights and obligations (whether or not statutory) of Network Rail relating to any railway property or any lands, works or other property referred to in this paragraph.</p> <p>19. Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part I of the Railways Act 1993.</p> <p>20. The undertaker must give written notice to Network Rail if any application is proposed to be made by the undertaker for the Secretary of State's consent, under article 7 (transfer of benefit of Order) of this Order and any such notice must be given no later than 28 days before any such application is made and must describe or give (as appropriate)— (a) the nature of the application to be made; (b) the extent of the geographical area to which the application relates; and (c) the name and address of the person acting for the Secretary of State to whom the application is to be made.</p>	



Ref	Relevant representation comment	Applicant's responses
	<p>21. The undertaker must no later than 28 days from the date that the plans submitted to and certified by the Secretary of State in accordance with article 43 (certification of plans etc.) are certified by the Secretary of State, provide a set of those plans to Network Rail in a format specified by Network Rail.</p> <p>22. [In relation to any dispute arising under this part of this Part of this Schedule (except for those disputes referred to in paragraph 11) the provisions of article 47 (Arbitration) shall not apply and any such dispute, unless otherwise provided for, must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) to the President of the Institution of Civil Engineers.</p>	

#### 4.23 PORT OF LONDON AUTHORITY [RR-090] & [AS007]

Ref	Topic	Relevant representation comment	Applicant's responses
PLA-RR01	OffS - Shipping and Navigation	VE is outside of the PLA's landownership and statutory limits under the 1968 Act, including its licensing area, but the export cable corridor (the "ECC") crosses the deep water routes (the Sunk and Trinity which lead to Black Deep) (the "DWR") into the Port of London. The DWR is the only approach available for larger vessels to access the Port of London. The DWR are currently both used for entry and exit into/from the Port of London but in the future, as vessels get bigger it may be necessary for one DWR route to be used for entry and one for exit.	The 9.10 Navigational Risk Assessment (NRA) [APP-240] and 6.2.9 Shipping and Navigation [APP-078] consider a conservative future case scenario to ensure that offshore export cable installation allows vessels with a draught up to 20 m safely into the Thames Estuary.
PLA-RR02	OffS - Shipping and Navigation	<p>VE works have the potential to cause short and long term impacts to navigation and to the capacity and operation of the Port of London, particularly from the works associated with the ECC. These impacts include:</p> <ul style="list-style-type: none"> <li>• Permanent impacts because of VE cable depths</li> <li>• Temporary impacts from cable laying and repair</li> <li>• Permanent impacts from interaction with third party schemes (cable crossings)</li> <li>• Temporary impacts from interaction with third party schemes (simultaneous operations)</li> <li>• Permanent impacts from the location of the offshore sub station platforms</li> <li>• Temporary and permanent impacts from the safety zones</li> <li>• Temporary and permanent impacts from dredging</li> <li>• Temporary impacts on the PLA's onshore navigational equipment</li> </ul> <p>The range of impacts vary from vessel displacement and delays to placing a constraint on the size of vessel that can enter the Port of London and therefore the capacity of the Port of London. The VE application needs to provide clarity and confidence that long term access/egress to the Port of London would be maintained and that short term impacts during construction and maintenance would be kept to a minimum. The PLA would recommend that a plan is produced for the area where</p>	<p>The 9.10 Navigational Risk Assessment (NRA) [APP-240] and 6.2.9 Shipping and Navigation [APP-078] demonstrate that risks associated with the development of the Proposed Development have been mitigated to As Low as Reasonably Practicable (ALARP) / not significance in Environmental Impact Assessment (EIA) terms. The impacts considered within the Hazard Workshop, NRA and Shipping and Navigation chapter include temporary and permanent impacts through all phases of the Proposed Development and consideration of all possible parameters noted within 6.2.1 Offshore Project Description chapter [APP-069].</p> <p>The parties are currently negotiating protective provisions for the benefit of the PLA's onshore infrastructure and the DWRs.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		the VE cables would cross the DWR which is a certified document and which sets out the relevant parameters and constraints, the applicant's approach to cable laying / crossings in this area and which demonstrates that the PLA's requirements can be met.	
PLA-RR03	OffS - Shipping and Navigation	<p><b>Permanent impacts as a result of VE cable depths</b></p> <p>The depth of the VE cables where they cross the DWR are critical. The PLA requires access for vessels with a draught of 20m at the DWR and accounting for 10% under keel clearance.</p> <p>This means that a water depth of -22m Chart Datum ("CD") must be maintained by VE. There must be certainty in the VE application that this requirement will be met because if it is not, then it will limit the quantum of trade within the Port. The impact of this would be significant, detrimentally impacting the future of the UK's largest port.</p>	<p>The 6.2.10 Navigational Risk Assessment (NRA) [APP-240] and 6.2.9 Shipping and Navigation [APP-078] consider a conservative future case scenario to ensure that offshore export cable installation allows vessels with a draught up to 20 m safely into the Thames Estuary. This includes the use of a percentage under keel clearance of 10% of the static draught when determining required water depths.</p> <p>Discussions are ongoing with the PLA and other stakeholders regarding the extent of deeper cable burial. The Applicant would also note that the datum to be used for defining -22m (20m draught plus 10% UKC) should be further considered to account for chart datum plus an agreed minimum tidal value given this would be considered in a vessels passage plan and therefore it would not be reasonable for the Applicant to commit to a depth based on Chart Datum (which is broadly equivalent to lowest astronomical tide).</p>
PLA-RR04	OffS - Shipping and Navigation	<p><b>Temporary impacts from cable laying and repair</b></p> <p>The approach to cable laying needs to be clear and there must be a commitment to the quickest method of cable burial where the ECC crosses the DWR to reduce the impacts to shipping during construction. Construction and maintenance vessels must not hinder access into the Port. Deep drafted vessels to terminals within the Port of London are tidally constrained, so a small deviation to their schedule could result in them not having enough water for their passage to the berth, thus delaying them until the next tide approximately 12 hours later.</p>	<p>The Navigation and Installation Plan (NIP) sets out the measures through which construction will be managed with close working and planning with the PLA and other key stakeholders. The Applicant will seek to use the most efficient method of cable installation which balances speed and efficacy. The quickest method, if not suitable, may lead to damage to cables, insufficient cable burial and ultimately the need to come back and rectify or repair the works, causes more disruption. Nonetheless the Applicant appreciates the need to minimise impacts in these areas.</p>
PLA-RR05	OffS - Shipping and Navigation	<p><b>Permanent impacts from interaction with third party schemes (cable crossings)</b></p> <p>Cable crossings have the potential to impact on water depths and, as set out in the application documents, it will be necessary for VE to cross Neuconnect within the ECC. If consented, SeaLink, Kent-Suffolk SCDI and the North Falls export cable will all need to cross the VE cables. The PLA must have confidence that where VE crosses Neuconnect the required water depth of -22m CD will be maintained and that the VE cable will be buried at sufficient depth or placed in areas of deeper water so that any cables that cross VE in the future also maintain the required water depth of -22m CD.</p>	<p>The Applicant is working on the detail of cable crossings to ensure suitable water depths can be maintained. The ECC was altered during development to allow potential cable crossings to occur in deeper waters for this reason.</p>
PLA-RR06	OffS - Shipping and Navigation	<p><b>Temporary impacts from interaction with third party schemes (simultaneous operations)</b></p> <p>The North falls export cables, Neuconnect and SeaLink all intersect the offshore ECC and there is the potential for simultaneous operations occurring during installation and maintenance. For the reasons set out above construction and maintenance vessels must not hinder access into the Port.</p>	<p>9.20 Outline Navigation Installation Plan (NIP) [APP-252] includes protocols to ensure that the installation and maintenance of the offshore export cables minimises disruption including preventing concurrent operations as defined in the NIP.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
PLA-RR07	OffS - Shipping and Navigation	<p><b>Permanent impacts from the offshore substation platforms</b></p> <p>The PLA also has concerns with the location of the offshore substation platforms. The works description for Work No 2 suggests that, if built, these would be placed within the ECC, notwithstanding that the array areas have been assessed for the location of these works in the Environmental Statement ("ES"). The PLA would have significant concerns about the offshore substation platforms being placed within the ECC because it could result in them being placed along the access to the DWR forming a physical obstacle for vessels to navigate around.</p>	The Applicant can confirm that OSPs will not be installed in the ECC and will be updating 2.6 Works Plans - Offshore [APP-011] and the dDCO to secure this.
PLA-RR08	OffS - Shipping and Navigation	<p><b>Safety Zones</b></p> <p>The Safety Zone Statement (APP-230) provides information on the safety zone application that will be made to the Secretary of State for Energy Security and Net Zero. The information provided in the Safety Zone Statement differs to that provided in the ES and it would appear from the ES that a safety zone would be put around the export cables.</p>	The Energy Act 2004 and Electricity Regulations 2007 do not allow for safety zones to be implemented around offshore cable works. Reference to safety zones applying to the export cables in the ES should be disregarded.
PLA-RR09	OffS - Shipping and Navigation	It needs to be clear whether a safety zone would be required for the ECC and if one is required, it needs to be assessed including within the Navigational Risk Assessment (APP-240). Any safety zones must not result in deep draught vessels being delayed when entering or exiting the Port via the DWR for the reasons set out in paragraph 2.4 above.	As per PLA-RR08
PLA-RR10	OffS - Shipping and Navigation	<p><b>Dredging</b></p> <p>In order to install the cables within the ECC it will also be necessary to dredge. The Marine Licence allows for up to 9,214,386m<sup>3</sup> of inert material to be deposited within Works No 2 (the ECC), 2A and 3. Fig 1.11 of the Offshore Project Description (APP-069) shows that the ECC disposal site is along the entirety of the ECC including between the Arrays. There is a concern about a lack of controls in relation to the placing of inert material within the ECC. What controls are in place for example to stop the applicant from placing material in the ECC where it crosses the DWR? This could create high spots which ultimately impact on access to the Port of London by reducing navigable depth.</p>	The Applicant notes the PLA's concern. Details of dredging will be set out in the final Cable Specific and Installation Plan (CSIP). The Applicant will review the outline CSIP [APP-242] to provide further clarity on this.
PLA-RR11	OffS - Shipping and Navigation	<p><b>Mitigation of potential impacts to shipping and navigation</b></p> <p>To mitigate potential impacts to shipping and navigation, the applicant places a significant amount of weight on embedded mitigations and documents, which will be produced post consent. These include:</p> <ul style="list-style-type: none"> <li>(a) Detailed cable burial risk assessment (CBRA)</li> <li>(b) Development of, and adherence to, a Cable Specification and Installation Plan (CSIP)</li> <li>(c) Navigation and Installation Plan (NIP)</li> </ul> <p>The outline documents could, alongside protective provisions for the PLA, provide the comfort that the PLA requires that at the detailed design stage, the DWR into the Port of London will be protected now and into the future. As will be explained in the PLA's further Written Representations, amendments are, however, required to</p>	The Applicant is in discussion with the PLA regarding protective provisions. Further comments on the NIP have been received from the PLA and other stakeholders following a workshop in June 2024. The Applicant will submit an updated NIP at Deadline 1. Regarding the other plans, the Applicant welcomes comment from the PLA and will address those matters in due course when comments are submitted.

Ref	Topic	Relevant representation comment	Applicant's responses
		the outline documents and protective provisions provided for the PLA need to be added to the dDCO to remove the current uncertainty. In the absence of these changes, decisions that are made by others in this DCO (such as MMO or MCA) could have significant ramifications for the Port of London.	
PLA-RR12	Gen - Land interest's	<p><b>Temporary impacts on the PLA's onshore navigational equipment</b></p> <p>The PLA are identified in Parts 1, 2 and 3 of the Book of Reference (APP-026) in relation to Plots 01-001, 01-002 and 01-003. These references relate to the PLA's right of access (alongside a leasehold interest) in a radar site. The radar site, known as Holland Haven, is located to the south west of plot 01-003. The access route to the PLA's radar site utilises plots 01-001 and 01-002.</p>	Noted by the Applicant.
PLA-RR13	Gen - Land interest's	Through the 1968 Act, the PLA has the primary responsibility of maintaining safe access and managing and supporting the safety of navigation for all river users on the River. In order for the PLA to oversee safe navigation on the River, the Holland Haven radar site forms part of a network of 18 towers located between Holland Haven / Margate and Tower Hamlets / Greenwich. Equipment is installed on these towers such as radar, CCTV, weather monitoring equipment and microwave communications systems. There are various sub tenants and licensees at the Holland Haven radar site with rights to the PLA's tower that is situated on the property – telecom operators with statutory rights under the Electronic Communications Code.	Noted by the Applicant.
PLA-RR14	Gen - Land interest's	Plots 01-001, 01-002 and 01-003 are identified on sheet no.1 of the Works Plans – Onshore (APP-010) as "Works No. 4B – Beach access & TCC". Schedule 1, Part 1 of the dDCO (APP024) states in relation to Work No. 4B "Construction of a temporary construction compound and laydown area (beach Works TCC), improvement and use of existing access routes including creation of construction access to Work Nos. 3, 4 and 5, works to junctions and visibility splays, temporary construction working areas and laydown area." The Land Plans – Onshore (APP008) show plots 01-001 and 01-002 as temporary possession (non exclusive) and plot 01-003 as temporary possession.	Noted by the Applicant.
PLA-RR15	Gen - Land interest's	The Statement of Reasons (APP-030) advises at paragraph 3.4.2 that "Work no. 4B (Plots 01-001, 01-002, 01-003, 01-004, 01-005, 01-006) provides for access to the beach and adjoining land to support any works which may be required during construction. Access for other users will remain open during construction, except for when construction equipment is being mobilised and demobilised, when short temporary access restrictions such as marshalling may be required to ensure public safety."	Noted by the Applicant.
PLA-RR16	Gen - Land interest's	The PLA requires access to its radar sites 24 hour a day, 7 days a week. This includes access at very short notice, in an emergency. Access may be required for larger vehicles, including cranes to undertake repairs. This unrestricted access is required in order to maintain continuous coverage to support navigational safety. The PLA should be notified in advance of any temporary access restrictions and it should be ensured that during any restricted access periods appropriate access is maintained for PLA personnel and vehicles.	The Applicant and the Port of London Authority are engaged in discussions on Bespoke Protective Provisions to address this point.



Ref	Topic	Relevant representation comment	Applicant's responses
PLA-RR17	Gen - Land interest's	Article 30 "Temporary use of land for carrying out the authorised development" allows the undertaker to enter on and take temporary possession of plots 01-001 and 01-002 for "access to facilitate construction of the authorised development" and whilst Article 30(8) prohibits the undertaker from compulsorily acquiring, acquiring new rights over or imposing restrictive covenants over plots 01-001, 01-002 and 01-003, there is nothing in Article 30 preventing the extinguishment of the PLA's existing rights of access. This is of particular concern to the PLA given that Article 32(b) "Statutory Undertakers" allows for the extinguishment of the PLA's right of access. In addition, Article 14 "Temporary Restriction of use of streets" would allow for the Holland Haven Country Park car park access road to be temporarily closed and to be used as a temporary working site.	The Applicant and the Port of London Authority are engaged in discussions on Bespoke Protective Provisions to address this point.
PLA-RR18	Gen - Land interest's	Article 10 "Street Works" allows the undertaker to carry out various activities to the Holland Haven Country Park car park access road. The PLA has no in principle concerns with works being undertaken to the road and recognise that the improvements that may be undertaken to the road may be of benefit to the PLA in the longer term however, it must be ensured that any services that the PLA currently benefits from (electricity and broadband) are maintained at all times and that there is no disruption in supply.	The Applicant and the Port of London Authority are engaged in discussions on Bespoke Protective Provisions to address this point.
PLA-RR19	Gen - Land interest's	At this stage it is unclear what plant, equipment, materials etc might be stored or buildings erected within the construction compound/laydown area. Buildings and storage over a certain height and use of cranes or other tall plant has the potential to interfere with the PLA's equipment and cause loss of service. It needs to be ensured that nothing is placed within the compound that could obscure the view of the water, links or VHF from the tower. As currently drafted the PLA has no way of being consulted on any detailed plans for the layout/use of the construction compound and therefore the first time the PLA knows about the use of the construction compound could be when a loss of service occurs. This would not be appropriate. If a planning application had been submitted to the Council for the construction compound (rather than a DCO application) the PLA would normally secure a condition that requires full details to be provided of the maximum heights within the compounds, details of cranes etc. The PLA would then be consulted on the submitted details and be provided with the opportunity to provide comments.	The Applicant and the Port of London Authority are engaged in discussions on Bespoke Protective Provisions to address this point.
PLA-RR20	Gen - Land interest's	Therefore, whilst in the Statutory Undertakes Position Statement (APP-028) it is stated in relation to plot 01-001 that "No Port of London Authority apparatus will be impacted" the PLA would assert that this has yet to be demonstrated in the application documents and the dDCO gives the Applicant powers to cause significant impacts to the PLA's apparatus.	The Applicant and the Port of London Authority are engaged in discussions on Bespoke Protective Provisions to address this point.

4.24 PORT OF TILBURY LONDON LTD [RR-091]

Ref	Topic	Relevant representation comment	Applicant's responses
PTL-RR01	OffS - Shipping and Navigation	The Port of Tilbury London Limited (PoTLL) does not have an in-principle objection to the proposed Five Estuaries Offshore Wind Farm (FEOWF) and is very supportive of the renewable energy objectives the scheme would deliver. However, PoTLL has several concerns about matters in the draft Development Consent Order, and there are areas where more information, detail and agreement by PoTLL to the proposed approach is needed. PoTLL's primary concern is around the impact of FEOWF's proposed export cabling corridor on the deep-water channels that large vessels necessarily rely on to access and operate the Port of Tilbury (the Port).	Noted by the Applicant.
PTL-RR02	OffS - Shipping and Navigation	<p>Details of PoTLL's position will be set out in its Written Representations or other written submissions in the Examination process, given the material submitted by FEOWF is substantial and PoTLL requires more time to evaluate it to fully inform its position. At this stage, PoTLL refers to and supports the Port of London Authority's (PLA) Relevant Representation, which sets out the PLA's concerns, as shared by PoTLL, over the potential short and long-term impacts to navigation, capacity and operation of the ports. These are particularly from works associated with the export cabling corridor, where impacts may include:</p> <ul style="list-style-type: none"> <li>• permanent impacts because of FEOWF cable depths;</li> <li>• temporary impacts from cable laying and repair;</li> <li>• permanent impacts from interaction with third party schemes (cable crossings);</li> <li>• temporary impacts from interaction with third party schemes (simultaneous operations);</li> <li>• permanent impacts from the location of the offshore sub station platforms;</li> <li>• temporary and permanent impacts from the safety zones;</li> <li>• temporary and permanent impacts from dredging; and</li> <li>• temporary impacts to onshore navigational equipment.</li> </ul>	Noted by the Applicant.
PTL-RR03	OffS - Shipping and Navigation	<p>[Detailed background on the Port's operations and role included]</p> <p>For the important social and economic reasons outlined above, it is vital that the Port operate without disruption or interference during the construction and operation of FEOWF.</p>	Noted by the Applicant. It should also be noted that the remit of the 9.10 Navigational Risk (NRA) [APP-240] and 6.2.9 Shipping and Navigation [APP-078] is the safety of navigation and not onshore social and economic issues.
PTL-RR04	OffS - Shipping and Navigation	<p><b>POTLL'S PRIMARY CONCERN</b></p> <p>The facilities at the Port relevantly include deep water facilities complete with a deep water jetty, meaning larger vessels can and do divert to it to unload cargo to avoid shipments being delayed, ensuring timely shipping – essential in the case of time sensitive and perishable goods.</p> <p>While FEOWF does not fall within PoTLL's jurisdiction, its proposed export cable corridor crosses the deep water routes which service both the PLA and the Port. The deep water route is the only approach available for large vessels to access the Port. Therefore, PoTLL restates that its primary concern is around the impact of FEOWF's proposed export cabling corridor on the deep-water channels that large vessels necessarily rely on to access the Port (and PLA).</p> <p>PoTLL reserves the right to submit more detailed representations in respect of matters raised in this Relevant Representation, and to alter, amend or expand on its concerns through the Examination process.</p>	The 9.10 Navigational Risk Assessment (NRA) [APP-240] and 6.2.9 Shipping and Navigation [APP-078] consider a conservative future case scenario to ensure that offshore export cable installation allows vessels with a draught up to 20 m safely into the Thames Estuary. Discussions regarding the DWRs are progressing with the PLA and other stakeholders including POTLL.

4.25 ROYAL SOCIETY FOR THE PROTECTION OF BIRDS [RR-094]

Ref	Topic	Relevant representation comment	Applicant's responses
RS PB- RR 01	General	<p><b>INTRODUCTION</b></p> <p>The RSPB supports the deployment of renewable energy projects, providing that they are sited in appropriate places and designed to avoid potential adverse impacts on wildlife. We are grateful for the constructive pre-application discussions that have taken place with Five Estuaries in respect of this proposal, particularly through the Evidence Plan process. This relevant representation outlines the RSPB's position on the following aspects of the Five Estuaries application: - Offshore ornithology impacts - Derogation case with particular reference to compensation measures Due to resource constraints, the RSPB has had limited time to review the Applicant's documents in relation to offshore ornithology impacts. Our submission on these matters therefore represents an initial assessment of the Applicant's submitted information and will be added to in the RSPB's main written representation. The RSPB reserves the right to add to and/or amend its position in light of changes to or any new information submitted by the Applicant.</p>	Noted by the Applicant.
RS PB- RR 02	OffS - Ornithology EIA	<p><b>OFFSHORE ORNITHOLOGY IMPACTS - SUMMARY OF RSPB POSITION</b></p> <p>We have significant concerns regarding the findings of some of the impact assessments. We have been able to reach conclusions on adverse effect on the integrity (AEOI) on the Kittiwake, Guillemot and Razorbill qualifying features of the Flamborough and Filey Coast Special Protection Area (SPA), and the Lesser Black-backed Gull feature Alde-Ore Estuary SPA. As a result of the methodological concerns the RSPB considers that some of the impacts have not been adequately assessed and, as such consider that an AEOI on the Northern Gannet feature of the Flamborough and Filey Coast SPA and the Red-throated Diver feature Outer Thames Estuary SPA cannot be ruled out at this stage. We set out these methodological concerns below. Our conclusions are summarised below.</p>	<p>The Applicant has noted the RSPBs position and agree with the conclusion for lesser black-backed gull at the Alde-Ore Estuary SPA. However, following consultation and agreement with Natural England the Applicant does not agree with the position on gannet, kittiwake, guillemot and razorbill for Flamborough and Filey Coast (FFC) SPA.</p> <p>The Applicant does not believe there to be an AEOI for red-throated diver at OTE SPA the Applicant has committed to seasonal restrictions for vessel movements associated with Cable Installation in the SPA., as set out in the Working in Proximity to Wildlife plan, secured though Part 11, Condition 12(1)(d)(v) and Part 12, Condition 13(1)(d)(v).</p>
RS PB- RR 03	OffS - Ornithology EIA	<p>Project alone – RSPB AEOI conclusions</p> <p>We conclude there will be an adverse effect on site integrity on the following features of the Alde-Ore Estuary SPA: - The impact of collision mortality on the Lesser Black-backed Gull (LBBG) population. We cannot rule out an adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA: - The impact of combined collision and displacement mortality on the Northern Gannet population.</p> <p>Project in combination with other plans and projects – RSPB AEOI conclusions</p> <p>We conclude there will be an adverse effect on site integrity on the following features of the Alde-Ore Estuary SPA: - The impact of collision mortality on the Lesser Black-backed Gull (LBBG) population We conclude there will be an adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA: - The impact of mortality arising from collision and distributional change combined on the kittiwake population - The impact of mortality arising from distributional change on the guillemot population - The impact of mortality arising from distributional change on the razorbill population We cannot rule out an adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA: - The impact of mortality arising from collision and distributional change combined on the gannet population - The impact of combined collision and displacement mortality on the seabird assemblage. The RSPB cannot rule out an adverse effect on the</p>	<p>The Applicant agrees that there will be an adverse effect on the LBBG population at the AOE SPA. A full derogation case and compensation documents have been submitted regarding this conclusion.</p> <p>The Applicant has followed advice from Natural England after consultation and concluded there will be no AEol for gannet at FFC SPA.</p> <p>The Applicant does not currently agree with the advice of Natural England regarding the conclusion of AEol for Kittiwake, Guillemot or Razorbill but following advice and in accordance with the NPS has submitted without prejudice derogation cases and compensation measures for these species.</p> <p>.</p> <p>The Applicant does not consider there to be an AEol for red-throated diver at OTE SPA.</p>



Ref	Topic	Relevant representation comment	Applicant's responses
		integrity of the Outer Thames Estuary SPA, arising through the project alone and in combination through distributional change of on the SPA's red-throated diver population arising from vessel movement during construction and decommissioning and operations and maintenance.	
RS PB- RR 04	OffS - Ornith ology EIA	<p>IMPACT ASSESMENT – CONCLUSIONS (from APP-165: ES 6.3.12.4: Appendix 12.4 Offshore Ornithology Population Viability Analysis)</p> <p>Project alone</p> <p>From mortalities derived using the methods advocated by Natural England and the RSPB, the impacts arising from collision associated with the Five Estuaries Wind Farm alone are predicted to result in the annual population growth rate of Lesser Black-backed Gull at the Alde-Ore Estuary SPA declining, with a ratio of impacted to unimpacted population growth rate of 0.996. This means that after the 40-year lifetime of the Wind Farm, the population size of the SPA is expected to be 85.9% of what it would have been in the absence of the development.</p> <p>Project in-combination</p> <p>From mortalities derived using the methods advocated by Natural England and the RSPB, the impacts arising from collision associated with the Five Estuaries Wind Farm in-combination with other projects are predicted to result in the annual population growth rate of Lesser Black-backed Gull at the Alde-Ore Estuary SPA declining, with a ratio of impacted to unimpacted population growth rate of 0.977. This means that after the 40-year lifetime of the Wind Farm, the population size of the SPA is expected to be 38.7% of what it would have been in the absence of the development in-combination with other projects. From mortalities derived using the methods advocated by Natural England and the RSPB, the impacts arising from collisions and distributional change associated with the Five Estuaries Wind Farm in-combination with other projects are predicted to result in the annual population growth rate of Kittiwake at the Flamborough and Filey Coast SPA declining, with a ratio of impacted to unimpacted population growth rate of 0.994. This means that after the 40-year lifetime of the Wind Farm, the population size of the SPA is expected to be 77.2% of what it would have been in the absence of the development in-combination with other projects. Within the range of likely mortalities derived using the methods advocated by Natural England and the RSPB, the impacts arising from distributional change associated with the Five Estuaries Wind Farm development in-combination with other projects are predicted to result in the annual population growth rate of Guillemot at the Flamborough and Filey Coast SPA declining, with a ratio of impacted to unimpacted population growth rate of between 0.998 and 0.951. This means that after the 40-year lifetime of the Wind Farm, the population size of the SPA is expected to be between 91.8 and 13.0% of what it would have been in the absence of the development. Within the range of likely mortalities derived using the methods advocated by Natural England and the RSPB, the impacts arising from distributional change associated with the Five Estuaries Wind Farm development in-combination with other projects are predicted to result in the annual population growth rate of Razorbill at the Flamborough and Filey Coast SPA declining, with a ratio of impacted to unimpacted population growth rate of between 0.999 and 0.977. This means that after the 40-year lifetime of the Wind Farm, the population size of the SPA is expected to be between 96.0 and 38.2% of what it would have been in the absence of the development.</p>	<p>The Population Viability Analysis (PVA) carried out includes no density dependence.</p> <p>Density independent models lack any means by which a population can recover once it has been reduced beyond a certain point (Ridge et al. 2019), therefore are extremely precautionary and not applicable when looking at the counterfactual of population size (CPS). MacArthur Green (2019) prepared a PVA for LBBG at AOE SPA for the Norfolk Vanguard OWF compared DD and DI calculations and found that DD were precautionary and that DI was 'biologically unrealistic'.</p> <p>The 6.5.4.15 Apportioning Note [APP-117] presents the wider regional population of over 15,000 birds including sizable urban colonies at Lowestoft, Great Yarmouth and Felixstowe (Table 2.4). Tracking data from studies for Galloper OWF (Green et al, 2023) show connectivity with birds from the AOE SPA colony and the urban colonies mentioned above. Also, tagging has found connectivity from further afield with ringed chicks at Walney Island breeding at AOE SPA (Brown and Grice, 2005).</p> <p>Even including a very small level of density dependence in the PVA model will reduce the CPS value considerably. The current density independent models assume a closed population with no input from outside populations.</p>
RS PB- RR 05	OffS - Ornith ology EIA	<p>IMPACT ASSESMENT – METHODOLOGICAL CONCERNS</p> <p>The RSPB's key concerns with the impact assessment relate to: - Inadequate details of digital aerial survey methodology - The application of additional macro-avoidance to predicted gannet collision mortalities - Inadequate consideration of the conservation objectives of the Outer Thames Estuary SPA - a lack of consideration of impacts compounded by Highly Pathogenic Avian Influenza</p>	Noted by the Applicant.
RS PB-	OffS - Ornith	Inadequate details of Digital Aerial Survey methodology	The full methodology for the Digital Aerial Surveys (DAS) can be found in 6.5.4.12 Digital Video Aerial Surveys of Seabirds and



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RR 06	Ornithology EIA	<p>The RSPB are content that digital aerial surveys can provide useful data in order to provide baseline characterisation of an offshore wind farm footprint. However full methodological detail needs to be provided alongside the outputs and the details the Applicant has provided are scant. In particular, but not exclusively there is: - insufficient consideration of potential biases in the survey and analysis methods. For example, these could be biases arising from both the camera system, such as imperfect detection of smaller species, or from the imperfect identification by the surveyor of the digital images. Any biases such should have been carefully described; - there is no consideration of potential response of birds to disturbance arising from the survey e.g. from aircraft shadow.</p> <p>This could be behavioural responses such as flight take off rate or diving rate, that would have implications for the accuracy of the assessment; - there is no detail provided as to how spatial autocorrelation has been evaluated and if necessary accounted for. Spatial autocorrelation in this instance is the correlation among values of a count variable strictly attributable to their relatively close locational positions, introducing a deviation from the assumption of independent observation. The assessment should explicitly demonstrate an analysis of the data showing whether spatial auto-correlation is present or not; - there is no rationale provided as to why a transect rather than grid survey design has been used. Both survey designs are commonly used in the assessment of the impacts of offshore wind farms, and both have strengths and weaknesses. Detail is required as to why a transect design was used for this assessment; - there is no detail given of any independent validation of identification and detection rates. While it is clear that this validation is carried out as part of the internal quality assurance procedures of the survey providers, no detail of any independent external quality assurance appears to have been carried out.</p>	<p>Marine mammals at VE Annual Report March 2019 to February 2021 [APP-114] and Digital Video Aerial Surveys of Seabirds and Marine Mammals at VE Annual Report March 2019 to February 2020 [APP-115].</p> <p>A report detailing how spatial autocorrelation was assessed and accounted for in the design-based estimation of densities and abundances was submitted with the application (6.5.4.1 Offshore Ornithology Technical Report [APP-103]).</p>
RS PB-RR 07	OffS - Ornithology EIA	<p>The application of additional macro-avoidance to predicted gannet collision mortalities</p> <p>The Applicant has applied a reduction of 70% to the baseline densities inputted into the gannet collision risk modelling in order to account for macro-avoidance by amended the Avoidance Rates used in Collision Risk Modelling, in APP-110. This approach follows suggestions in Cook (2021). The current evidence of a strong macro avoidance of wind farms by gannets, established from observed behaviour, is almost entirely derived from non-breeding birds (Cook 2021). The evidence for macro avoidance during the breeding season is limited with the exception of a study of gannets breeding on Helgoland in the German North Sea. However, it is unclear from this study what the breeding status of the tracked birds was, or how their behaviour differed from what would have been expected pre-construction as two of the three wind farms were already operational during the first year of tracking. What the study does clearly show is that breeding gannets do fly through offshore wind farms, often showing no avoidance behaviour at all. While some tracks show clear avoidance others do not and may even show attraction to the wind farm. In the Cook (2021) report that suggests the application of macro avoidance to baseline densities, the suggestion is based on reviews that do not include this German tracking study, although it does acknowledge that it shows clear differences between individuals in relation to their response to wind farms. The previous gannet recommended avoidance rate was based on 'all gulls' data because no gannet data were available. The evidence of macro avoidance of gulls in response to wind farms is equivocal, so this rate was only calculated from 'within wind farm' avoidance. As gannets can show macro avoidance it therefore was suggested that this was applied to the baseline densities, and then collision risk modelling was carried out using the 'all gull' avoidance rate, so effectively applying avoidance twice. Notwithstanding the above, the RSPB does not agree with the approach for two reasons. Firstly, it does not take into account the likely seasonal variation in macro avoidance as described above. Secondly, by basing the 'within wind farm' avoidance rate on the 'all gull' rate, it assumes that gannets will have the same 'within wind farm' reactive flight response as gulls. This assumption is very unlikely to be met, as gannets have much lower flight manoeuvrability than gulls. This will result in a lesser ability to make rapid reactions and consequently have a greater risk of collision. This should be reflected in the 'within wind farm' avoidance rate if</p>	<p>The Applicant's approach followed Natural England guidance and is considered to be robust.</p>

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		<p>any further changes are to be made. Any evidence of macro avoidance should also be seen in the context of recent work in Belgian offshore windfarms that has shown potential habituation to the presence of turbines. This effectively results in lower macro avoidance and so an elevated risk of collision. It is also important to acknowledge that corpses of Northern Gannets with injuries consistent with collisions with offshore wind farms have been recovered (Rothery et al., 2009), and the imperfect detection of these corpses indicate that there may be many more. Due to these concerns with the Applicants application of additional macro-avoidance the RSPB are concerned that the predicted Gannet mortalities arising from collision are not robust, and therefore cannot come to any conclusions with regard to any adverse effects on site integrity.</p>	
RS PB- RR 08	OffS - Ornith ology EIA	<p>Inadequate consideration of the conservation objectives of the Outer Thames Estuary SPA</p> <p>The RSPB cannot rule out an adverse effect on the integrity of the Outer Thames Estuary SPA, arising through the project alone and in combination. This is due to the impact of displacement (from vessel movement during construction and decommissioning and operations and maintenance) on the SPA's red-throated diver population. The Applicant has not fully considered the Conservation Objectives relevant to that population, particularly the objective to maintain or restore the distribution of qualifying features within the site. The numbers of red throated divers, their distribution within the SPA and their ability to use all suitable habitat contained in the SPA are all relevant to the SPA conservation objectives but are not considered by the Applicant. If red-throated divers are displaced from part of the SPA which would otherwise be suitable for them the effect is to reduce the functional size of the SPA, undermining the conservation objectives.</p>	<p>The Applicant has committed to a seasonal restriction for Cable Installation within the OTE SPA, as set out in the Outline Working in Proximity to Wildlife Plan.</p>
RS PB- RR 09	OffS - Ornith ology EIA	<p>Highly Pathogenic Avian Influenza (HPAI)</p> <p>The current H5N1 strain of Highly Pathogenic Avian Influenza (HPAI) has affected UK wild bird populations on an unprecedented scale since it was first recorded in the country in Great Skuas in summer 2021, with seabirds and waterfowl particularly affected. The extent of reported mortalities attributed to HPAI in the UK and across Europe in 2022 demonstrated that HPAI had become one of the biggest immediate conservation threats faced by multiple seabird species, including some for which the UK population is of global importance. Many species impacted by HPAI are of conservation concern in the UK, and the outbreak comes on top of widespread declines reported by the latest seabird census (Burnell et al, 2023). RSPB conducted a repeat census in 2023 to determine the scale of impact of the outbreak on seabird populations, which for multiple species showed a decrease of &gt;10% in overall counts across all UK sites that were surveyed in 2023. A further outbreak of HPAI in 2023, which largely occurred after the counts were undertaken, means that impacts of HPAI on the breeding populations of affected species is likely to be worse than indicated in the report. There remains the potential for ongoing impacts as the disease progresses. It is currently unclear what the ultimate population scale impacts of the outbreak will be, but it is likely that they will be severe. This scale of impact means that seabird populations will be much less robust to any additional mortality arising from offshore wind farm developments. It also means that there may need to be a reassessment of whether SPA populations are in Favourable Conservation Status. With such uncertainty as to the future of these populations, there is the need for a high level of precaution to be included in examination of impacts arising from the proposed development. This caution must also be applied to claims on the potential success of proposed compensation measures. The RSPB does not consider that these concerns have been adequately considered in the Assessment.</p>	<p>The Applicant believes that adequate consideration into the impacts of HPAI have been taken. Baseline data was collected pre HPAI and the impacts are calculated based on the larger population and the impacts are assessed based on the most recent available affected population (post/during HPAI) counts, therefore the assessment is precautionary with regards to HPAI impacts on populations.</p> <p>The species with a 'without prejudice' case at FFC SPA have fared reasonably well since the HPAI outbreak based on the most recent data (Clarkson <i>et al</i>, 2022):</p> <p>LBBG – AOE population remained stable after HPAI (using 2023 count data)</p> <p>Guillemot – FFC population increasing after latest count post/during HPAI (latest count available = 2022)</p> <p>RA – FFC population increasing after latest count post/during HPAI (latest count available = 2022)</p> <p>KI – Slight decline (3%) of the FFC population (latest count available = 2022)</p> <p>Caution has also been applied when looking at compensation measures, with a range of compensation ratios presented and several sites/options for the compensation measures to make them more robust.</p>

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RS PB- RR 10	OffS - Ornith ology EIA	<p><b>IN-COMBINATION: TREATMENT OF CONSENTED PROJECTS REQUIRED TO PROVIDE COMPENSATION</b></p> <p>At paragraph 12.4.88 in APP-040 (RIAA), the Applicant states that it presents in-combination impacts for kittiwake that exclude the impacts of those projects which have been “compensated for” as it considers them no longer relevant to the in-combination assessment. It also presents compensated impacts as a separate scenario. The RSPB strongly disagrees with the approach of excluding “compensated for” projects from the in-combination assessment for the following reasons. Compensatory measures only enter the equation when it has been determined that there will be adverse effects on the integrity of the site (under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)) or there is a lack of certainty as to the absence of adverse effects and the need for the competent authority to decide whether consent should be granted under regulation 64. It therefore follows that if compensation measures have been required for a project then that project has been identified as giving rise to potential adverse impacts on the integrity of a protected site. Therefore, potential adverse effects from that project are also relevant when considering whether a later project is: - likely to have a significant effect on a designated site, whether on its own or in combination with other plans and projects, and subsequently - whether the competent authority can be satisfied that there will not be adverse effects on the integrity of the European site whether taken alone or in combination with other projects. It is difficult to see on what basis the fact that compensation has been (or will be) provided for potential adverse effects of the first scheme should mean that the effects of that scheme should be removed from the equation when carrying out the assessments required by regulation 63 for a later scheme, although it may well be relevant when considering whether consent should be granted under regulation 64 for the second scheme and/or what compensation measures should be required at that stage. There are two points we would stress in that context: - Firstly, the admonition of Advocate General Sharpston in Sweetman (No 1) at AG47. To exclude the adverse effects of scheme 1 when considering whether a later scheme would be likely to have significant effects / would not have an adverse effect on the integrity of a protected site in combination with other projects would seem to risk perpetuating the “death by a thousand cuts” phenomenon discussed in that case. (For the avoidance of doubt, we would stress that the starting point would always need to be the scheme itself – and there would need to be some effect from the scheme which when combined with effects from the earlier scheme could give rise to likely significant effects / outcome); and - Secondly, the uncertainty as to the effectiveness of measures that are designed to compensate for (for example) loss of habitat rather than to mitigate the harm which might otherwise be caused: see C-164/17 Grace v Sweetman at 52-3. Such an approach would also seem inconsistent with the clear ruling of the CJEU in C-164/17 Grace v Sweetman that compensatory measures should not be taken into account at the Article 6(3) stage when carrying out an appropriate assessment for a particular project. It is difficult to see why the compensatory measures associated with an earlier scheme could, therefore, be taken into account (by effectively removing the adverse effects of scheme 1 from consideration) where the competent authority is deciding on a later scheme whether it was likely to have significant effects or would / would not have adverse effects on the integrity of the site in combination with other projects.</p>	<p>The Applicant notes that the RSPB strongly disagrees with the approach of excluding ‘compensated for’ projects. The Applicant has also presented two options for the in-combination numbers including these projects as well as excluding them (paragraph 12.4.88 in [APP-040]).</p>
RS PB- RR 11	OffS - Ornith ology HRA	<p><b>DEROGATION CASE WITH PARTICULAR REFERENCE TO COMPENSATION MEASURES</b></p> <p>Based on the RSPB’s conclusions on adverse effect on integrity, the RSPB considers a derogation case is required if the Secretary of State for the Department for Energy Security and Net Zero (DESNZ) is to consider consenting a damaging project. The RSPB welcomes the information provided by the Applicant to enable its derogation case to be reviewed. As part of any derogation case, and based on our initial conclusions regarding adverse effects on integrity the RSPB considers compensation measures would be required for the following species: LBBG; kittiwake; gannet, guillemot and razorbill and red-throated diver should the Secretary of State decide to consent the Application as it is currently proposed. We set out below how we will approach our assessment of the Applicant’s compensation proposals, the level of detail we expect to see and an outline of</p>	<p>The Applicant notes the RSPBs position on the need for derogation cases, however does not agree with the requirements listed. The Applicant has presented a derogation case for lesser black-backed gull at AOE SPA and ‘without prejudice’ cases for guillemot, razorbill and kittiwake for FFC SPA in agreement with Natural England.</p> <p>It was agreed with Natural England that a derogation case for gannet at FFC SPA would not be required and although the Applicant does not believe there will be an AoEI for red-throated</p>



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		our concerns with each of the compensation measures as they are currently presented. We will set out fuller comments on these and other issues relating to the Applicant's derogation submissions in our main written submission.	diver at OTE SPA they have committed to seasonal restrictions to limit disturbance.
RS PB- RR 12	OffS - Ornith ology HRA	<p><b>RSPB APPROACH TO ASSESSING COMPENSATION PROPOSALS</b></p> <p>The RSPB has reviewed the available published EC (2018 – Managing Natura 2000 sites) and Defra (2023 – Habitats Regulations Assessments: protecting a European site) guidance where they relate to compensatory measures. Both are in broad alignment as to the principles to adopt when considering compensatory measures. We supplement this based on the RSPB's practical experience of applying the principles when assessing compensatory measures. We will use the combination of the EC guidance and the RSPB's experience in this field to assess the Applicant's compensatory measures. Below, we summarise some of the key elements of that approach before setting out our initial comments on the Applicant's compensation proposals. These are necessarily initial comments as it is the RSPB's view that there is still substantive work to be done with regards to the compensation proposals, based on agreement of the nature and scale of predicted adverse effects on integrity. This is critical to inform discussions on: - what ecologically effective compensation for those impacts could comprise; - the options to be considered to provide such compensation; and - the detailed consideration of possible locations and designs to implement ecologically effective compensation with a reasonable guarantee of success. In summary, the criteria for designing compensatory measures include: - Targeted – appropriate to the impact(s) predicted; - Effective – based on best scientific knowledge. Measures where there is no reasonable guarantee of success should not be considered; - Technical feasibility –taking into account the specific requirements of the ecological features to be reinstated; - Extent – directly related to quantitative and qualitative aspects of the elements of integrity likely to be impaired and estimated effectiveness of the measure(s); - Location – located in areas where they will be most effective in maintaining the overall coherence of the National Site Network for the impacted species; - Timing - must provide continuity in the ecological processes essential to maintain the structure and functions that contribute to the National Site Network. Each compensation measure should be fully functional before any damage occurs; - Long-term implementation – legal and financial security required for long term implementation. Must be in place prior to consent being granted. The length of time the compensation measures should be secured for must be based on the combination of the lifetime of the development plus the time it will take the affected seabird population to recover from the impacts. Compensatory measures must be additional to existing obligations e.g. measures necessary to site management of an SPA or SAC to restore or maintain a designated feature to favourable status. We also consider that there must be an appropriate level of detail on the proposed compensation measures provided sufficiently in advance of the start of the examination to enable interested parties to assess it fully. This is critical to enable proper scrutiny of any compensation proposals by interested parties and the Examining Authority. This is summarised below. At this stage, despite the significant amount of work carried out by the Applicant and the volume of material presented, we do not consider the necessary detail has been provided to enable proper scrutiny of the compensation measures.</p>	<p>The Applicant notes that the RSPB do not consider the necessary detail has been provided to enable proper scrutiny of the compensation measures despite the significant amount of work carried out by the Applicant so far.</p> <p>The Applicant is continually progressing the compensation measures for each of the species. Further updates, including survey results and landowner agreements will be provided when they are available.</p> <p>A broad agreement that the proposed measures are suitable would be welcomed.</p>
RS PB- RR 13	OffS - Ornith ology EIA	<p><b>LEVEL OF DETAIL REQUIRED</b></p> <p>The RSPB considers that detail about the location, design, implementation, monitoring and review of any proposed compensatory measures is needed to: inform the application and examination process and enable proper public scrutiny. This should provide the Secretary of State with the necessary confidence as to whether those measures can be secured and implemented with a reasonable guarantee of success, thereby protecting the coherence of the National Site Network. We note that these details should be settled before DCO consent is decided, and be available as part of the application documentation. This enables potential interested parties the opportunity to fully review and assess the adequacy of the compensation measures before deciding whether to formally register as an interested party and submit a relevant representation. The details include: -</p>	<p>The Applicant has chosen the number of breeding seasons for each species based on the number of years the species reaches adulthood as well as a practical timeframe for delivering the compensation measure rather than a blanket four years for every species.</p> <p>The Applicant will be updating the IMPs where possible prior to examination [APP-052, 053 &amp; 054].</p> <p>The Applicant will be carrying forward the MRF as a backup option to the DBS ANS at Gateshead. Both the Kittiwake Evidence, Site</p>



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		<p>Nature/magnitude of compensation: sufficient detail to enable agreement on the scale of compensation required in relation to the predicted impacts, including the detailed compensation objectives, associated success criteria and timeline; - Location: legal securing of proposed compensation sites with ability to scrutinise design, evidence of relevant consents and relevant legal agreements to secure land; - Monitoring and review: detailed monitoring and review packages agreed in advance including terms of reference and ways of working for any "regulators group" to oversee implementation of measure; - Compliance and enforcement: details and evidence of how the proposed compensation measures will be reviewed by the relevant regulator and the legal mechanisms available to those regulators to review and enforce any approved compensation plans. This is especially important if the proposed measures lie outside the jurisdiction of the decision-making authority (as is the case with some of the measures suggested by the Applicant). We consider it is unsafe to assume an outline compensation measure can be translated in to a detailed and workable measure "on the ground" at a later date and all the necessary consents and agreements successfully secured. By providing these details it should ensure these issues are properly addressed before the Secretary of State is required to make a decision on whether to grant DCO consent and ensure, among other things, that it is possible to: - Identify the detailed location and mechanism(s) of the proposed compensation measure; - Identify the relevant consenting and/or licensing mechanisms required; - Identify any potential impacts of the proposed measure on the receptor site(s) and surrounding environment and carry out appropriate screening; - Identify any particular impact assessment requirements necessary which might arise from likely direct and indirect effects of the compensation measure on other receptors; - Be satisfied that the relevant legal consents are (or have a realistic prospect of being) secured before any decision on DCO consent. If consent has not been granted or is at high risk of such, the Examining Authority and Secretary of State would know in advance. The criteria, guidance and associated requirements set out above will guide how the RSPB assesses the Five Estuaries compensation measure proposals submitted as part of the application. Below we set out our initial comments in respect of the Applicant's compensation measures for (i) LBBGs; (ii) kittiwakes and (iii) guillemots and razorbills. We have not commented on every option explored or referred to by the Applicant at this stage and any lack of comment should not be taken as support or otherwise. The RSPB was consulted on the Applicant's possible measures for LBBG as part of the its January 2024 public consultation on potential locations in and adjacent to the Alde-Ore Estuary SPA and made submissions. However, we note that the RSPB has not been consulted on the specific information now presented in respect of compensation measures for kittiwakes and auks (guillemots and razorbills). Therefore, this is the RSPB's first opportunity to review the Applicant's proposals for these species. In addition to our species-specific comments below, we have drawn out the following common issues with the Applicant's approach: - Lack of draft DCO/DML condition wording for "without prejudice" project level compensation measures. The Applicant states this is on the basis that NE, DEFRA and DESNZ will produce drafting in relation to strategic compensation. The RSPB requests further information on the NE/DEFRA/DESNZ process from either the Applicant or Natural England. However, we note that project-level compensation would require a DCO condition and request that the Applicant provide drafting for consideration during the examination; - Inconsistency in the number of breeding seasons any compensation measures will be in place before the predicted impacts of the offshore wind farm. It is given as three years for LBBG (e.g. paragraph 5.3.1 in APP-052) and four years for guillemots and razorbills (paragraph 5.2.1 in APP-054). The RSPB considers the LBBG timing should be four years to make it consistent with that required by the Secretary of State in relation to LBBG compensation for Norfolk Boreas, Norfolk Vanguard, EA1N and EA2. - The compensation measures need to be in place for the lifetime of the predicted impact, not as the Applicant suggests the lifetime of the development. This is because it will take time for the relevant seabird populations to recover once the wind farm either ceases operation (collision risk) or is decommissioned (displacement etc). This is the reason why consented compensation measures are not tied to the lifetime of the development. - We consider that each of the Implementation and Monitoring Plans (IMPs) needs to be developed further and that revised, more detailed drafts be submitted to the Examination. The LBBG IMP sensibly draws on work carried</p>	<p>Selection and Roadmap [APP-050] and the Kittiwake Implementation and Monitoring Plan (KIMP) [APP-053] have stated this, although at present the MRF option has not been added to Table 1.2 in Kittiwake Evidence, Site Selection and Roadmap [APP-050] until further information from Department for Environment, Food and Rural Affairs (Defra) on the MRF has been received.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		<p>out in respect of existing LBBG compensation on Orfordness. We consider a similar approach could readily be adopted in respect of the Kittiwake IMP given the work elsewhere on kittiwake compensation IMPs. - Participating in the DEFRA Strategic Compensation via the Marine Recovery Fund (MRF): both the Kittiwake and Guillemot/Razorbill "without prejudice" compensation measures refer to the MRF. However, their approach appears internally inconsistent: the MRF is included as a possible measure for guillemot and razorbill compensation but appears to be put aside at this time in respect of kittiwake (e.g. paragraph 3.5.2 in APP-050, although this position is subsequently made less certain by e.g. paragraph 3.1.3 in APP-053). The RSPB agrees with the Applicant's view set out in the Kittiwake documents that there are uncertainties regarding the status of the MRF and that it is unclear when it will be implemented. We would welcome further detail from the Applicant on why it has adopted different approaches to the MRF for the different seabird species, and how it envisages the MRF would apply specifically to guillemot and razorbill. We would also welcome clarification from the Applicant as to whether it considers the MRF remains an option for kittiwake compensation given the conflicting statements within APP-050 and APP-053. In general, we consider significant information remains to be presented to the Examination to enable the Examining Authority and Interested Parties to assess the efficacy of Applicant's compensation proposals.</p>	
RS PB- RR 14	Gen - LBBG	<p><b>LESSER BLACK-BACKED GULL COMPENSATION</b></p> <p>The RSPB's comments are based on an initial assessment of the Applicant's documents, with reference to APP-045 (LBBG Compensation Site - Habitats Regulations Assessment), APP-049 (LBBG Compensation – Evidence, Site Selection and Roadmap), and APP-052 (LBBG Implementation and Monitoring Plan). At this stage, our comments focus mainly on APP-049 and APP-052. Based on our reading of the Applicant's approach to its without prejudice compensation measures for LBBG, we summarise it as follows: - Main measure: predator exclusion fencing and habitat management at Orfordness, Suffolk within the Alde-Ore Estuary SPA; and/or - Alternative measure: predator eradication and habitat management, Outer Trial Bank, The Wash. We note that in-depth surveys will only be undertaken once the final site has been selected (Table 1.2(f) and paragraph 4.1.3, APP-049). The RSPB would welcome information on when the Applicant expects to make its final site selection and whether this information will be presented to the examination. We will present a fuller assessment of these measures in our Written Representation using the approach described earlier in this representation. As background, the RSPB has responded to the Applicant's various pre-application consultations as it has developed and refined its approach to LBBG compensation: the PEIR Consultation and subsequent Stage 2 and Stage 3 consultations. The Stage 3 consultation concentrated on possible locations within or adjacent to the Alde-Ore Estuary SPA. Our comments below draw, where relevant, on those responses. Predator fencing and habitat management, Orfordness within the Alde-Ore Estuary SPA In simple terms, the Applicant is proposing to follow the example of previous offshore wind farm schemes and provide a 6ha predator fenced area at location VE02 on Orfordness (drawing 4.1 on page 26 of APP-049), along with appropriate habitat management and mammalian predator monitoring. It claims that the 6ha area would be capable of supporting a maximum of 2,400 nests at a density of 0.04 nests per square metre. The Applicant has included location VE02 and access within its DCO red line boundary, allowing it to exercise compulsory purchase options if it does not prove possible to secure landowner agreement. In the next few paragraphs, we provide important contextual information on the current status of the LBBG population in the Alde-Ore Estuary SPA, before setting out our initial comments on the Applicant's proposal. Location VE02 lies within the Alde-Ore Estuary SPA, where the LBBG feature is in unfavourable condition due to massive historic declines: it is now approximately just 12% of the target population of 14,074 pairs set out in Natural England's SPA conservation objectives and supplementary advice (see Table 2.1 in APP-049). Natural England's supplementary advice sets a target for the population to be restored to 14,074 pairs (Table 2.1 in APP-049). Research carried out by the RSPB in 2010-2011 to help understand the causes for this decline (Davis et al, 2018) identified a number of potential contributory factors: these included mammalian predation, flooding,</p>	<p>The RSPBs position is noted. However, the Applicant believes removing threats from mammalian predation, habitat management and flooding will increase productivity and benefit LBBGs at Orford Ness.</p> <p>The Applicant will present the compensation quantum required using both the Applicants preferred approach using national productivity rates and nesting densities alongside the RSPBs preferred approach using Havergate Island densities and productivity rates. Further work into the densities found at Havergate Island will be required as it appears from images of the island, and in particular the area known as Doveys, that a large proportion of the habitat is unsuitable for nesting LBBGs (e.g. under water) perhaps resulting in the low densities.</p> <p>For compensation measures Defra guidance on compensation measures advises that compensation should be carried out at the impacted site where possible (like for like compensation). The Applicant has agreement with Natural England that the site location is suitable. In addition, we are progressing mutually exclusive options at two locations to reduce risk.</p> <p>For the Outer Trial Bank site the Applicant is looking at a long term control plan after eradication to ensure there is no re-infestation, subject to expert advice.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		<p>habitat quality and food availability. Davis et al (2018) recognised the need for further work to determine the contribution of each to the observed population decline. This full list of possible limiting factors was raised with the Applicant in our responses to its pre-application consultations. The main SPA LBBG colony is now located on the RSPB Havergate Island reserve, adjacent to the southern part of Orfordness. The 2023 population estimate for the Havergate Island colony was 1,524 Apparently Occupied Nests (AONs, equivalent to breeding pairs). Since 2021, part of the Havergate colony has relocated to an adjacent area of the southern spit of Orfordness and in 2023 was estimated to be 213 AON. This brings the "colony" size to 1,737 AON, broadly in line with the 10-year average for RSPB Havergate of 1,719 AON, and represents a decline since 2015 when the colony population reached 2,399 pairs. Both the Havergate and south Orfordness breeding populations are ground nesting. Breeding density at Havergate varies from approximately 0.005 pairs/square metre (or 50 pairs/ha) in good quality habitat (an area known as Doveys) to approximately 0.002 pairs/square metre (or 20 pairs/ha) across 100ha of mixed habitat currently used by LBBG across Havergate as a whole. Both are substantially lower densities than the 0.04 pairs/ha assumed by the Applicant (8 to 20 times lower depending on habitat quality). Breeding productivity at the Havergate colony (fledged chicks per AON) averaged 0.44 fledged young per AON over the ten years between 2014-2023. However, for the most recent 5-year period (2019-2023) it is lower, at 0.42 fledged young per AON. Both are lower than the generic productivity rate used by the Applicant at paragraph 1.16 of APP-049 (0.53 young per pair). The causes of the recent decline in the overall population and in productivity at Havergate are unclear. However, it is not due to predation or habitat quality/availability as these are not limiting factors at Havergate. With that contextual background, below we set out our initial comments on the Applicant's compensation proposal for Location VE02 on Orfordness. These comments are made without prejudice to the RSPB's view that the proposed measure should be properly considered SPA site management to restore the LBBG population feature. - The RSPB accepts that appropriate predator fencing is proven to be an effective method in reducing mammalian predation of breeding LBBGs i.e. in an appropriate location where predation has been proven to be a limiting factor. However, as we describe above, research at Orfordness has identified a number of potential limiting factors. The RSPB's experience at Havergate Island suggests that factors besides mammalian predation, habitat management and flooding are affecting the population and its productivity. Therefore, we remain concerned that the predator fencing solution may not be addressing key limiting factors. We consider this relevant to its value as a compensation measure. - In addition, we have ongoing concerns regarding the location of compensation measures where any resulting breeding birds will be exposed to the same risk of collision as has given rise to the need for compensation. - Deliverability and securing of land: we note the Applicant has included VE02 and access tracks in the DCO order limits to allow compulsory acquisition powers if needed (Table 1.2(c), APP-049). We would welcome further information on progress in terms of securing the land through landowner agreement and the Applicant's assessment of the implications of the National Trust's inalienable rights (referred to by the Applicant). - Breeding density and potential breeding capacity of fenced area: the Applicant has estimated that the 6ha fenced area could support a maximum of 2,400 pairs based on a nesting density of 0.04 nests per square metre. They argue this uses a similar approach to that adopted by the Norfolk Projects OWF: an approach we have been critical of since it was first raised in 2020. As we have set out above, the local nesting densities at Havergate Island are significantly lower than the generic density used by the Applicant. Applying the Havergate nesting densities to a 6ha area would give a range of between 120 pairs to 300 pairs assuming full occupancy. This is significantly lower than the Applicant's estimate and needs to be borne in mind when assessing the likely effectiveness of the proposed location VE02 and its ability to support the required LBBG compensation population. - Productivity and compensation calculations: at paragraph 1.16 (APP-049) the Applicant sets out how it has approached the use of productivity rates, referring both to Horswill et al (2015) and data for 8 years of RSPB data for Havergate Island. Omitting a fox predation year at Havergate, the Applicant calculates that the local productivity rate at Havergate (0.52 young per pair) is similar to the 0.53 young per pair in Horswill et al (2015). We accept this calculation. However, we are able to provide</p>	



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		<p>more recent productivity information for Havergate for the years 2022 (0.3) and 2023 (0.41). Applying the Applicant's approach of excluding the data for 2015, this would produce a productivity rate of 0.48 young per pair for Havergate for the period 2014-2023. We recommend that this figure is used in the Applicant's compensation calculations. - APP-052 – LBBG Implementation and Monitoring Plan (IMP): the RSPB welcomes the relatively full version of the IMP in respect of the Orfordness location. This appears to be based on experience with the Norfolk Projects. The RSPB would welcome further development of this aspect of the Implementation and Monitoring Plan so that it is as complete as possible before the end of the examination. We will review it carefully and make any additional comments as part of our written representation. - The use of shelters as possible management measures for breeding LBBGs: in pre-application consultations the RSPB has submitted to the Applicant that these should be ruled out as unproven, as no substantial scientific evidence has been provided to demonstrate their effectiveness for LBBG. The Applicant continues to refer to their possible use in its application documents (e.g. paragraph 3.2.6 in APP-049 and paragraph 2.3.5 in APP-052). Our key reasons for recommending this management measure is withdrawn and not relied on further can be summarised as: (i) the use of shelters for LBBG chicks has not been tested and (ii) shelters would only be relevant if predation is by a species that cannot get under shelters. As LBBG chicks get quite big it is likely that any shelter of a suitable size for LBBG chicks would be vulnerable to likely predators which would be strong enough to flip it over. Shelters work for the smaller terns as they protect them from relevant predators that are not able to flip the shelter. Outer Trial Bank, The Wash Outer Trial Bank (OTB) is a man-made island located within The Wash SPA, Ramsar site and Special Area of Conservation and has been identified by the Applicant as a potential location for LBBG compensation. LBBG is not a qualifying feature of The Wash SPA/Ramsar site and therefore would not be subject to the same additionality issues that arise at Orfordness (see above). It is also our understanding that it is not a qualifying feature of The Wash SSSI: however this should be confirmed with Natural England. The site is difficult to access which has meant that breeding surveys have been irregular, especially in recent years. Following a period of annual counts for a period up until 2009, the only counts since then have been in 2018 and 2023. From that limited survey data, it appears that the LBBG population has been subject to large fluctuations. The most recent count (by the RSPB) suggests the 2023 population was at the lower end of the fluctuations experienced over the last 20-25 years. Due to the difficult access and irregular survey coverage, little is known about the factors affecting the breeding success of the LBBGs (and Herring Gulls) on OTB. A meeting hosted by the Applicant in December 2023 was attended by, among others, Natural England and the RSPB staff member who carried out the 2023 survey of OTB. Following this the RSPB has provided the Applicant with a final report of the 2023 survey. We also continued internal discussions on the merits of OTB as a possible LBBG compensation measure. This drew on additional RSPB expertise including staff familiar with OTB having participated in the annual surveys during the 2000s. The RSPB approached this from first principles in respect of any potential compensation measure. Below we summarise the RSPB's advice provided to the Applicant in subsequent discussions. - Is there a problem to fix? As noted above, the OTB LBBG population appears to have been subject to fluctuations over the last 20-25 years and the 2023 survey places it at the lower end of those fluctuations. Therefore, the RSPB considers it is unclear whether the 2023 population count is part of a decline or part of a natural fluctuation. As a consequence, it is not clear if there is a problem to fix based on the available information. The RSPB advised further survey work should be carried out in 2024 to help understand what is happening at the colony and we are pleased that the Applicant is pursuing this. We look forward to seeing the results as soon as they are available. - Critically, there is no information on breeding productivity of the LBBGs at OTB. This is understandable given the difficult access to OTB but is crucial in understanding how breeding success varies at OTB and what the average productivity is. It is also a pre-requisite for assessing the success or otherwise of any compensation measure carried out at OTB. We request the Applicant provides details on how it proposes to obtain baseline productivity information, as well as how it would plan to monitor this over the long-term to assess the success of any compensation measure. - What might the problem be? Until we have further information, it is an assumption that there is a problem (or</p>	



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		<p>problems) affecting the LBBG population at OTB. Based on the minutes of the December 2023 meeting and subsequent internal RSPB discussions, it is apparent that there is no solid evidence of a specific problem. There is informed speculation by those familiar with OTB that the following factors might be causing issues: (i) food supply (ii) rat predation – rats are present but there are no recorded predation events of eggs or chicks (essential in establishing whether predator control/eradication is an appropriate response and to what extent it is affecting the population or its productivity); (iii) fox predation – suspected in past but no definite evidence of it affecting the breeding population/productivity and (iv) vegetation quality – although it is unclear whether or not this is an issue. - What might the solution be? There is a lack of evidence of a clear problem to solve, and a lack of evidence of which problem(s) need to be solved. Therefore, it appears to the RSPB there is no evidence of a specific conservation measure that will have a reasonable guarantee of success to provide benefit to breeding LBBGs, let alone a measurable benefit as should be the case with a compensation measure. - The Applicant's focus in APP-049 and APP-052 is on a rat eradication measure. Notwithstanding the lack of firm evidence of rat predation per se as well as any damaging impact from any predation, we make the following initial comments. We question whether long-term eradication is feasible at this location given the risk of reinvasion. Subject to expert advice, it would probably be more appropriate to approach this a hybrid between eradication and long-term control. - In respect of the rat eradication proposal (and the use of bait stations), we consider it will be necessary to assess any potential impacts on the various SAC, SPA, Ramsar and SSSI features of this measure. This would require a Habitats Regulations Assessment in respect of the SAC, SPA and Ramsar site. For example, we are aware that the OTB is one of the high tide roosts for wintering/passage oystercatchers from the SPA/SSSI. A fuller understanding of the use of OTB by designated site features will be required in order to understand any potential effects of the Applicant's proposal. This would include consideration of the risk of secondary, indirect poisoning e.g. on LBBG themselves given they might prey on any dead rats or bait material. The same consideration would apply to other wildlife that uses the OTB. - As with any predator control/eradication proposal, a full, detailed feasibility study and implementation plan would be required. We consider the Applicant should provide as much of this information as possible to the examination for review. At this stage, in the absence of robust evidence, the RSPB reserves its position on whether or not there is a conservation problem facing the breeding LBBGs at OTB, what the nature of any such problem might be and any solution with a reasonable guarantee of success as a compensation measure. We are therefore unable to advise the Examining Authority whether or not the Applicant's proposed rat control/eradication measure is appropriate as a compensation measure. Further information is requested from the Applicant in respect of its breeding survey proposals (and the availability of any results) for 2024 (large gull population, productivity, assessment of rat predation on large gulls), as well as detailed information on its rat control/eradication proposals. To help us timetable our limited resources, it would be helpful if the Applicant can set out when it expects to submit this information to the examination.</p>	
RS PB- RR 15	OffS - Ornith ology HRA	<p><b>KITTIWAKE COMPENSATION</b></p> <p>The RSPB's comments are based on an initial assessment of the Applicant's documents, with particular reference to APP-050 (Kittiwake Compensation – Evidence, Site Selection and Roadmap), and APP-053 (Kittiwake Implementation and Monitoring Plan). Based on our reading of the Applicant's approach to its without prejudice compensation measures for kittiwake, we summarise it as follows: - Main measure: participation in the Dogger Bank South onshore Artificial Nesting Structure (ANS) at Gateshead; and/or - Alternative measure: participating in the DEFRA Strategic Compensation via the Marine Recovery Fund, although this is downplayed due to uncertainties over the MRF's implementation timetable and processes. We will present a fuller assessment of these measures in our Written Representation using the approach described earlier in this representation. Below, we provide initial comments on the Applicant's "main" compensation proposal. Comments on the MRF are set out in our generic comments above. Dogger Bank South onshore ANS at Gateshead The Applicant has explored use of the Dogger Bank South (DBS) ANS at Gateshead following</p>	<p>The Applicant will provide details on the agreements in regard to apportioning of the ANS with other offshore wind farms once they are finalised. The Applicant is confident that the ANS is large enough to accommodate the compensation requirements for the project.</p> <p>The Applicant considers that sufficient detail has been provided at this stage given the Applicant's 'without prejudice' position with respect to this species. However, the monitoring programme will be updated during examination, drawing on the experience from the DBS surveys that have been carried out in previous seasons and other ANS projects in the UK.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		<p>discussions with Natural England (paragraph 1.1.14, APP-050). This is, in part, on the basis that given the potential scale of impact, this could be considered a proportionate approach to implementing compensation measures for kittiwakes c.f. a separate bespoke onshore or offshore ANS. The Applicant has entered discussions with DBS and received a signed letter of intent in relation to potential kittiwake compensation measures for the Five Estuaries offshore wind farm (Appendix B, APP-050). In that letter DBS states that, should the Secretary of State "...decide that the Five Estuaries project can only be consented in reliance upon a derogation case then Dogger Bank South confirms it would be willing to allocate nesting platforms at its existing onshore artificial nesting structure, or any other artificial nesting structure that may be provided as part of the Dogger Bank South projects to Five Estuaries...". DBS then acknowledges it may be necessary for both parties to enter into further legal and commercial agreements to secure these measures and would enter those negotiations in good faith. The RSPB notes that, at this point in time, it is not known what "other artificial nesting structures" may be provided as part of the DBS project, their location, their design or on what timescale they may be provided or by who (given they will be linked to the strategic compensation requirements placed on the DBS and Outer Dowsing offshore wind farms). Therefore, no reliance can be placed on that aspect of the DBS letter at this time. APP-050 and, in particular, APP-053 then provide further detail on the DBS ANS at Gateshead. Subject to further discussions on the scale of predicted impact on breeding kittiwakes and the resultant compensation requirement, the RSPB acknowledges that in comparison to other offshore wind farms, the scale of compensation requirements for Five Estuaries are relatively small. Therefore, they lend themselves to collaboration with other projects, such as DBS. Our initial comments below are based on the information provided in relation to the DBS ANS and, in particular, the Implementation and Monitoring Plan (APP-053). - The Applicant states that the submitted IMP (APP-053) will be subject to further iteration but does not set out the timescale for those changes (paragraph 3.4.2, APP-050). We consider the monitoring aspects (section 5.7, APP-053) can and should be developed in much greater detail before the end of the examination. This should draw on experience gained in respect of other, extant kittiwake compensation ANS. - As part of this iteration, it will be important to clarify the mechanisms to share responsibility for the compensation requirements on the DBS Gateshead structure referred to at paragraph 3.4.2, APP-050, including the how any breeding pairs are apportioned to different offshore wind farms relying on the DBS Gateshead structure for compensation delivery. - Productivity monitoring of the Gateshead structure should commence as soon as first breeding is detected, not artificially fixed at the date of offshore wind farm installation as stated by the Applicant at para 5.7.5 in APP-053. - It is important the IMP acknowledges the practical, scientific challenges in monitoring natal dispersal and, in particular, colony interchange with the FFC SPA. This is primarily due to a combination of the current limitations in technology (colour ringing) and the difficulty in monitoring for colour-ringed kittiwakes at FFC SPA itself. - Finally, we would welcome further information on current occupancy rates of other ANS in Gateshead and the wider Tyne area, given the success of the DBS ANS depends on there being a shortage of nesting spaces for the local population. This is important contextual information to help understand colonisation rates of ANS and the relative success of each structure. Additional detailed comment may be set out in our written representation.</p>	<p>Productivity monitoring is already being undertaken at the structure. This will continue to be monitored collaboratively. The wording in the KIMP will be updated to reflect this.</p>
RS PB- RR 16	OffS - Ornith ology HRA	<p><b>GUILLEMOT AND RAZORBILL COMPENSATION</b></p> <p>The RSPB's comments are based on an initial assessment of the Applicant's documents, with particular reference to APP-051 (Guillemot and Razorbill – Evidence, Site Selection and Roadmap), and APP-054 (Guillemot and Razorbill Implementation and Monitoring Plan). Based on our reading of the Applicant's approach to its without prejudice compensation measures for guillemot or razorbill, we summarise it as follows:</p> <ul style="list-style-type: none"> <li>- Main measure: small scale management measures at colonies in southwest England, focused on reduction of recreational disturbance; and/or</li> <li>- Alternative measure: Participating in the DEFRA Strategic Compensation via the Marine Recovery Fund. We will present a fuller assessment of these measures in our Written Representation using the approach described earlier in this representation. Below, we provide initial comments</li> </ul>	<p>The Applicant has proposed the compensation measures for guillemot and razorbill following consultation with Natural England, who are broadly supportive that the measures are appropriate and proportionate to the impact (NE – RR-81,12 &amp; 13).</p> <p>The Applicant has carried out disturbance surveys at each site during the 2024 breeding season and a Survey Report will be submitted during the Examination and has committed to productivity surveys from the 2025 season should the SoS decide that a derogation case for guillemot and razorbill is required.</p>

Ref	Topic	Relevant representation comment	Applicant's responses
		<p>on the Applicant's "main" compensation proposal. Comments on the MRF are set out in our generic comments above. Small scale management measures for guillemot and razorbill at colonies in southwest England APP-051 outlines the Applicant's potential compensation measures for guillemot and razorbill should the Secretary of State conclude that the impacts of the Five Estuaries scheme mean it is not possible to rule out an adverse effect on the integrity of the FFC SPA in respect of these species. APP-051 provides a general review of possible disturbance impacts on breeding guillemots and razorbills and possible management responses. The literature review highlights that the impacts of disturbance events on breeding birds may be varied, can be difficult to detect and require careful monitoring and research to establish whether they exist and the magnitude of any impact. It then goes on to identify a long list of 10 seabird colonies in south-west England where it considers it might be possible to implement management responses to address recreational use. These comprise a mixture of coastal cliffs and offshore islands or islets. Breeding guillemot and razorbill population information is presented for each location: the age of the most recent data ranges from 1 year old to 9 years old. The RSPB accepts in principle that recreational use (both from land and sea) can result in disturbance to breeding birds, including breeding seabirds and that in certain circumstances this can lead to damaging impacts resulting in colony decline. In such circumstances, based on robust evidence, it is necessary to put in place appropriate management responses. However, we have a number of significant concerns with the "evidence base" put forward by the Applicant with respect to the measures outlined. In simple terms it fails to establish a link between observed declines and recreational use at any of the long list of colonies. This is critical given the Applicant has agreed with Natural England it should focus on the impacts of recreational disturbance "...if it's found to be an issue at the selected site(s)" (paragraph 1.4.1, APP-054). The RSPB agrees with that approach. Logically, however, if there is no cause and effect demonstrated, then any measures will not be capable of providing compensation. Below we set out our initial concerns and will develop these in our written representation. - nor has it stated that it will do so and report on these during the examination to help inform consideration by the Examining Authority and Interested Parties. As a result, there is no essential benchmark data to help understand how terrestrial and sea-based visitors interact with each seabird colony. This is essential to understand if disturbance events are occurring in the first place before carrying out further monitoring to determine if such events are having a negative impact on breeding seabirds. - Evidence of recreational use causing damaging disturbance impacts to breeding guillemots and razorbills: all information presented is anecdotal and appears to equate, for example, high levels of tourism in an area or presence of walkers on a cliff top path to impacts on breeding guillemots and razorbills on steep cliffs. No empirical evidence is presented that recreational disturbance is actually occurring, let alone resulting in the observed declines in the populations of guillemot and razorbill at each colony. Other factors may be the cause of observed declines and have not been ruled out e.g. food supply. The Applicant acknowledges there are knowledge gaps (paragraph 4.2.1 of APP-051) but goes on to assume there is recreational disturbance occurring. At paragraph 4.3.1 of APP-054, the Applicant states that it will identify the final site(s) "...based on recreational disturbance pressures in the area." This implies the Applicant will carry out the necessary survey and research to determine if recreational disturbance is a causal factor in observed declines. This is not a sound foundation upon which to assess a potential compensation measure that the Secretary of State is being asked to rely on. We consider this work should have been presented as part of its application documents. We request the Applicant provide clarification on when it will provide this information to the examination for review by the Examining Authority and Interested Parties. We do not consider it acceptable to defer such fundamental work until post-consent. - Evidence of reduced breeding productivity: the Applicant has not provided any evidence of reduced breeding productivity at any of the locations identified. No breeding productivity information is provided for any of the locations listed. While assumptions can be made of reduced productivity in relation to apparent declines, before predicting the benefit to breeding success of any management measure it is essential to establish a baseline understanding of current productivity. This information should be provided to the examination for review by the Examining Authority and Interested Parties. - No specific measures are</p>	<p>Specific measures were not selected for the sites until the Applicant had collected data for each site and selected the most appropriate sites for compensation. We are progressing these measures prior to examination to be in the best position possible. Should the SoS decide that compensation for guillemot and razorbill is required the Applicant will have further consultation with Natural England, the landowners and the RSPB about the most appropriate measures for each site.</p> <p>Should the SoS decide that compensation for guillemot and razorbill is required the Applicant will consider widening colony monitoring to relevant colonies in the southwest. The Applicant is pursuing collaborative approaches to compensation delivery and monitoring where possible.</p>



Ref	Topic	Relevant representation comment	Applicant's responses
		<p>proposed for any colony: Given the lack of any evidence of cause and effect, both the Examining Authority and Secretary of State will have no evidence in front of them on which to conclude that recreational use at any of the locations is resulting in damaging disturbance impacts on breeding guillemots and razorbills which in turn is causing the observed declines. Neither APP-051 or APP-054 tackles the different legal and social behaviour challenges in regulating recreational use on land versus in the marine environment. As a result, there is no consideration of the practical ability of the Applicant to influence, control or regulate any such use, should it be demonstrated to be causing damaging disturbance. It is simply assumed it will be possible, deliverable in a short period of time and biologically effective. This is especially important for the marine environment where the ability to manage recreational use is extremely limited. - Evidence that proposed measures will result in benefit to breeding guillemots or razorbills: no evidence is presented on the efficacy of each of the range of possible measures listed by the Applicant, or a combination of those measures. It is simply assumed they will work. We note that many of the measures (signage, visitor access statements etc) are "soft" measures relying on persuasion to change human behaviour, yet no mention is made to employment of staff (e.g. wardens) to encourage, monitor and reinforce such behavioural change; - Monitoring success of compensation measures: we strongly recommend that, in line with the approaches described in the LBBG and Kittiwake IMPs, the GRIMP sets out the need for wider regional colony monitoring to place the monitoring of any selected site(s) in a wider context. This will be essential in determining whether adaptive management measures are required. As an initial step, it would be helpful if the Applicant could provide a detailed explanation of what survey and monitoring it intends to undertake at each of the locations during the 2024 breeding season, with particular reference to (i) recreational use on land and sea in proximity to each breeding location and (ii) breeding populations and productivity of guillemot and razorbill. Some of this is alluded to in section 8 of APP-051 but the timelines indicate that much of it will be post-consent. We consider this unacceptable. It will undermine the ability of the Examining Authority and the Secretary of State to determine whether the proposed locations and measures have merit as compensation. Additional detailed comment will be set out in our written representation.</p>	

#### 4.26 THE COAL AUTHORITY [AS-009]

Ref	Relevant representation comment	Applicant's responses
TCA-RR01	<p>Further to the notification received on 30th April 2024 seeking the views of the Coal Authority on the above, I have checked the site location plan against the information held by the Coal Authority and can confirm that the proposed development site is located outside of the defined coalfield.</p> <p>On this basis, the Planning team at the Coal Authority have no comments to make.</p>	Noted by the Applicant.

#### 4.27 THE CROWN ESTATE [RR-113]

Ref	Topic	Relevant representation comment	Applicant's responses
TCE-RR01	General	The Crown Estate requests to be registered as an Interested Party in the examination of the Five Estuaries Offshore Wind Farm. Our interest in the project is that Five Estuaries Offshore Wind Farm Ltd holds an Agreement for Lease from The Crown Estate.	Noted by the Applicant.



4.28 UK CHAMBER OF SHIPPING [RR-118]

Ref	Topic	Relevant representation comment	Applicant's responses
UCS-RR01	General	<p>The UK Chamber of Shipping is the trade association for the UK shipping industry, representing some 200 members, operating 900 vessels equalling 18 million GT in capacity, trading around the UK and globally. The Chamber represents the full breadth of the industry, including dry and wet trades, passenger transport (cruise &amp; ferry), offshore supply and construction, towage and specialist, as well as professional service providers with shipping interests.</p> <p>The Chamber fully supports the Government's obligations to achieve Net Zero Carbon by 2050 and welcomes the development of offshore renewable energy to succeed in this obligation. The ports and shipping industries play an essential in enabling those targets to be achieved by providing bases and vessels for construction, operation &amp; maintenance, and decommissioning.</p>	Noted by the Applicant.
UCS-RR02	OffS - Shipping and Navigation	The Chamber also asserts that the planning process and framework must support the wider shipping industry through site selection which avoids or minimises disruption or economic loss to the shipping and navigation industries, with particular regard to approaches to ports and to strategic routes essential to regional, national and international trade, lifeline ferries, as stated within Paragraph 2.8.328 of NPS EN-3.	9.10 Navigational Risk Assessment [APP-240] demonstrates that through the pre application process including the Preliminary Environmental Information Report (PEIR) that the Applicant has recognised and mitigated impacts on approaches to ports and essential strategic routes. These mitigations include significant red line boundary modifications post PEIR.
UCS-RR03	OffS - Shipping and Navigation	The Chamber seeks to ensure navigational safety is upheld and that developments are appropriately positioned to enable existing and future commercial navigation to continue safely and efficiently. Shipping is the greenest form of cargo transport and proposed offshore renewable developments must take fully into consideration the routing and operations of commercial shipping to enable this to continue.	As per UCS-RR02.
UCS-RR04	OffS - Shipping and Navigation	The Chamber has been closely involved in the planning process for Five Estuaries OWF prior to DCO application, through Scoping, PEIR, Hazard Workshops and the NRA, advocating for enhanced mitigation measures for navigation safety and environmental efficiency of commercial shipping.	The 9.10 Navigational Risk Assessment (NRA) [APP-240] and 6.2.9 Shipping and Navigation [APP-078] demonstrate that impacts have all been reduced to As Low as Reasonably Practicable (ALARP) / tolerable levels and are not significant in Environmental Impact Assessment (EIA) terms.
UCS-RR05	OffS - Shipping and Navigation	The Chamber has welcomed constructive manner the Red Line Boundary (development area) has been amended to take in account of navigational safety concerns. The Chamber further welcomes the additional analysis into the export cable corridor for which vessel draught limitations are of national importance to the major ports of Felixstowe and London Gateway.	Noted and the Applicant has taken steps to ensure that there are no long-term limitations on the nationally important routes into major ports through 9.20 Outline Navigation Installation Plan (NIP) [APP-252]. Consultation is ongoing to ensure the NIP adequately meets stakeholder requirements including with the UK Chamber of Shipping, port operators, and harbour authorities.
UCS-RR06	General	The Chamber therefore may wish to provide further detailed representation in these areas upon review of the examination documents submitted.	Noted by the Applicant.

## 5 APPLICANT'S RESPONSE TO RELEVANT REPRESENTATIONS – OTHER ORGANISATIONS

### 5.1 CRUISING ASSOCIATION [RR-016]

Ref	Topic	Relevant representation comment	Applicant's responses
CA-RR01	OffS - Shipping and Navigation	The Cruising Association represents recreational boaters who take part in cruising in sailing boats and motor boats in waters around the UK, Europe and other parts of the world. We have an interest in maintaining freedom of passage as well as protecting the marine environment. Our main concerns with windfarm development are that recreational boaters should have the right of passage through windfarms and that the layout of windfarm arrays facilitates that passage.	The rights of passage will not be prohibited outside of temporary safety zones as defined within 8.2 Safety Zone Statement [APP-230].

### 5.2 EAST ANGLIA ONE NORTH LTD [RR-020]

Ref	Topic	Relevant representation comment	Applicant's responses
EA1-RR01	General	This registration is on behalf of East Anglia ONE North Ltd. Due to the DCO boundary the East Anglia ONE North Offshore Windfarm is registering as an interested party on the below grounds: * Search & Rescue. * Shipping & Navigation (VE Shipping and Navigation report volume 6, Part 2, Chapter 9: 9.7 Navigational features). * Interfaces on environmental matters. * Wake loss assumptions.	Noted by the Applicant.

### 5.3 EAST ANGLIA TWO LTD [RR-022]

Ref	Topic	Relevant representation comment	Applicant's responses
EA2-RR01	General	This registration is on behalf of East Anglia TWO Ltd. Due to the DCO boundary the East Anglia TWO Offshore Windfarm is registering as an interested party on the below grounds: * Search & Rescue. * Shipping & Navigation (VE Shipping and Navigation report volume 6, Part 2, Chapter 9: 9.7 Navigational features, incl traffic, vessel displacement and collision risk, access to Port and Radar interference). * Interfaces on environmental matters. * Wake loss assumptions.	Noted by the Applicant.

### 5.4 EAST ANGLIA THREE LTD [RR-021]

Ref	Topic	Relevant representation comment	Applicant's responses
EA3-RR01	General	This registration is on behalf of East Anglia THREE Ltd. Due to the DCO boundary the East Anglia THREE Offshore Windfarm is registering as an interested party on the below grounds: * Search & Rescue. * Shipping & Navigation (VE Shipping and Navigation report volume 6, Part 2, Chapter 9: 9.7 Navigational features). * Interfaces on environmental matters.	Noted by the Applicant.

## 5.5 EQUINOR NEW ENERGY LIMITED

Ref	Topic	Relevant representation comment	Applicant's responses
EQ-RR01	OffS - Marine Mammal	Equinor has reviewed the Applicant's assessment of the potential impacts on marine mammals in relation to underwater noise, in particular with regards to the potential in-combination impacts on the protected feature of the Southern North Sea SAC. Equinor notes that SEP and DEP have been considered in the in-combination assessment for noise in tables 12.2, 12.3, 12.4 and 12.5 of the Report to Inform the Appropriate Assessment [document reference 5.4]. Equinor will continue to engage with the Applicant in relation to the potential need for coordination of activities in the southern North Sea in relation to noise, in particular UXO clearance and piling.	Noted by the Applicant.

## 5.6 HARWICH HARBOUR FISHERMENS ASSOCIATION [RR-042]

Ref	Topic	Relevant representation comment	Applicant's responses
HHF-RR01	OffS – Commercial fisheries	Impact on the financial earning ability of 22 inshore commercial fishers and dispersal of fish stocks Detrimental impact on inshore fishing	<p>The Applicant has engaged regularly with Harwich Harbour Fishermen's Association via the Five Estuaries Commercial Fisheries Working Group (CFWG). This engagement is summarised in 6.2.8 Commercial Fisheries [APP-077] (Section 8.3) and engagement has continued post-DCO application.</p> <p>Potential impacts of Five Estuaries on commercial fishers, including on the inshore fishing fleet (see Table 8.7 in 6.2.8 Commercial Fisheries [APP-077] for a summary of fleets scoped into assessment), are fully assessed and presented in 6.2.8 Commercial Fisheries [APP-077] (Sections 8.10 to 8.13). Impact assessment outcomes have been presented to and discussed with the CFWG).</p> <p>Where there is potential for a significant impact to the inshore fleet, 9.16 Outline Fisheries Liaison and Co-existence Plan (FLCP) [APP-247] commits the Applicant to exploring options to encourage co-existence and further mitigate any effect of Five Estuaries, including via cooperation agreements and associated payments. The content of the outline FLCP and approaches to mitigation have been discussed with the CFWG.</p>

## 5.7 NATIONAL FEDERATION OF FISHERMEN'S ORGANISATION (NFFO) [RR-077]

Ref	Topic	Relevant representation comment	Applicant's responses
NFO-RR01	OffS – Commercial fisheries	The National Federation of Fishermen's Organisation (NFFO) represents the interests of commercial fishing businesses in England and Wales. We are registering as an interested party for this project as we feel that there are potential impacts to the commercial fisheries in the proposed area.	Noted by the Applicant.
NFO-RR02	OffS – Commercial fisheries	Commercial fisheries have existed in the proposed region for generations, both UK and EU fleets, and are already faced with extensive spatial restrictions such as existing offshore wind developments, offshore cables, Marine Protected Areas and legislative restrictions in the region. Further displacement of commercial fishing in the region will result in economic harm, through loss of earnings from the ground and additional operating costs due to increased steaming times during construction and operation of the project as well as contributing to the spatial squeeze on fisheries in the region.	Potential impacts of Five Estuaries on commercial fishers, including on both UK and EU fleets (see Table 8.7 in 6.2.8 Commercial Fisheries [APP-077] for a summary of fleets scoped into assessment), are fully assessed and presented in 6.2.8 Commercial Fisheries [APP-077] (Sections 8.10 to 8.13). Potential effects of displacement and increased steaming times are assessed. Potential cumulative effects on fleets are also assessed. Impact assessment outcomes have been presented to and discussed with the CFWG.

Ref	Topic	Relevant representation comment	Applicant's responses
NFO-RR03	OffS – Commercial fisheries	As with many responses the NFFO generate to wind farm applications, we have concerns about the lack of contemporary and site-specific data presented in the fish and shellfish ecology assessments, and a lack of focus on key commercial species that have a range that overlaps with the development area, specifically shellfish. Data has been presented from other wind farm projects and used to interpret impacts of the Five Estuaries project, often from surveys that have not used the correct methodology for the assumptions made. We feel that the commercial fisheries assessment underestimates the impacts at almost every stage. The assumption that mobile gear vessels can simply move from the area during construction reduces the level of impact these fisheries will feel.	<p>The Applicant is confident that the data presented in 6.2.6 Fish and Shellfish Ecology [APP-075], 6.5.6.1 Fish and Shellfish Ecology Technical Baseline Report provide a robust baseline, considered to be sufficient for the purposes of EIA. Site specific data were collected 2021 to inform the baseline and assessment, and include the collection of PSA data and geophysical data across the array areas and offshore ECC. These data are supplemented by a detailed desktop review to establish the baseline information available on fish and shellfish populations in the study area for Five Estuaries. These data include a broad combination of datasets (inclusive of regional datasets and industry specific monitoring undertaken for a number of regional offshore wind farms, and marine habitat mapping), and provide a robust temporal (ranging from 1981 to 2022) and spatial (within 50km of the development) baseline for fish and shellfish ecology.</p> <p>The Applicant confirms that key commercial species, of importance to the region were identified in 6.2.8 Commercial Fisheries [APP-077], and their ecology detailed further in paragraph 3.1.68 et seq of 6.5.6.1 Fish and Shellfish Ecology Technical Baseline Report [APP-121], and summarised in paragraph 6.7.22 et seq of 6.2.6 Fish and Shellfish Ecology [APP-075]. The potential for population level effects on these species from the development were assessed in Sections 6.11 to 6.14 of 6.2.6 Fish and Shellfish Ecology [APP-075].</p> <p>As stated in 6.2.8 Commercial Fisheries [APP-077] (e.g. para 8.10.3), during construction of Five Estuaries, commercial fisheries will be prevented from fishing where construction activities are taking place (i.e. where construction vessels and partially installed infrastructure are present, and within the footprint of Safety Zones of 500 m diameter, which will be sought around significant infrastructure under construction). Outside of these areas, fishing will be able to continue. The commercial fisheries impact assessment reflects this assumption. As set out in 6.2.8 Commercial Fisheries [APP-077], potential significant impacts are identified for UK potting and netting fleets during the construction phase, with proposed approaches and commitment to mitigating these impacts set out in 6.2.8 Commercial Fisheries [APP-077] and 9.16 Outline Fisheries Liaison and Co-existence Plan [APP-247].</p>
NFO-RR04	OffS – Commercial fisheries	This is an oversimplification and demonstrates a lack of understanding of how the fisheries in the region have been squeezed into a smaller and smaller marine space over progressive offshore wind developments, marine legislation and offshore cabling. The spatial squeeze on fisheries in the region is one of the most extensive examples in the UK, this project is directly contributing to this expanding issue. Displacement effects are assessed as not significant for all fisheries assessed; we disagree with this assessment.	NFFO concern regarding spatial squeeze is acknowledged in 6.2.8 Commercial Fisheries [APP-077]. The cumulative impact assessment presented in 6.2.8 Commercial Fisheries [APP-077] considers the potential interaction of Five Estuaries with other planned developments and identifies the contribution that Five Estuaries is expected to have in terms of cumulative loss of access to fishing grounds and associated displacement. The contribution of Five Estuaries to cumulative loss of access to fishing grounds and associated displacement is not considered to be significant noting the planned application of Five Estuaries-specific mitigation.
NFO-RR04	OffS – Commercial fisheries	We welcome the development of a Fisheries Liaison and Co-existence Plan and see this as an integral and important step to minimise and if needed mitigate impacts on the region's fisheries. However, we feel that a Statement of Common Ground will be needed to ensure that the fisheries concerns, that to date have not	Noted by the Applicant. The Applicant is committed to preparing a Statement of Common Ground with the NFFO.



Ref	Topic	Relevant representation comment	Applicant's responses
		been accounted for in the assessment, are considered during the decision to consent the Five Estuaries project.	

#### 5.8 NEW ORFORD TOWN TRUST [RR-083]

Ref	Topic	Relevant representation comment	Applicant's responses
NOT-RR01	Gen – Land interest	New Orford Town Trust owns Orford Quay, and we understand that access may be required to Orford Ness for implementation of measures related to habitat improvement measures for lesser black-backed gulls.	Noted by the Applicant.

#### 5.9 NORTH FALLS OFFSHORE WIND FARM LIMITED [RR-085]

Ref	Topic	Relevant representation comment	Applicant's responses
NF-RR01	General	North Falls Offshore Wind Farm Limited is the undertaker for the North Falls Offshore Wind Farm DCO (PINS reference EN010119). The DCO application for North Falls is anticipated to be submitted to the Planning Inspectorate in July 2024. North Falls Offshore Wind Farm Limited wishes to register as an Interested Party for the Five Estuaries Offshore Wind Farm DCO Examination, as it may wish to participate in the Examination given the proximity of the two schemes and the work of the two projects on co-ordinating their proposals, including a proposed overlap of some of the onshore order limits and the coordination delivery approaches set out within the application. There is also commonality of certain stakeholders and the potential for similar or cumulative environmental effects and coordination of mitigation measures which would seek to minimise impacts on local communities. Protective provisions for the benefit of North Falls Offshore Wind Farm Limited have also been included within the draft DCO for Five Estuaries. The Examining Authority for the Five Estuaries DCO Examination may also wish to direct related questions to North Falls Offshore Wind Farm Limited.	Noted by the Applicant

#### 5.10 ROYAL YACHTING ASSOCIATION [RR-095]

Ref	Topic	Relevant representation comment	Applicant's responses
RYA-RR01	OffS - Shipping and Navigation	The Royal Yachting Association is the national governing body for dinghy, motor and sail cruising, all forms of sail racing, RIBs and sportsboats, windsurfing and personal watercraft. Developments of offshore wind farms have the potential to impact on recreational boating, by impeding or restricting navigation or existing cruising routes; the RYA's role is to represent the interests of recreational boaters through liaison with developers and the Examining Authority to ensure a mutually acceptable development.	9.10 Navigational Risk Assessment (NRA) [APP-240] and 6.2.9 Shipping and Navigation [APP-078] demonstrate that impacts have all been reduced to As Low as Reasonably Practicable (ALARP) / tolerable levels and are not significant in Environmental Impact Assessment (EIA) terms including impacts on recreational users.

### 5.11 SCOTTISHPOWER RENEWABLES [RR-099]

Ref	Topic	Relevant representation comment	Applicant's responses
SPR-RR01	General	This registration is on behalf of East Anglia ONE Ltd. Due to the DCO boundary the East Anglia ONE Offshore Windfarm is registering as an interested party on the below grounds: * Search & Rescue. * Shipping & Navigation (VE Shipping and Navigation report volume 6, Part 2, Chapter 9: 9.7 Navigational features). * Interfaces on environmental matters. * Wake loss assumptions.	Noted by the Applicant.

### 5.12 SCIRA EXTENSION LIMITED AND DUDGEON EXTENSION LIMITED [RR-098]

Ref	Topic	Relevant representation comment	Applicant's responses
SEP-RR01	General	<p>Five Estuaries Offshore Wind Farm Limited ("the Applicant") is proposing to develop the Five Estuaries Offshore Wind project ("the Project"). This relevant representation is being made by Equinor New Energy Limited ("Equinor") on behalf of Scira Extension Limited (SEL) and Dudgeon Extension Limited (DEL) regarding the application for development consent for the proposed Project ("the Application"). SEL and DEL are the named undertakers of the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (the "SEP and DEP DCO") and hold generation licences under the Electricity Act 1989. The SEP and DEP DCO grants development consent for two offshore wind farm projects under separate ownership, the Sheringham Shoal Extension Project (SEP) and the Dudgeon Extension Project (DEP). SEP will comprise up to 23 wind turbine generators (WTG) and up to one offshore substation platform. DEP will comprise up to 30 WTGs across two array areas, DEP North (DEP-N) and DEP South (DEP-S), and up to one offshore substation platform. The SEP, DEP-N and DEP-S array areas will be connected by interlink cables, with two offshore export cable circuits connecting the projects to the landfall in Weybourne, north Norfolk. Onshore infrastructure will connect the projects to the Norwich Main substation, south of Norwich.</p> <p>There is no overlap or close proximity between the order limits of the proposed Project and the order limits of the SEP and DEP DCO. Equinor has reviewed the Applicant's assessment of the potential impacts on marine mammals in relation to underwater noise, in particular with regards to the potential in-combination impacts on the protected feature of the Southern North Sea SAC.</p> <p>Equinor notes that SEP and DEP have been considered in the in-combination assessment for noise in tables 12.2, 12.3, 12.4 and 12.5 of the Report to Inform the Appropriate Assessment [document reference 5.4]. Equinor will continue to engage with the Applicant in relation to the potential need for coordination of activities in the southern North Sea in relation to noise, in particular UXO clearance and piling. Equinor reserves the right to make further representations on behalf of SEL and DEL as part of the examination process but in the meantime will continue to engage with the Applicant to ensure the successful coexistence of the respective projects.</p>	Noted by the Applicant.

### 5.13 STENA LINE BV [RR-104]

Ref	Topic	Relevant representation comment	Applicant's responses
STBV-RR01	OffS - Shipping and Navigation	Risk of collision with the wind turbines due to navigational error or a blackout - impact on the fuel consumption as routing needs to be amended - impact on the manoeuvrability of the vessels when close to a wind farm in case of medical evacuation etc. - the presence of the wind turbines can block the visual view for the vessels when in a close quarter situation - as shipping routes need to be adjusted the traffic density will increase in certain area's and therefor also the risk of collision between vessels	9.10 Navigational Risk Assessment (NRA) [APP-240] and 6.2.9 Shipping and Navigation [APP-078] demonstrate that impacts have all been reduced to As Low as Reasonably Practicable (ALARP) / tolerable levels and are not significant in Environmental Impact Assessment (EIA) terms. The Applicant also confirms that the NRA is fully compliant with the requirements of Marine Guidance Note (MGN) 654 including the completion of an MGN 654 Checklist which has been submitted to demonstrate this (Appendix A of the NRA). Additionally, the Applicant has

Ref	Topic	Relevant representation comment	Applicant's responses
			consulted with Stena Line and the UK Chamber of Shipping (as the representative body) throughout the NRA process.

#### 5.14 SUFFOLK & ESSEX COAST & HEATHS NATIONAL LANDSCAPE PARTNERSHIP [RR-106]

Ref	Topic	Relevant representation comment	Applicant's responses
SEHC-RR01	OffS-SLVIA	<p>How all relevant authorities will comply with the Levelling-up and Regeneration Act (2023) amended section 85 of the Countryside and Rights of Way Act (2000), to create a new duty on relevant authorities to 'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in Areas of Outstanding Natural Beauty, AONB (now known as National Landscapes). The new duty replaces the previous requirement for relevant authorities to 'have regard' to the purpose of Areas of Outstanding Natural Beauty, AONBs and is intended as a more proactive and strengthened requirement.</p> <p>The duty is a statutory one and applies to all relevant authorities when discharging any function that affects an Area of Outstanding Natural Beauty, AONB. Relevant authorities include all levels of government and include government agencies and ministers. Statutory undertakers are also covered by the duty.</p>	The Applicant is aware of its duty to seek to further the purpose of conserving and enhancing the natural beauty of the SCHAONB under the Levelling-up and Regeneration Act (2023). The Applicant considers that it has sought to further the purposes of the SCHAONB through mitigation embedded in the project design relating to seascape, landscape and visual receptors as set out in Table 10.18 of 6.2.10 Seascape, Landscape and Visual Assessment [APP-079]. The Applicant considers that it has sought to avoid, reduce or minimise adverse effects where they arise, as far as the scope of the project allows.
SEHC-RR02	OffS-SLVIA	Impact of the offshore proposals on the nationally designated Suffolk Coast & Heaths Area of Outstanding Natural Beauty.	The impact of the VE array areas on the nationally designated SCHAONB is assessed in 6.2.10 Seascape, Landscape and Visual Assessment [APP-079] Impact 16.7, p208 – 227 and Table 10.26. The Applicant's assessment concludes that the offshore proposals will not have significant adverse impacts on the natural beauty and special qualities of the SCHAONB (as set out in 6.2.10 Seascape, Landscape and Visual Assessment [APP-079]) and that the statutory purposes for designation of the SCHAONB will not be compromised.
SEHC-RR03	OffS-SLVIA	Impact on the Areas of Outstanding Natural Beauty from the onshore substation and connection infrastructure.	The Applicant's assessment that the onshore proposals will not have significant adverse impacts on the natural beauty and special qualities of the SCHAONB (as set out in 6.3.2 Landscape and Visual Impact Assessment [APP-084]) and that the statutory purposes for designation of the SCHAONB will not be compromised.

5.15 VILLAGES AGAINST PYLONS [RR-122]

Ref	Topic	Relevant representation comment	Applicant's responses
VAP-RR01	Gen - OCSS	<p>Villages Against Pylons is a campaign group located in the North Colchester area representing some 500 or so households located in the villages of Fordham, Little Horkesley, Great Horkesley, Boxted and Langham in or around the Dedham Vale National Landscape. National Grid and ESO have confirmed that the planned East Anglia Connection Node is required only because of two Windfarms (Five Estuaries, North Falls) and one interconnector (Tarchon).</p> <p>The EACN is proposed to be located in Tendring. New network reinforcement is required in order to reach the EACN. The (according to National Grid only plausible) location of the EACN is highly constrained abutting a Scheduled Monument and being in close proximity to the Dedham Vale. This dictates that cables into the EACN must cross the Dedham Vale National Landscape which will be hugely damaging. The route out from the EACN is proposed to enforce the village of Ardleigh take a line of 50m tall pylons along the southern border of the National Landscape.</p> <p>These pylons will be seen across a huge swathe of the Dedham Vale and will also frame its setting - every major ingress road from the south must pass beneath them. This too is hugely damaging. NPS-EN5 states that in respect of the protected landscape even residual impacts are unacceptable in planning terms.</p> <p>National grid have stated that due to location technical constraints preclude mitigation and recognise that very significant damage will occur. The proposed point of connection is unsuitable and contrary to the requirements set out in NPS-EN5. This proposal must be seen together with the additional infrastructure in Tendring and North Colchester which it necessitates. Given the extremely strong linkage described by National Grid and causal nature they must be seen and assessed together. At the same time, the two Windfarms (Five Estuaries, North Falls) have volunteered to connect offshore to Sealink under the framework set out in the Offshore Coordination Support Scheme. The Tarchon interconnector has been demonstrated to be damaging to the U.K. national interest. For full details see the letter on this subject sent by Sir Bernard Jenkin MP to Ofgem in response to their consultation. It is imperative that the current proposal does not go ahead in the manner currently proposed. There is a valid, credible alternative which the scheme promoter is happy to adopt. It MUST therefore connect offshore to Sealink as per the alternative proposals. Doing so will prevent enormous and lasting damage to a large section of protected National Landscape.</p>	<p>The Applicant's position on this issue is set out in section 2 of this document.</p>



6 APPLICANT'S RESPONSE TO RELEVANT REPRESENTATIONS FROM LAND INTEREST'S

6.1 BROOKS LENEY [RR-010]

Ref	Topic	Relevant representation comment	Applicant's responses
BL-RR01		Brooks Leney act on behalf of a number of farmers and landowners who are affected by the proposed project, whether that be as a result of the potential cables or substation. On behalf of our various clients, we have engaged with Five Estuaries since initial communication was made concerning non-intrusive surveys, however, there has been a direct lack of engagement from Five Estuaries as a business, with our point of contact being its Agent. On only a few occasions has an engineer attended a meeting and to this day, and despite requesting for further engagement, we have only met an engineer once to discuss the proposed substation, which will have a detrimental impact on my client, their farming business and their residential property.	The Applicant and their appointed Team have met and are continuing to engage with the landowner's agents to discuss and address concerns. 5.1 Consultation Report [APP-031] sets out the framework for consultation and how this has been complied with in accordance with the Planning Act 2008.
BL-RR02		As to the impact of the scheme, it goes without saying that this will have a detrimental impact on all farming businesses. The value and importance of the soil to a farming business is not considered fully.	<p>The Applicant notes these comments.</p> <p>The Applicant acknowledges the comments regarding the importance of agricultural land and practices. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land, along with other relevant factors, during the development of the Project see Document 6.3.5 Ground Conditions and Land Use [APP-087]. Proposed mitigation measures are detailed in Code of Construction Practice [APP-253].</p> <p>The onshore ECC does route through areas of predominantly agricultural land. Whilst there will be a temporary impact upon agricultural land during the construction phase, the reinstatement of land above the buried cable will allow agricultural cultivation to re-commence once the ducting has been installed.</p> <p>The Applicant will reinstate land post-construction, as confirmed in 9.21 Code of Construction Practice (CoCP) [APP-253].</p> <p>As set out in 9.21 Code of Construction Practice [APP-253] a Soil Management Plan will be developed by the Principal Contractor. Section 4.1 of the CoCP sets out the requirement for pre and post works soil surveys.</p>
BL-RR03		There are also concerns about the water supply in Little Bromley, where all water is supplied via wells and springs.	The Applicant is aware that there are a substantial number of properties in the area who rely on well water or boreholes. The Applicant has provided 6.6.6.1 Groundwater Risk Assessment [APP-159]. All licenced abstractions and registered private water supplies within 500 m of the DCO limit have been included in this assessment. A number of abstractions within 250 m of the DCO limit have been identified for further detailed investigation. Water testing is currently being carried out in the area at these properties to establish a baseline dataset.
BL-RR04		Concerns have also been raised with the screening and visual mitigation proposals for the substation sites, which could take up to 30+ years to provide even partly satisfactory screening.	6.3.2 Landscape and Visual Impact Assessment [APP-084] concludes that significant effects on landscape character and visual amenity will occur within a localised area out to 1.3 km and 1.4 km, respectively. These significant effects will be mitigated by the proposed mitigation planting within the first 15 years of the operational lifetime of the onshore substation. The design of the mitigation

Ref	Topic	Relevant representation comment	Applicant's responses
			planting will ensure that significant effects will occur for 15 years or less of the overall 30-year operational life and therefore will not last for the full 30 years 6.7.2.1-16: LVIA Visualisations illustrate the effectiveness of the screening from the representative viewpoints following 15 years of growth.
BL-RR05		We have engaged with Five Estuaries Agent, in drafting Heads of Terms for a voluntary agreement. Despite months of negotiations, it appears we are at a 'dead end' with negotiations for the following reasons; 1. Temporary Access - Five Estuaries are not paying for temporary access routes across our clients land. This is not something we have come across before and we strongly believe clients should be paid, as they are with compounds, for access routes to and from compounds and routes around features.	The Applicant's Land Agent and the land interest have had further negotiation on this point, with a concession being made by the Applicant to facilitate a voluntary agreement.  The Applicant notes that a number of Heads of Terms have been signed by clients of Brooks Leney.
BL-RR06		2. Sterilisation of Land between two projects - The current proposal is that Five Estuaries and North Falls will lay its respective cables subject to a 20m easement each. However, as our clients are potentially subject to two separate schemes, there is a chance there will be areas of land sitting between the two sets of cables which do not fall within the Easement area. This area could be as narrow as a few meters, up to a maximum of 60 meters. Our argument is that the 'no man's land' between the two respective windfarm easements, which will be permanently sterilised for any future change of use opportunity, should also be subject to an easement payment as well, thereby incentivising the wind farm companies to lay the cables as close to each other as possible. This has been rejected thus far.	The Applicant's land agent has had extensive discussions with the land interest's agent on this matter to explain the position. This discussion is ongoing.
BL-RR07		3. Incentive Payment Deadline - Our clients were only provided 12 weeks to review the substantial Heads of Terms before the 'incentive payment' is withdrawn. Given the document was issued in April, being a busy time of the year for farmers, the majority of our clients did not have an opportunity to review these until recently. Notwithstanding this, the Heads of Terms are still being negotiated, despite being 8 business days from the incentive payment deadline. We have therefore requested an extension, to allow our clients to properly consider the final document (once it is in final draft) before the deadline. This has been rejected thus far.	The Heads of Terms (HOTs) were issued to the agent on 19 April 2023. The land agent joined with others to form a Land Agents Group (LAG) to agree a template document. The document was therefore in circulation for twelve months prior to populated HOTs being issued in April 2024, giving a total of fifteen months negotiation before the incentive deadline was included. The Applicant remains engaged and keen to progress Heads of Terms agreements and considers that sufficient time was given to agree terms prior to the incentive deadline.
BL-RR08		4. Substation Site - there is grave concerns about the layout of the substations and how the current proposal will see a substantial amount of our clients land taken due to the irregular position of both Five Estuaries and North Falls substations. We have asked for the positioning to be reconsidered, thus safeguarding prime agricultural land. However, it appears our requests have not been consider as the planning application shows no collaboration with North Falls and having the substations more closely aligned.	6.1.4 Site Selection and Alternatives [APP-066] provides a description of the site selection process and the approach undertaken by the Applicant to refine the design of the proposed Five Estuaries Offshore Wind Farm project, including refinement for Environmental Statement (ES) Assessment and DCO application. Sections 4.14.58 to 4.14.66 of 6.1.4 Site Selection and Alternatives [APP-066] in particular describe the refinement in relation to the onshore substation site and location, including orientation and arrangement options.

## 6.2 THE ESTATE OF MR J H & MRS J M W FAIRLEY [RR-114]

Ref	Relevant representation comment	Applicant's responses
JHF-RR01	<p>I am the executor of my parents estate - I am very concerned that this development will impact on the value of their property. Our family have farmed the land identified for this project for 60+ years and we hope we can continue to do so in the years to come. I feel that there has been inadequate consideration to:- * the current soils profile, quality and condition * the long term impact on the soil * the future viability of the farm and business * the route - why not follow the headland where the soil is less productive and easier to incorporate wildlife corridors in the future should the soil lose it's productivity * a general lack of understanding on how arable farming works and the importance of food security * the disruption to both people and wildlife * decisions are being made without consideration to the landowners feedback.</p> <p>We are extremely concerned that this project will rip the heart out of the farm which our father spent years nurturing. It is an oasis of calm in an increasingly built up area.</p>	<p>The Applicant notes the comments relating to the importance of agricultural land. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land along with all other relevant factors when developing the Project. see Document 6.3.5 Ground Conditions and Land Use [APP-087]</p> <p>As set out in 9.21 Code of Construction Practice [APP-253] a Soil Management Plan will be developed by the Principal Contractor. Section 4.1 of 9.21 Code of Construction Practice [APP-253] sets out the requirement for pre and post works soil surveys.</p> <p>The Applicant has also assessed the onshore impact to wildlife and habitats. As set out in 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086], the Applicant has undertaken surveys to understand the effects of the project and has adopted worst-case parameters to provide a robust assessment. Details of the mitigation measures which will be undertaken can also be found in 9.21 Code of Construction Practice [APP-253] and 9.22 Outline Landscape and Ecological Management Plan [APP-254].</p> <p>The Applicant's position with regards to concerns regarding potential impacts on property values is set out in section 2 of this document.</p>

## 6.3 HENRY FAIRLEY & SON LTD [RR-045]

Ref	Relevant representation comment	Applicant's responses
HFS-RR01	<p>We are continuing and have ongoing discussions with the developer's agent for a negotiated option for the rights required but wish to reserve our position within the DCO process.</p>	<p>Noted by the Applicant. The Applicant remains actively engaged in discussions with the landowner.</p>

## 6.4 COBRA MIST LIMITED [RR-014]

Ref	Relevant representation comment	Applicant's responses
CML-RR01	<p>Cobra Mist Limited has property interests on Orford Ness where it is intended there might be a nesting area for Lesser Black Backed Gulls. Such proposals have yet to be finalised. The area of ground proposed to be used for the gull nesting area on Orford Ness needs to be carefully reviewed and agreed with the owner, Cobra Mist Limited, as the submitted plan seems to indicate the encroachment onto unsuitable or unacceptable areas.</p>	<p>The Applicant is committed to working alongside the landowner to reach an agreement acceptable to all parties and is in active discussions with them.</p>

6.5 DAVID RAMPLING [RR-017]

Ref	Relevant representation comment	Applicant's responses
DR-RR01	Am concerned about the degradation impact that the project may have on my residence which is a Grade II listed building.	<p>Following an initial assessment presented within 6.6.7.6 Onshore Cultural Heritage - GPA3 Exercise and Technical Note - Onshore Project Area [APP-165], eight Grade II and II* listed building were scoped into detailed assessment effects arising from the Onshore ECC and OnSS in the 6.3.7 Archaeology and Cultural Heritage [APP-089] chapter of the ES.</p> <p>The assessment of the potential impact on these assets is included 6.3.7 Archaeology and Cultural Heritage [APP-089], and a summary presented in Table 7.12 of the same document. The Applicant intends to engage with the interested party on this matter.</p>

6.6 ELSPETH KNOTT [RR-025]

Ref	Relevant representation comment	Applicant's responses
EK-RR01	<p>The project disregards the importance of the agricultural land which is going to be put out of action for many years. Not only is it important for food production it is also habitat for wildlife. Personally, my life will be affected by the disruption of the noise, dust of moving vehicles close to our property. We have well water, and any movement (digging) in the proximity may (will) affect the water table and our well. We do not have mains water. We have solar panels on our roof. Again these will not be so effective when covered in dust. We keep bees in our garden. Bees do not like noise and they will not be able to find their usual pollen supplies. They may not survive ! Our local roads are narrow and not suitable for heavy traffic. Any work on or around our access roads will cause a delay in travel. Collecting grandchildren from school will become an issue. I use the local footpaths for running to keep fit and active. This will not be possible with haul roads going across them. Having lived, and restored our house for over 40years, it is a nightmare to think that our retirement in the peaceful countryside is going to be ruined.</p>	<p>The Applicant notes the comments relating to the importance of agricultural land. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land along with all other relevant factors when developing the Project (see Document 6.3.5 Ground Conditions and Land Use [APP-087]).As set out in the 9.21 Code of Construction Practice [APP-253] a Soil Management Plan will be developed by the Principal Contractor.</p> <p>With regard to water supply, the Applicant has provided 6.6.6.1 a Groundwater Risk Assessment [APP-159]. All licenced abstractions and registered private water supplies within 500 m of the DCO limit have been included in this assessment. A number of abstractions within 250 m of the DCO limit have been identified for further detailed investigation.</p> <p>The Applicant has assessed the Onshore impact to Wildlife and Habitats. As set out in 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086], the project has undertaken surveys to understand the effects of the project extent as described in 6.3.1 Onshore Project Description [AS-004] and has conducted a robust an assessment of the project parameters. Details of mitigation measures that are being undertaken can also be found in the 9.21 Code of Construction Practice [APP-253] and the 9.22 Outline Landscape and Ecological Management Plan [APP-254].</p> <p>6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] addresses in detail the potential ecological impact of the project. The Applicant has assessed potential effects on protected and notable invertebrates, but not individual invertebrate species or colonies such as honeybees which fall below the threshold of "important ecological feature" as set out in Section 4.6.5 of 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086], i.e. unlikely to be significant in legal or policy terms so are not subject to detailed assessment.</p> <p>6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] and 9.22: Outline Landscape and Ecological Management Plan [APP-254] include details for the mitigation and compensation measures necessary for impacts that cannot be avoided. The latter also includes details for ecological enhancement; specific measures for invertebrates have been incorporated into the indicative plan included in 9.22 Outline Landscape and Ecological Management Plan [APP-254]., such as orchard planting, varied substrates and sward</p>



Ref	Relevant representation comment	Applicant's responses
		<p>heights representing increased foraging and sheltering opportunities compared with the current agricultural landscape.</p> <p>The Applicant has assessed the impacts of Noise and Dust during project construction. The assessments of the impacts can be found in the following documents; 6.3.9 Airborne Noise and Vibration [APP-091] and 6.3.10 Air Quality [APP-092].</p> <p>The Applicant's position with regards to the assessment and management of Traffic and Transport is set out in section 2 of this document.</p> <p>The Applicant is aware that there are a substantial number of properties in the area who rely on well water or boreholes. Water testing is currently being carried out in the area at these properties to establish a baseline dataset.</p> <p>The Applicant has assessed the impact of the project on the Public Rights of Way (PRoW) network and has proposed mitigation measures to minimise the temporary disruptions to the users of PRoW. These mitigation measures are outlined in 9.25 Outline Public Access Management Plan [APP-258].</p>

#### 6.7 THE EXECUTORS OF THE ESTATE OF CHARLES TABOR [AS-010]

Ref	Relevant representation comment	Applicant's responses
EECT-RR01	<p>It has recently come to our attention that Five Estuaries Offshore Windfarm Ltd has submitted an application for a development consent order for The Five Estuaries Windfarm Project (application ref EN010115) (The Application).</p> <p>A letter dated 18 July 2024 (enclosing an earlier letter dated 8 May 2024) was sent by the Promoter to one of the named Executors at his business address confirming that the Application had been submitted; the earlier letter dated 8 May 2024 was sent to the (unnamed) Executors c/o Sutton Hall and was not received by the Executors at the time. As such it is understood that the Executors have only been made aware of the Application recently. Freehold property comprised within The Estate of Mr Charles Tabor is included within the Order Limits of the Application (Plot 17-025). Rights attaching to other land owned by the Estate of Charles Tabor may also be interfered with as a result of the proposals.</p> <p>The book of reference submitted with the Application states that title interests are owned by Charles Tabor, rather than by the Estate of Mr Charles Tabor. Please confirm that The Estate of Mr Charles Tabor (i) has been notified to the Secretary of State as 'an affected person' for the purposes of s59 Planning Act 2008; (ii) will be acknowledged by all parties as 'an affected person' for the purposes of s59 Planning Act 2008 and (iii) will be able to participate in the CPO hearing during the Examination if they wish to.</p> <p>The Estate of Mr Charles Tabor now seeks to lodge a holding objection to the Application (and in particular the compulsory acquisition of its property) to allow it the opportunity to review the impact of the proposals on its interests with its advisers. The Estate reserves the</p>	<p>The Applicant has held a meeting with the Executors of the Estate for the late Charles Tabor directly, as well as with their appointed land agent, and will continue to engage.</p> <p>The 4.1 Book of Reference [APP-026] will be updated.</p> <p>The Executors of the Estate of the Late Charles Tabor (land plot number 17-025) were sent a section 56 notice at the address identified through diligent inquiry by the Applicant and listed in the Book of Reference. This document pack was signed for and the Applicant is therefore satisfied the notification was properly served and received and the interest has been notified as required.</p>

Ref	Relevant representation comment	Applicant's responses
	<p>right to participate in the Examination in due course by making written and/or verbal representations and/or adducing evidence to support its position.</p> <p>Please confirm that The Estate of Mr Charles Tabor will be acknowledged as an Interested Party for the purposes of this Examination and that these comments will be recorded as a Relevant Representation for the purposes of the Examination.</p>	

### 6.8 GILLIAN WHITTLE [RR-037]

Ref	Relevant representation comment	Applicant's responses
GW-RR01	<p>I object to the proposal to bring the power from the Five Estuaries wind farm ashore at Holland Haven, and from there to the proposed substation at Ardleigh/Little Bromley. This brings severe harm to the environment, communities, landscapes, wildlife and heritage of East Anglia, and particular and major harm to Ardleigh where we live immediately adjacent to the proposed National Grid substation and close to the Five Estuaries/North Falls, Tarchon substations. Alternatives such as a fully integrated offshore grid or HVDC from Norwich to Tilbury and undergrounding of all cables connecting to the National Grid substation have not been presented for consultation. The Five Estuaries substation is sited, presumably of necessity, close to the National Grid substation. As a result our Grade 2 listed historic property is immediately adjacent to the National Grid substation, and our "online" property is blighted. If Five Estuaries can move their proposed substation site some 300 metres to the east it would give National Grid an opportunity to similarly move their site 300 metres to the east, and provide us with some mitigation from the noise and other frightening consequences of having two runs of 400kV electricity passing within 20 metres of our property.</p>	<p>The Applicant notes these concerns. The Environmental Statement submitted as part of the application sets out how the Applicant has assessed and sought to avoid, reduce or mitigate potential environmental impacts related to the project. The 6.1.5 Non-Technical Summary [APP-67] summarises this.</p> <p>With regards to the proposed connection to the East Anglia Connection Node Substation and the possibility of an offshore connection, these issues are addressed in section 2 of this document.</p>

### 6.9 GRAEME KNOTT [RR-038]

Ref	Relevant representation comment	Applicant's responses
GK-RR01	<p>I object to the Five Estuaries Offshore Wind Farm Project. It will have a negative impact on me, my family, my home, the village of Little Bromley where I live and on people and the environment along the entire proposed route from the point of landfall until the point of substation connection. The land-take requirements for substation construction, cable trenching, associated infrastructure (including storage and equipment compounds, road widening schemes and haul roads), not just in relation to the Five Estuaries project but also similar from North Falls, National Grid and others, is enormous and unnecessary when offshore infrastructure is not only possible but a cheaper, better and future-proof alternative. This is not a "NIMBY" response...rather an objection to a project that is a rushed attempt to meet a net-zero target. What such a project would certainly achieve is destruction of our precious and finite countryside forever and on an unimaginable scale – it is neither "green" or</p>	<p>The Applicant notes these concerns. The Environmental Statement submitted as part of the application sets out how the Applicant has assessed and sought to avoid, reduce or mitigate potential environmental impacts related to the project. The 6.1.5 Non-Technical Summary [APP-67] summarises this.</p> <p>The Applicant has assessed the Onshore impact to Wildlife and Habitats. As set out in 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086], the project has undertaken surveys to understand the effects of the project extent as described in 6.3.1 Onshore Project Description [AS-004] and has conducted a robust an assessment of the project parameters. Details of mitigation measures that would be undertaken can also be found in the 9.21 Code of Construction Practice [APP-253] and the 9.22 Outline</p>

Ref	Relevant representation comment	Applicant's responses
	<p>environmentally conscious. The following is a no-where near exhaustive list of the negative impact of the Five Estuaries project:</p> <ul style="list-style-type: none"> <li>- Destruction of habitats: Removal of established trees (some subject to TPO) and hedgerows (more than 30 years old) – even with “replacement”, it is very unlikely that the gap caused by the original loss will ever be filled...even in tens of years' time. Who is going to ensure those replacement trees/hedge plants are protected for the next 10, 20, 50, 100+ years to ensure that they ever reach the same proportions and provide the same rich habitats as those that have been felled?</li> <li>- Potential impact on water tables and well water in Little Bromley and many other locations along the route (our property like many others relies entirely on well water).</li> <li>- Adverse impact on the area's rich wildlife including barn owls, buzzards, little owls, bats, insects, unusual moth species and many birds.</li> <li>- Dust from earthworks particularly in the dry summer months which could impact the enjoyment of those living nearby or visiting the area (gardens, walkers, runners, cyclists). Dust would also result in the reduction in solar collection via our PV array (solar panels).</li> <li>- Reduction of in the availability of rich arable land for growing crops and feeding the nation.</li> <li>- Huge concern over increased heavy, noisy and polluting works traffic (including more than 400 HGV movements daily along Bentley Road on which our property is situated). Bentley Road is used by pedestrians, cyclists, dogwalkers and horseriders. Little Bromley has few pavements or footpaths so increased heavy traffic could have a big impact on safety.</li> <li>- Disturbance of existing structures and foundations - our house, as well as other older-constructed houses in the locality with limited foundations may be susceptible to damage from heavy plant and machinery movements including along Bentley Road and Shop Road.</li> <li>- Negative impact on local business...not only will it be more difficult as a result of works traffic and traffic management to get to/from Little Bromley but if there is noise, dust and general disruption, people are likely to choose to frequent equivalent businesses in other locations (the village pub for example will be impacted and as Little Bromley only has the one pub and no village hall or other meeting place, any loss or reduction of this amenity would be a huge blow to the village).</li> <li>- Loss of tourism. - Permanent change to the character of the village and surrounding roads – Little Bromley is a small village and the roads leading into/out of it are in keeping with that and the countryside in which it sits. The current nature of the road naturally helps with traffic calming and speeds thereby making it safer and quieter – any widening or straightening of Bentley Road could have the opposite effect. An offshore integrated grid is what is needed, not a piecemeal approach by a number of entities including Five Estuaries in respect of an onshore project which is a poor attempt to rush through a solution which is environmentally destructive and is neither fit for today let alone tomorrow.</li> </ul>	<p>Landscape and Ecological Management Plan [APP-254]. The latter also includes details for ecological enhancement, noting that the project has committed to delivery at least 10% Biodiversity Net Gain, as set out in 6.6.4.18 Five Estuaries Offshore Wind Farm Onshore Biodiversity Net Gain Indicative Design Stage Report [APP-149].</p> <p>Assessment of impacts to trees, woodland and hedgerows is covered in detail in Section 4.11 of 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086].</p> <p>The assessment is summarised in Table 4.24 within 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086], which sets out that there is anticipated to be temporary loss of 1.61 km of hedgerow. All hedgerows along the route will be reinstated with a species-rich, locally appropriate native mixture including heavy standard trees at a 3:1 ratio for any lost. Additional hedgerow planting is proposed at the OnSS and is therefore considered enhancement.</p> <p>Table 4.24 within 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] also sets out that c. 44 trees may be lost. Compensation for this loss will include replanting of at least an equivalent amount, at locations aimed to link in and widen the existing woodland, hedgerow and scrub network. Approximately 8 ha of woodland planting is proposed, which is considered to represent an overall enhancement.</p> <p>In both instances, once the mitigation planting has had time to mature, no significant effects are predicted on hedgerows or trees.</p> <p>With regard to water supplies, the Applicant has provided 6.6.6.1 a Groundwater Risk Assessment at 6.6.6.1 [APP-159]. All licenced abstractions and registered private water supplies within 500 m of the DCO limit have been included in this assessment. A number of abstractions within 250 m of the DCO limit have been identified for further detailed investigation.</p> <p>The Applicant has assessed the impacts of Noise and Dust during project construction. This is based on a maximum design scenario of project parameters within the project design envelope to provide a robust assessment. The assessment of the impacts can be found in the following documents; 6.3.9 Airborne Noise and Vibration [APP-091] and 6.3.10 Air Quality [APP-092]. Following this assessment the Applicant has adopted mitigation measures to reduce impacts to appropriate levels.</p> <p>The Applicant's position with regards to the assessment and management of Traffic and Transport is set out in section 2 of this document.</p> <p>The Applicant notes the comments relating to the importance of agricultural land, and has assessed the impacts of the proposed infrastructure on agricultural land along with all other relevant factors when developing the Project, see Document 6.3.5 Ground Conditions and Land Use [APP-087].</p> <p>Community and recreational facilities are assessed on the basis of the extent to which there are local community and commercial facilities in the area likely to be affected by the construction of the VE in terms of accessibility and changes to environmental amenity, summarised below with reference to the findings of the ES (Volume 6).</p> <p>These are summarised within Chapter 6.3.3 Socio-Economic, Tourism and Recreation [APP-085], which draws upon detailed, topic-specific assessments:</p>

Ref	Relevant representation comment	Applicant's responses
		<p>&gt; 6.3.2 Landscape and Visual Impact Assessment [APP-084];</p> <p>&gt; 6.3.8 Traffic and Transport [APP-090];</p> <p>&gt; 6.3.9 Airborne Noise and Vibration [APP-091]; and</p> <p>&gt; 6.3.10 Air Quality [APP-092].</p> <p>The assessment concludes that while some local communities may experience change in multiple environmental effects, these are not likely to be significant in affecting the operation of community facilities and are not likely to be significant in EIA terms. However, in recognition of uncertainty, good practice has been secured in terms of construction management plans to maintain the operation and accessibility of community infrastructure (including PRoW) for example through an 9.25 Outline Public Access Management Plan [APP-258] and 9.24 Outline Construction Traffic Management Plan [APP-257].</p> <p>Overall, given the low to medium magnitude and sensitivity across individual PRoW receptors and when taking mitigation measures into account, the overall effect of the construction phase on community facilities, recreational facilities and routes is considered to be of minor adverse significance and not significant.</p>

#### 6.10 HELEN PEIRSON [RR-044]

Ref	Relevant representation comment	Applicant's responses
HP-RR01	I am registering as an owner of land along the route of the underground cables being proposed by Five Estuaries and North Falls Offshore Wind Farms. Five Estuaries and North Falls do not seem to be working together to minimise impact to landowners along the route when works are carried out. It seems that one company can access the land, carry out their works, reinstate and then a few weeks or months later the second company can do exactly the same.	How the Projects are coordinating is set out 9.30 Coordination Document [APP-263].
HP-RR02	It is important that access to land and works along the route are kept to as shorter time as possible so that impact to crops and farming businesses is reduced. Works by both companies need to be carried out at the same time.	How the projects could coordinate during construction is set out in section 2.7 of 9.30 Coordination Document [APP-263].
HP-RR03	<p>In addition to the above, other things that need to be considered are;</p> <ul style="list-style-type: none"> <li>• Access during construction and afterwards Joint bays and link boxes need to be on the edge of fields and not in the middle</li> <li>• Soil management to include assessment of soil quality and structure before and after works are completed</li> <li>• Field drains need to be maintained and reinstated where necessary</li> <li>• Cable depth needs to be at least 1.2 metres along the whole route, not just in some areas</li> </ul>	<p>The Applicant notes the land interest's concerns. These are addressed within the voluntary land agreement which has been offered to the land interest.</p> <p>The Applicant notes the concerns about joint bays and link boxes and will look where possible to work with landowners to site sensitively any above ground infrastructure during detailed design.</p> <p>The Applicant acknowledges the comments regarding the importance of agricultural land and practices. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land, along with other relevant factors, during the development of the Project see Document 6.3.5 Ground Conditions and Land Use [APP-087]. Proposed mitigation measures are detailed in Code of Construction Practice [APP-253].</p>



Ref	Relevant representation comment	Applicant's responses
	<ul style="list-style-type: none"> <li>• Areas of land severed by construction need to have access maintained during the works</li> <li>• Communication and correspondence from Five Estuaries and North Falls agents needs to be improved</li> </ul>	<p>As set out in the 9.21 Code of Construction Practice [APP-253] a Soil Management Plan will be developed by the Principal Contractor.</p>

### 6.11 JAMES FRANCIS FAIRLEY [RR-047]

Ref	Relevant representation comment	Applicant's responses
JFF-RR01	<p>Impact on Wolves Hall Farm and the Farming Business:</p> <p>a. Cable Route Hosting: - We will be hosting 3,480 meters of the cable route, significantly impacting our property and business operations for the entirety of the proposed project and beyond.</p> <p>b. Agricultural Field Access: - The maintenance of existing agricultural field accesses, along with careful management of accesses where shared use is proposed, will impact the operation of our farm business and limit our ability to farm.</p> <p>c. Severance and Destruction: - The severance of existing fields and field drainage schemes, destroying high-grade, productive arable land will be a permanent impact on the farm business.</p> <p>d. Utility/Diversion Works: - The implementation of utility/diversion works remains unclear regarding the specific works, programme, and period of temporary possession, which has created uncertainty for our business.</p>	<p>The Applicant notes the land interest's concerns.</p> <p>The Applicant has engaged the landowner throughout the project and intends to work closely with the land interest to minimise impact on the farming business. This will be facilitated during construction by the appointment of an Agricultural Liaison Officer, as set out in the Code of 9.21 Construction Practice [APP-253].</p> <p>Where possible and preferred by landowners, access will be maintained to severed land for the purpose of continued farming or maintenance. The Applicant is committed to engaging with a drainage specialist to carry out surveys and advise on drainage systems both pre and post works.</p> <p>As the Project progresses through detailed design any diversions (if required) would be identified, designed and communicated. The Applicant remains committed to working with landowners impacted by such works.</p>
JFF-RR02	<p>Specific Concerns:</p> <p>a. Cropped Area Affected: - Approximately 60% of the cropped area on our 750-acre farm will be directly impacted. The planned route targets the highest-yielding, most productive central areas of our fields. During the construction phase being expected to farm multiple inefficient severed areas is going to be mentally and logistically challenging.</p> <p>b. Proximity to Residence: - The construction will pass close to our home. There has been no consideration of this.</p> <p>c. Soil Health Concerns: - We practice regenerative farming and are devastated by the inevitable negative outcomes on our soil health. Although good practices may be followed, the adverse effects on soil structure, drainage, biology, and chemical characteristics are unavoidable.</p> <p>d. Heat Impact on Soil Ecology: - The heat generated by the cables could adversely affect soil ecology, moisture levels, and nutrient availability for crop roots.</p> <p>e. Concrete Pad Placement: - Each concrete pad laid in the field will necessitate a cultivation headland, like the needs of pylons in an overhead scheme, requiring 20 meters on all sides for machinery operation. This reduces efficiency and increases compaction,</p>	<p>The Applicant has endeavoured to minimise severed areas where possible. Where this is unavoidable, access will be maintained so as the severed land can be farmed. Where the parcels are too small and/or awkwardly shaped to be farmed efficiently, compensation can be claimed by the land interest for this loss of crop. The Applicant will work with the landowner to allow daily farming activity to continue as normal where possible. Soil management measures would return soil horizons to the original state so far as practical.</p> <p>Within the Code of Construction Practice [APP-253] section 3 sets out the General Site Operations including measures proposed to minimise the impact of noise and dust on residential properties.</p> <p>In response to point c, as set out in the 9.21 Code of Construction Practice [APP-253] a Soil Management Plan (SMP) will be developed by the Principal Contractor. In order to minimise potential damage to soil structure, biology, and fertility, the applicant will implement several key practices through the SMP. This plan includes limiting the area of disturbance and scheduling work during dry conditions to reduce soil compaction, protecting sensitive areas with ground coverings or temporary access roads, and carefully removing, storing, and replacing topsoil separately from subsoil, with amounts recorded through a soil resource budget. Erosion control measures will be utilised to prevent soil runoff during removal, storage</p>

Ref	Relevant representation comment	Applicant's responses
	<p>lowering yield on the surrounding 1,600 square meters of a pad. We are expecting a minimum of 32 pads impacting our farm permanently.</p>	<p>and restoration. To further preserve soil health, contractors will be familiar with and trained in soil conservation practices, and construction activities will be closely supervised.</p> <p>The predevelopment condition of the agricultural land and soil condition will be recorded by way of detailed pre-construction soil condition surveys and intrusive soil survey trial pits to identify and describe the physical and nutrient characteristics of the existing soil profiles. Pre-development assessment will include soil testing to establish a baseline for soil health and fertility.</p> <p>On completion of construction, the principal contractor will ensure that information on soil/land conditions is obtained and verified through a detailed post-construction soil condition survey. Post-development assessment will include soil testing to ensure that restoration efforts are effective in maintaining the soil health. In discussion with landowners the contractor will remedy any loss of nutrients according to best practice guidance at the time of works completion.</p> <p>Scientific studies* have determined that the heat from the underground cables has no negative impact on crop yields. The degree to which the soil actually heats up depends on various factors including the transmission technology, the insulation of the cables and the bedding material that the cables are laid in. Key roles are also played by the ability of the soil itself to conduct heat, the degree to which the cable is being used and seasonal and weather-related fluctuations in temperature in the soil.</p> <p>What has been found is that any heat from the cables dissipates quickly as it rises and temperatures in the top layers of soil, where roots are found, are similar to those measured in reference points away from the cable system.</p> <p>*Conducted by soil ecologist Prof. Dr. Peter Trüby of Freiburg University</p> <p>The Applicant will endeavour to work with the landowner to ensure any above ground infrastructure will be sited as sympathetically as possible to minimise long term impacts on the farming business.</p> <p>The landowners concern in point e are noted by the Applicant. The Applicant will continue to engage with the landowner to address these concerns.</p>
JFF-RR	<p>Engagement:</p> <p>a. Collaboration: - Collaboration with Five Estuaries and North Falls remains unclear, particularly regarding the phasing of each development.</p> <p>b. Poor Engagement: - Meaningful engagement has been poor, with very few meetings to discuss a voluntary agreement and address the above concerns and issues.</p> <p>c. Inadequate Heads of Terms: - The Heads of Terms for a voluntary agreement lack specific details covering our concerns listed above. Five Estuaries' presentation is a "take it or leave it" proposition, which we do not feel is fair or reasonable given the overwhelming</p>	<p>How the two projects are working together is set out in 9.30 Coordination Document [APP-263].</p> <p>The Applicant and their appointed Team have met and are continuing to engage with the landowner to discuss and address concerns. The 5.1 Consultation Report [APP-031] sets out the framework for consultation and how this has been complied with in accordance with the Planning Act 2008.</p> <p>The Heads of Terms (HOTs) were issued to the land interest agent on 19th April 2023. The land agent joined with others to form a Land Agents Group (LAG) to agree a template</p>

Ref	Relevant representation comment	Applicant's responses
	impact the scheme has on our farm. Despite our willingness to accommodate the electric cable proposal, the lack of engagement from Dalcour Maclaren on these critical issues is profoundly disappointing. We reserve our right to make further and/or additional representations in relation to the Five Estuaries project proposals (as detailed in the Application).	document. The document was therefore in circulation for twelve months prior to populated HOTs being issued in April 2024, giving a total of fifteen months negotiation before the incentive deadline was imposed. The Applicant remains engaged and keen to progress Heads of Terms agreements but considers that sufficient time and engagement has been allocated to agree terms.

## 6.12 JAMES LODGE [RR-048]

Ref	Relevant representation comment	Applicant's responses
JL-RR01	Dear Planning Inspectorate, I am writing to express my profound concerns and strong opposition to the proposed Five Estuaries offshore wind farm project. As a resident of Little Bromley for the past 14 years, I have grave fears about the devastating impact this scheme will have on our village, its residents, and the surrounding area. The peace, tranquillity, and natural beauty that drew my family to this village are now under serious threat.	The Applicant notes these concerns. The Environmental Statement submitted as part of the application sets out how the Applicant has assessed and sought to avoid, reduce or mitigate potential environmental impacts related to the project. The 6.1.5 Non-Technical Summary [APP-67] summarises this.
JL-RR02	The proposed road widening works, construction compounds, access roads, and the installation of a massive substation will irrevocably scar the landscape and destroy the very essence of our community. The hundreds of daily HGV movements will bring noise pollution, dust, light pollution, and constant disruption to our lives.	<p>The maximum number of daily Heavy Good Vehicle (HGV) movements forecast for the construction of VE using Bentley Road between the A120 at the proposed construction accesses over the 3 month peak period of construction for the Onshore Export Cable Corridor (ECC) Route Sections, Onshore Substation (OnSS) and 400kV works that would be accessed using Bentley Road is around 200, which is 17 HGV movements per hour across a 12 hour delivery period (7am to 7pm); however.</p> <p>Excluding the 3 months at the peak of construction activity in this location, the average number of HGV movements is around half, at 100, which is 8 HGVs per hour, or 1 every 7.5 minutes.</p> <p>The Applicant is committed to implementing the proposed improvements to Bentley Road to facilitate the increase in HGVs for the construction of VE, to ensure safety for all users. This includes a reduction in the speed limit to 40mph and a potential segregated non-motorised user path, depending on the identified use of Bentley Road by pedestrians, cyclists and equestrians. HGV movements would also be managed by a Construction Traffic Management Plan (CTMP), which the Applicant is committed to implementing, which would have measures to endeavour to minimise dust and noise and include a mechanism for any identified issues with HGV movements during construction to be reported to the Applicant so that these can be investigated and rectified. 9.24 Outline Construction Traffic Management Plan [APP-257] sets out the measures to be implemented during construction. .</p>
JL-RR03	The value of our properties, which for many is our most significant investment, will undoubtedly plummet, and some residents are already struggling to sell their homes due to the looming spectre of this project.	<p>A full assessment of environmental effects on residential receptors has been undertaken throughout the Environmental Statement to consider the likelihood of significant adverse effects on properties in the vicinity of the Project.</p> <p>The Applicant's position with regards to concerns regarding potential impacts on property values is set out in section 2 of this document.</p>



Ref	Relevant representation comment	Applicant's responses
JL-RR04	<p>The environmental impact of this scheme cannot be overstated. The proposed widening of Bentley Road will likely result in the felling of trees and the grubbing up of hedgerows, destroying the natural habitats of countless animals, birds, and insects. The loss of these green spaces will not only be an eyesore but will also exacerbate the problem of drifting snow, which has cut off our village in the past.</p>	<p>6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] addresses in detail the potential ecological impact of the project. 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] and 9.22: Outline Landscape and Ecological Management Plan [APP-254] include details for the mitigation and compensation measures necessary for impacts that cannot be avoided. The latter also includes details for ecological enhancement, noting that the project has committed to delivery at least 10% Biodiversity Net Gain, as set out in 6.6.4.18 Five Estuaries Offshore Wind Farm Onshore Biodiversity Net Gain Indicative Design Stage Report [APP-149].</p> <p>At Bentley Road specifically, any hedgerow or tree removal required would be compensated for by replacement hedgerows with trees as close as possible to that which was lost, i.e. field boundaries would be reinstated.</p>
JL-RR05	<p>Moreover, the constant heavy traffic will pose a significant danger to pedestrians, cyclists, and other road users, while the vibrations from the lorries will likely cause severe damage to older homes, including our Grade I listed church and local pub.</p> <p>Many of the houses in our village, particularly the older properties, lack proper foundations and are therefore extremely vulnerable to the effects of heavy vehicle traffic. The repeated stress and vibrations caused by the hundreds of daily HGV movements will gradually undermine the structural integrity of these buildings, leading to cracks in walls, subsidence, and potentially irreparable damage. The consequences of this damage are far-reaching and deeply concerning. Homeowners may face substantial repair costs, which could prove financially ruinous for many. In some cases, the damage may be so severe that homes become uninhabitable, forcing residents to evacuate and seek alternative accommodation. The emotional and psychological toll of seeing one's home crumble due to the actions of an external entity cannot be understated.</p> <p>Furthermore, the damage to our Grade I listed church and local pub, which are cornerstones of our community's heritage and social life, would be an irreplaceable loss. The proposed storage compounds will only exacerbate the problem, being an ugly, noisy blight on the landscape and further diminishing the quality of life for all residents. The constant noise pollution from these compounds will be unbearable, making it difficult for residents to enjoy their homes and gardens in peace. The visual impact of these industrial structures will also be a constant reminder of the harm being inflicted upon our village, serving as a source of ongoing distress and frustration for all who live here.</p>	<p>The maximum number of daily Heavy Good Vehicle (HGV) movements forecast for the construction of VE using Bentley Road between the A120 at the proposed construction accesses over the 3 month peak period of construction for the Onshore Export Cable Corridor (ECC) Route Sections, Onshore Substation (OnSS) and 400kV works that would be accessed using Bentley Road is around 200, which is 17 HGV movements per hour across a 12 hour delivery period (7am to 7pm); however.</p> <p>Excluding the 3 months at the peak of construction activity in this location, the average number of HGV movements is around half, at 100, which is 8 HGVs per hour, or 1 every 7.5 minutes. The effects of the Proposed Development during the construction phase upon designated built heritage assets is considered in 6.3.7 Archaeology and Cultural Heritage [APP-089]. No significant effects were identified arising from during the construction phase to designated heritage assets.</p>
JL-RR06	<p>The impact on local farmers cannot be ignored. The compulsory purchase of their Grade I agricultural land will reduce their yields and income, while the damage caused by underground cables and construction traffic will have long-lasting effects on the soil quality. These hardworking individuals, whose livelihoods are already in jeopardy, will suffer immensely if this project proceeds.</p> <p>It is deeply concerning that the consultation packs we have received focus primarily on cost considerations, with little to no regard for the human toll of this project. The mental torment and stress inflicted upon our community by the mere prospect of this scheme is already taking a significant toll, and it will only worsen if the project is allowed to proceed.</p> <p>I implore you to consider the human rights of the residents of Little Bromley and the surrounding areas. If the primary reason for not pursuing an offshore option is cost, has Five Estuaries engaged with end consumers to determine their willingness to pay more for a solution that does not destroy our communities? I, for one, would gladly pay more to preserve the village and local area as they are now. I urge you to refuse planning</p>	<p>The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.</p> <p>The only land for which permanent acquisition is proposed is for the substation. The Applicant acknowledges the comments regarding the importance of agricultural land and practices. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land, along with other relevant factors, during the development of the Project. Proposed mitigation measures are detailed in the 9.21 Code of Construction Practice [APP-253]. The measures include the appointment of an Agricultural Liaison Officer (ALO) to provide a point of contact for landowners and occupiers during construction. The ALO will be available to discuss practical issues that might arise. The ALO will also ensure that information on existing agricultural management and land conditions is obtained, recorded and verified by way of a pre-construction condition and will undertake site inspections during construction to monitor working practices and ensure landowners' and occupiers' reasonable</p>



Ref	Relevant representation comment	Applicant's responses
	<p>permission for this devastating scheme and encourage Five Estuaries to reconsider the offshore option without delay. The residents of Little Bromley will continue to fight against this project to protect our homes, our environment, and our way of life. Sincerely, James Lodge</p>	<p>requirements are fulfilled. The ALO will also ensure reinstatement measures are undertaken following the completion of the works.</p> <p>As set out in the 9.21 Code of Construction Practice [APP-253] a Soil Management Plan will be developed by the Principal Contractor. In order to minimise potential damage to soil structure, biology, and fertility, the applicant will implement several key practices through the SMP. This plan includes limiting the area of disturbance and scheduling work during dry conditions to reduce soil compaction, protecting sensitive areas with ground coverings or temporary access roads, and carefully removing, storing, and replacing topsoil separately from subsoil, with amounts recorded through a soil resource budget. Erosion control measures will be utilised to prevent soil runoff during removal, storage and restoration. To further preserve soil health, contractors will be familiar with and trained in soil conservation practices, and construction activities will be closely supervised.</p> <p>Where land-take is unavoidable, compulsory acquisition will be undertaken through an independent process under the Compensation Code to ensure that landowners are appropriately compensated for disruption and the temporary use of land (which includes compensation for yields and income during that time). The Project remains in close contact with affected parties to enable a fair and proportional scale of compensation.</p> <p>Community and recreational facilities are assessed on the basis of the extent to which there are local community and commercial facilities in the area likely to be affected by the construction of the VE in terms of accessibility and changes to environmental amenity, summarised below with reference to the findings of the ES (Volume 6).</p> <p>These are summarised within Chapter 6.3.3 Socio-Economic, Tourism and Recreation [APP-085], which draws upon detailed, topic-specific assessments:</p> <ul style="list-style-type: none"> <li>&gt; 6.3.2 Landscape and Visual Impact Assessment [APP-084];</li> <li>&gt; 6.3.8 Traffic and Transport [APP-090];</li> <li>&gt; 6.3.9 Airborne Noise and Vibration [APP-091]; and</li> <li>&gt; 6.3.10 Air Quality [APP-092].</li> </ul> <p>The assessment concludes that while some local communities may experience change in multiple environmental effects, these are not likely to be significant in affecting the operation of community facilities and are not likely to be significant in EIA terms. However, in recognition of uncertainty, good practice has been secured in terms of construction management plans to maintain the operation and accessibility of community infrastructure (including PRow) for example through an 9.25 Outline Public Access Management Plan [APP-258] and 9.24 Outline Construction Traffic Management Plan [APP-257]</p> <p>Overall, given the low to medium magnitude and sensitivity across individual PRow receptors and when taking mitigation measures into account, the overall effect of the construction phase on community facilities, recreational facilities and routes is considered to be of minor adverse significance and not significant</p> <p>The Development Consent Order (DCO) process is as complex as it is comprehensive, where all tangible environmental and socio-economic changes directly attributable to what is proposed have been scoped with regulatory authorities and key stakeholders; tested</p>

Ref	Relevant representation comment	Applicant's responses
		<p>through Preliminary Assessment, Written Representations, Local Impact Report and during Examination by the Planning Inspectorate through the upcoming Issue Specific Hearings. Health remains a central topic in this process (informed and tested through the 6.4.2 Human Health and Major Disasters [AS-005] and 9.11 Equality Impact Assessment [APP-241], and through engagement with key health stakeholders).</p> <p>While robust and fit for regulatory purpose, the comprehensive nature of the DCO process can create challenges with transparency, often leading to and underpinning community stress and anxiety from the process itself. This is why a more public facing 6.4.2 Human Health and Major Disasters [AS-005] was scoped in, and is the purpose of consultation and the RR, where wider concerns and the more subjective and intangible factors that cannot be assessed, can still be collated and addressed through planning, mitigation and support to address stress and anxiety.</p>

**6.13 JAMES SADLER [RR-049]**

Ref	Relevant representation comment	Applicant's responses
JS-RR01	<p>My property directly abuts the Onshore DCO Limits. I would object to the proposal because there is little or no meaningful consideration made to mitigate the long term impact to the properties surrounding the proposed onshore substation for this project with regards to screening which within the scheme published to date is minimal and will take decades to take effect and also to the environmental effect the scheme will have on homes in the vicinity.</p>	<p>The Applicant notes these concerns. The Environmental Statement submitted as part of the application sets out how the Applicant has assessed and sought to avoid, reduce or mitigate potential environmental impacts related to the project. The 6.1.5 Non-Technical Summary [APP-67] summarises this.</p> <p>6.3.2 Landscape and Visual Impact Assessment [APP-084] concludes that significant effects on landscape character and visual amenity will occur within a localised area out to 1.3 km and 1.4 km, respectively. These significant effects will be mitigated by the proposed mitigation planting within the first 15 years of the operational lifetime of the onshore substation. The design of the mitigation planting will ensure that significant effects will occur for 15 years or less of the overall 30-year operational life and therefore will not last for the full 30 years 6.7.2.1-16: LVIA Visualisations illustrate the effectiveness of the screening from the representative viewpoints following 15 years of growth.</p> <p>9.22 Outline Landscape Ecological Management Plan (OLEMP) [AS-006] section 2.6 sets out principles for the landscape screening for the onshore substation. These are shown on figure 1 within the (OLEMP).</p>
JS-RR02	<p>The construction works for this scheme will be long and cause significant stress and disruption to local residents.</p>	<p>The Applicant notes the concerns of all local residents and has assessed all potential impacts of the project throughout the ES. Community and recreational facilities are assessed on the basis of the extent to which there are local community and commercial facilities in the area likely to be affected by the construction of the VE in terms of accessibility and changes to environmental amenity, summarised below with reference to the findings of the ES (Volume 6).</p> <p>These are summarised within Chapter 6.3.3 Socio-Economic, Tourism and Recreation [APP-085], which draws upon detailed, topic-specific assessments:</p> <p>&gt; 6.3.2 Landscape and Visual Impact Assessment [APP-084];</p>

Ref	Relevant representation comment	Applicant's responses
		<p>&gt; 6.3.8 Traffic and Transport [APP-090];</p> <p>&gt; 6.3.9 Airborne Noise and Vibration [APP-091]; and</p> <p>&gt; 6.3.10 Air Quality [APP-092].</p> <p>The assessment concludes that while some local communities may experience change in multiple environmental effects, these are not likely to be significant in affecting the operation of community facilities and are not likely to be significant in EIA terms. However, in recognition of uncertainty, good practice has been secured in terms of construction management plans to maintain the operation and accessibility of community infrastructure (including PRow) for example through an 9.25 Outline Public Access Management Plan [APP-258] and 9.24 Outline Construction Traffic Management Plan [APP-257]</p> <p>Overall, given the low to medium magnitude and sensitivity across individual PRow receptors and when taking mitigation measures into account, the overall effect of the construction phase on community facilities, recreational facilities and routes is considered to be of minor adverse significance and not significant.</p>
JS-RR03	<p>The areas around the substation are already prone to localised flooding and the water table is very sensitive to change. Homes surrounding the proposed substation rely on groundwater for their water supplies and are served by private drainage. As recent prolonged periods of rainfall have demonstrated any effect on the water table in the area where the substation is proposed will likely see these private water and drainage supplies fail and risk contamination to the ground water supplies.</p>	<p>An assessment of flood risk at the substation location is provided in 5.3.2 Flood Risk Assessment Onshore Substation [APP-039] which considers surface water runoff and the potential for impact on existing off-site areas and drainage.</p> <p>With regard to water supplies, the Applicant has provided a Groundwater Risk Assessment at 6.6.6.1 [APP-159]. All licenced abstractions and registered private water supplies within 500m of the DCO limit have been included in this assessment. A number of abstractions within 250m of the DCO limit have been identified for further detailed investigation. Water testing is currently being carried out in the area at these properties to establish a baseline dataset.</p>
JS-RR04	<p>From an economic perspective the value of homes surrounding the substation will be impacted significantly and be very difficult and if not impossible to sell during and after the construction process.</p>	<p>The Applicant's position with regards to concerns regarding potential impacts on property values is set out in section 2 of this document.</p> <p>A full assessment of environmental effects on residential receptors has been undertaken throughout the Environmental Statement to consider the likelihood of significant adverse effects on properties in the vicinity of the Project.</p>
JS-RR05	<p>The listed properties without foundations surrounding the site will be especially vulnerable to the construction of the onshore substation.</p>	<p>The nearest dwelling to the OnSS is located just over 400 m away. At this distance the vibrations from the planned construction activities will be below the threshold of perception. Further information is included in 6.3.9 Airborne Noise and Vibration [APP-91].</p> <p>Following an initial assessment presented within 6.6.7.6 Onshore Cultural Heritage - GPA3 Exercise and Technical Note - Onshore Project Area [APP-165], eight Grade II and II* listed building were scoped into detailed assessment effects arising from the Onshore ECC and OnSS in the 6.3.7 Archaeology and Cultural Heritage [APP-089] chapter of the ES.</p> <p>The assessment of the potential impact on these assets is included 6.3.7 Archaeology and Cultural Heritage [APP-089], and a summary presented in Table 7.12 of the same document.</p>

Ref	Relevant representation comment	Applicant's responses
JS-RR06	<p>It should also be fairly considered that the substation for this project is one of at least 3 more very large substations proposed for this very small focused rural area and the cumulative impact of all these schemes should not be ignored. These schemes would jointly create over 100 acres of very heavy industrial structures in what is currently farmland which will negatively impact the area for residents and wildlife for many decades to come.</p>	<p>The cumulative effects of the three substations (Five Estuaries, North Falls and National Grid East Anglia Connection) have been considered within relevant chapters and documents of the Application.</p> <p>The proximity of VE onshore substation to the North Falls onshore substation means that the majority of the cumulative interactions that will influence local landscape character and visual amenity will relate to these two projects. The cumulative assessment as set out in 6.3.2 Landscape and Visual Impact Assessment [APP-084], and accompanying visualisations present an appropriate level of detail to ascertain potential levels of cumulative effect. While, owing to its earlier stage in the planning process, there is a greater degree of uncertainty regarding the exact location and appearance of the National Grid Substation, this has been overcome by including a 3D box in the visualisations [APP-180 – APP-196], which marks the maximum physical extents that the national grid substation would occupy to ensure the 'worst-case cumulative scenario' is covered in the assessment. The visualisations also show that the extent to which the national grid substation will be visible simultaneously with VE and North Falls will be very limited and that despite the relative proximity, subtle variations in elevation combined with existing tree and hedgerow cover will limit intervisibility. The screening effect of the mitigation planting around the onshore substation would reduce significant cumulative effects to not significant following approximately 15 years of growth and would decrease incrementally throughout that period as the screening grows.</p> <p>Community and recreational facilities are assessed on the basis of the extent to which there are local community and commercial facilities in the area likely to be affected by the construction of the VE in terms of accessibility and changes to environmental amenity, summarised below with reference to the findings of the ES (Volume 6).</p> <p>These are summarised within Chapter 6.3.3 Socio-Economic, Tourism and Recreation [APP-085], which draws upon detailed, topic-specific assessments:</p> <ul style="list-style-type: none"> <li>&gt; 6.3.2 Landscape and Visual Impact Assessment [APP-084];</li> <li>&gt; 6.3.8 Traffic and Transport [APP-090];</li> <li>&gt; 6.3.9 Airborne Noise and Vibration [APP-091]; and</li> <li>&gt; 6.3.10 Air Quality [APP-092].</li> </ul> <p>The assessment concludes that while some local communities may experience change in multiple environmental effects, these are not likely to be significant in affecting the operation of community facilities and are not likely to be significant in EIA terms. However, in recognition of uncertainty, good practice has been secured in terms of construction management plans to maintain the operation and accessibility of community infrastructure (including PRoW) for example through an 9.25 Outline Public Access Management Plan [APP-258] and 9.24 Outline Construction Traffic Management Plan [APP-257]</p> <p>Overall, given the low to medium magnitude and sensitivity across individual PRoW receptors and when taking mitigation measures into account, the overall effect of the construction phase on community facilities, recreational facilities and routes is considered to be of minor adverse significance and not significant.</p>



Ref	Relevant representation comment	Applicant's responses
		Impacts on biodiversity are considered within 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086]. It is concluded that no significant impacts to wildlife will result from the cumulative impacts of the project in combination with other existing or planned projects. With the exception of impacts to corn bunting and skylark. After careful consideration of mitigation/ compensation for skylark and corn bunting within the Order Limits, residual significant effects remain at the local (skylark) and county (corn bunting) level. On the weight of the planning balance, the Applicant has decided not to mitigate for these species – see Section 2 for further detail of what is meant by planning balance.
JS-RR07	I strongly oppose this proposed scheme and would request that an offshore solution is taken. When looking at the proposed site plans for the OSS's the location for those for Northfalls and Five Estuaries look to be much bigger and closer to the closest residential properties than both of their initial representations. Given their proximity to 3 houses I'm not really convinced enough has been done to try to limit the impact these large OSS's will undoubtedly have on the homeowners with regards to the loss to quality of living, visual appearance, long term disruption during the construction or the undoubted loss of value to those homes if the scheme proceeds.	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.
JS-RR08	I also note the Northfalls visual assessment makes no evaluation as to the view point from Jennings Farm or Mulberry Lodge which seems an oversight given their immediate proximity. I can appreciate why a slightly higher density of trees look to be suggested around Normans Farm but given there is also Jennings Farm and Mulberry Lodge significantly affected would it not be better to plant the entirety of the field that is suggested to be returned to farmland as a woodland to give the best buffer available for all three properties? Given under the current proposal it will be relatively small area retained for agriculture, the benefit of a new woodland to these 3 homes and the habitat gain of a woodland for the area would seem to outweigh any loss to agriculture.	The Applicant's land agent has been in contact to provide the information and subsequently held a meeting with the land interest.

#### 6.14 JB FAIRLEY AND SON LIMITED [RR-051]

Ref	Relevant representation comment	Applicant's responses
JBF-RR01	This representation is submitted by [Redacted] the joint owner/ occupier of land located at Kings Farm CO13 0EW & land North East Tendring Road CO16 0AJ We have concerns for our farm land regarding the proposed project. Whilst we do not object to the electric cable proposal, we are disappointed with the lack of engagement shown by Dalcour Maclaren on various matters arising. We will have 3859.57 meters of cable route. This will have a significant impact on the efficiency of crop production. We have serious concerns about the reinstatement of drainage after the project & going forward. Soil structure/health issues This is a very brief outline of some of the concerns, and we reserve the right to make further/ additional representations in relation to five estuaries project proposals going forward.	<p>The Applicant and their appointed Team have met and are continuing to engage with the landowner to discuss and address concerns. The 5.1 Consultation Report [APP-031] sets out the framework for consultation and how this has been complied with in accordance with the Planning Act 2008.</p> <p>The Applicant notes these comments.</p> <p>The Applicant acknowledges the comments regarding the importance of agricultural land and practices. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land, along with other relevant factors, during the development of the Project see Document 6.3.5 Ground Conditions and Land Use [APP-087]. Proposed mitigation measures are detailed in Code of Construction Practice [APP-253].</p>

Ref	Relevant representation comment	Applicant's responses
		<p>The onshore ECC does route through areas of predominantly agricultural land. Whilst there will be a temporary impact upon agricultural land during the construction phase, the reinstatement of land above the buried cable will allow agricultural cultivation to recommence once the ducting has been installed. See Document 6.3.5 Ground Conditions and Land Use [APP-087]. Proposed mitigation measures are detailed in Code of Construction Practice [APP-253].</p> <p>Field drainage will be reinstated and the indicative minimum burial depth (from ground surface to the top of the cable ducting), will allow cultivation of land. Measures to reduce the impact of construction works on agricultural soils are included as part of the CoCP [APP-253].</p> <p>The Applicant will reinstate land post-construction, as confirmed in 9.21 Code of Construction Practice [APP-253].</p> <p>As set out in the 9.21 Code of Construction Practice [APP-253] a Soil Management Plan will be developed by the Principle Contractor. Section 4.1 of 9.21 Code of Construction Practice [APP-253] sets out the requirement for pre and post works soil surveys.</p> <p>The Applicant is committed to engaging with a drainage specialist to carry out surveys and advise on drainage systems both pre and post works.</p>

**6.15 JOANNA MANGHAM [RR-053]**

Ref	Relevant representation comment	Applicant's responses
JM-RR01	<p>My address is in the main proposed area of disruption. The works will be taking place no more than 100 metres from my home. My access will be completely blocked by this work. I work from home and the noise disruption will be detrimental to my work, my health not to mention everyday living for the years it will take to complete this work.</p>	<p>The Applicant notes as set out in the Obstacle Crossings Register [APP-129] the Applicant is committed to using trenchless crossing techniques to cross under the majority of roads including the road which accesses the IP's property. Therefore maintaining access to this property. The Applicant has assessed the impact the project will have on the road and transport networks in the areas surrounding this project. Details of these assessments can be viewed in the 6.3.8 Traffic and Transport Chapter of the Environmental Statement [APP-090]. Following these assessments the project has adopted mitigation measures based on worst-case parameters to provide a robust assessment.</p> <p>The Applicant's position with regards to the assessment and management of Traffic and Transport is set out in section 2 of this document.</p> <p>The Applicant will continue to liaise with the landowner to discuss and address all concerns.</p> <p>The Applicant has assessed the impacts of Noise and Dust during project construction. The assessments of the impacts can be found in the following documents: 6.3.9 Airborne Noise and Vibration [APP-091], 6.3.10 Air Quality [APP-092]. Control measures to minimise the impact of the project are set out in 9.21 Code of Construction Practice [APP-253].</p>

6.16 JOHN HUTLEY ON BEHALF OF HUTLEY FAMILY [RR-056]

Ref	Relevant representation comment	Applicant's responses
JHH-RR01	After meetings and discussions with main parties the main impact on our farm would be cables going across to our spinney/pond and digging up of our lane so therefore we want cables to go under our lane and then to go to the left of spinney/pond.	The Applicant is pleased to have completed the Heads of Terms agreement with the affected party. The Applicant notes these comments and will continue to engage with the land interest to discuss and address all concerns.

6.17 JOHN JIGGENS [RR-057]

Ref	Relevant representation comment	Applicant's responses
JJ-RR01	The effect of the whole project on myself, my family and my business. We farm at Horsley cross, the cable cuts our farm literally in half, they also want compounds on our land. I have built the business up growing high value root crops, storing them at the above address. Whatever they do the land affected will never perform as well as it does now, we also have the potential for development in the future, we are in the local plan and a neighbouring field is already being developed on.	The Applicant is pleased to have completed Heads of Terms with the affected party. The Applicant notes these comments and will continue to engage with the land interest to discuss and address concerns.

6.18 JUNE HILDA VARLEY [RR-058]

Ref	Relevant representation comment	Applicant's responses
JHV-RR01	I wish to comment on the potential and actual negative impacts on myself, my life, my home and related financial aspects, both as a local resident and one whose garden will be directly affected by the works involved. I will submit more detailed comments of these impacts once my registration of interest has been completed.	The Applicant is pleased to have completed Heads of Terms with the affected party. The Applicant also notes these comments and will continue to engage with the land interest to discuss and address concerns.

6.19 KATE HODGKISS [RR-060]

Ref	Relevant representation comment	Applicant's responses
KH-RR01	I object to the Five Estuaries Offshore Wind Farm Project. It will have a negative impact on me, my family, my home, the village of Little Bromley where I live and on people and the environment along the entire proposed route from the point of landfall until the point of substation connection. The land-take requirements for substation construction, cable trenching, associated infrastructure (including storage and equipment compounds, road widening schemes and haul roads), not just in relation to the Five Estuaries project but also similar from North Falls, National Grid and others, is enormous and unnecessary when off-shore infrastructure is not only possible but a cheaper, better and future-proof alternative. This is not a "NIMBY" response...rather an objection to a project that is a rushed attempt to meet a net-zero target. What such a project would certainly achieve is destruction of our precious and finite countryside forever and on an unimaginable scale – it is neither "green" or environmentally conscious. The following is a no-where near exhaustive list of the negative impact of the Five Estuaries project:	Please see response to Relevant Representation submitted by Graeme Knott [RR-038] GK-RR01.

Ref	Relevant representation comment	Applicant's responses
	<ul style="list-style-type: none"> <li>- Destruction of habitats: Removal of established trees (some subject to TPO) and hedgerows (more than 30 years old) – even with “replacement”, it is very unlikely that the gap caused by the original loss will ever be filled...even in tens of years' time. Who is going to ensure those replacement trees/hedge plants are protected for the next 10, 20, 50, 100+ years to ensure that they ever reach the same proportions and provide the same rich habitats as those that have been felled?</li> <li>- Potential impact on water tables and well water in Little Bromley and many other locations along the route (our property like many others relies entirely on well water).</li> <li>- Adverse impact on the area's rich wildlife including barn owls, buzzards, little owls, bats, insects, unusual moth species and many birds.</li> <li>- Dust from earthworks particularly in the dry summer months which could impact the enjoyment of those living nearby or visiting the area (gardens, walkers, runners, cyclists). Dust would also result in the reduction in solar collection via our PV array (solar panels).</li> <li>- Reduction of in the availability of rich arable land for growing crops and feeding the nation.</li> <li>- Huge concern over increased heavy, noisy and polluting works traffic (including more than 400 HGV movements daily along Bentley Road on which our property is situated). Bentley Road is used by pedestrians, cyclists, dogwalkers and horseriders. Little Bromley has few pavements or footpaths so increased heavy traffic could have a big impact on safety.</li> <li>- Disturbance of existing structures and foundations - our house, as well as other older-constructed houses in the locality with limited foundations may be susceptible to damage from heavy plant and machinery movements including along Bentley Road and Shop Road.</li> <li>- Negative impact on local business...not only will it be more difficult as a result of works traffic and traffic management to get to/from Little Bromley but if there is noise, dust and general disruption, people are likely to choose to frequent equivalent businesses in other locations (the village pub for example will be impacted and as Little Bromley only has the one pub and no village hall or other meeting place, any loss or reduction of this amenity would be a huge blow to the village).</li> <li>- Loss of tourism. - Permanent change to the character of the village and surrounding roads – Little Bromley is a small village and the roads leading into/out of it are in keeping with that and the countryside in which it sits. The current nature of the road naturally helps with traffic calming and speeds thereby making it safer and quieter – any widening or straightening of Bentley Road could have the opposite effect. An offshore integrated grid is what is needed, not a piecemeal approach by a number of entities including Five Estuaries in respect of an onshore project which is a poor attempt to rush through a solution which is environmentally destructive and is neither fit for today let alone tomorrow.</li> </ul>	

**6.20 MARK SANGWINE [RR-072]**

Ref	Relevant representation comment	Applicant's responses
MS-RR01	<p>I support the project overall but I want to be clear about the plans and possible impacts to the area that may see an increase in vehicles to the area and disruption to the people in the local area. I also have questions around the impact of the work that will happen with regards to flooding.</p>	<p>The Applicant welcomes your support of the project in general.</p> <p>The Applicant's position with regards to the assessment and management of Traffic and Transport is set out in section 2 of this document. With regard to flooding, Flood Risk Assessments have been developed for the project (6.3.6 Hydrology, Hydrogeology and Flood Risk [APP-088], 5.3.1 Flood Risk Assessment Export Cable Corridor [APP-038] and 5.3.2 Flood Risk Assessment Onshore Substation [APP-039]. The project has been designed with these assessments in mind and appropriate measures implemented to ensure safe operation and discharge rates for the lifetime of the project.</p>



6.21 MARY COOPER [RR-073]

Ref	Relevant representation comment	Applicant's responses
MC-RR01	<p>So my concerns are as follows we have a shoot on the which it will disrupt. Well water is at the house and yard . We have the cable and haul road going over the fields which will be a big inconvenience for farming and once you are finished the land will never go back the same as it was. The increase in traffic movement along Bentley road and past the farm will be great inconvenience and also the widening of the road will be taking out old and mature trees and hedges. The use of joint bays and link boxes in the fields will be a big inconvenience in farming operations and the cable needs to be at least 1.2 meters deep.</p>	<p>The Applicant is aware of the sporting agreements and any losses incurred during the construction phase will be subject to compensation.</p> <p>The Applicant's position with regards to the assessment and management of Traffic and Transport is set out in section 2 of this document.</p> <p>The Applicant has assessed the impact of the vegetation and tree removal road, as part of the road widening works along Bentley Road. As part of this assessment mitigation measures have been considered including tree protection for trees in close proximity for areas of construction, setting Order Limits which minimise potential impact and replanting of trees following the construction works. Further detail on this is set out in 9.22.1 Arboricultural Report [APP-255).</p> <p>The Applicant is aware that there are a substantial number of properties in the area who rely on well water or boreholes. Water testing is currently being carried out in the area at these properties to establish a baseline dataset.</p> <p>The Applicant notes the concerns about joint bays and link boxes and will look where possible to work with landowners to site sensitively any above ground infrastructure during detailed design.</p> <p>Table 1.3 of 6.3.1 Onshore Project Description [AS-004] sets out maximum design scenario for the onshore export cable.</p>

6.22 MR STEPHEN MARTIN [RR-074]

Ref	Relevant representation comment	Applicant's responses
SM-RR01	<p>Going by the map (scale very small) it looks like traffic could be using the road to our house. The road is already developing sink holes from the very small amount of traffic it currently had (no through road). The area directly opposite my house is also circled in red. I don't want to be looking out at a work yard. Myself and my wife also run our own businesses from home and do not want to be adversely compromised by this project. We also have the house on the market - what affect is this going to have on our ability to sell?</p>	<p>The Applicant's position with regards to concerns regarding potential impacts on property values is set out in section 2 of this document.</p> <p>Should beach access be required VE construction traffic would use the Holland Haven Country Park access and then Manor Way to access the Beach Works TCC.</p> <p>9.24 Outline Construction Traffic Management Plan [APP-257] sets out the measures to be implemented during construction. The CTMP will include measures to ensure the safety of users of Manor Way should this be used during construction. 9.24 Outline Construction Traffic Management Plan [APP-257] includes commitments for monitoring of the condition of the highway and to undertake repairs if necessary.</p> <p>The Applicant notes the land interest's comments and will engage with the land interest.</p>

6.23 MRS MARIA MARTIN [RR-075]

Ref	Relevant representation comment	Applicant's responses
MM-RR01	Going by the map (scale very small) it looks like traffic could be using the road to our house. The road is already developing sink holes from the very small amount of traffic it currently had (no through road). The area directly opposite my house is also circled in red. I don't want to be looking out at a work yard.	Please see response to Relevant Representation submitted by Stephen Martin SM-RR01.

6.24 ORWELL HOUSING ASSOCIATION LIMITED [RR-086]

Ref	Relevant representation comment	Applicant's responses
OHA-RR01	The project appears to affect a property owned by the Association and is the home of customers with support needs. We would like further information on how this will impact our customers and affect our property asset.	The Applicant notes the land interest's comments and will engage with the land interest to discuss the concerns.

6.25 PAUL WHITTLE [RR-087]

Ref	Relevant representation comment	Applicant's responses
PW-RR01	I object to the proposal to bring the power from the Five Estuaries wind farm ashore at Holland Haven and from there to the proposed substation at Ardleigh/Little Bromley. This brings severe harm to the environment, communities, landscapes and heritage of East Anglia and particular harm to Ardleigh where we live immediately adjacent to the National Grid substation and within one mile of the Five Estuaries/North Falls/Tarchon substations. Alternatives such as a fully integrated offshore grid or HVDC from Norwich to Tilbury and undergrounding all cables connecting to the National Grid substation have not been presented for consultation. The Five Estuaries substation is sited, presumably of necessity, close to the National Grid substation. As a result our Grade 2 listed historic property is immediately adjacent to the National Grid substation and our "online" property is blighted. If Five Estuaries can move their proposed substation site some 300 metres further east it would give National Grid an opportunity to similarly move their site 300 metres east, and provide us with some mitigation from the noise and other consequences of having two runs of 400kV electricity passing within 20 metres of our property.	<p>The Applicant notes these concerns. The Environmental Statement submitted as part of the application sets out how the Applicant has assessed and sought to avoid, reduce or mitigate potential environmental impacts related to the project. The 6.1.5 Non-Technical Summary [APP-67] summarises this.</p> <p>The 6.1.4 Site Selection and Alternatives chapter [APP-066] provides a description of the site selection process and the approach undertaken by the Applicant to refine the design of the proposed Five Estuaries Offshore Wind Farm project, including refinement for Environmental Statement (ES) Assessment and DCO application. Sections 4.14.58 to 4.14.66 of the 6.1.4 Site Selection and Alternatives chapter [APP-066] in particular describe the refinement in relation to the onshore substation site and location, including orientation and arrangement options</p> <p>With regards to the proposed connection to the East Anglia Connection Node Substation and the possibility of an offshore connection, these issues are addressed in section 2 of this document.</p>

6.26 ROBERT FAIRLEY [RR-092]

Ref	Relevant representation comment	Applicant's responses
RF-RR01	I have serious concerns regarding this development as I feel it will have a devastating effect on the rest of my life. I was expecting to spend the rest of my life at Normans Farm. However, I feel the impact of this project will have a dramatically change the quality of my	The Applicant notes the interested party' concerns and will continue to engage with him to seek to address concerns.

Ref	Relevant representation comment	Applicant's responses
	<p>life and force me to give up my business and my family home. The close proximity of the substations and their size to my home, on top of the latest information to come out about the widening of the country road which goes past our house (at present is 2 and half metres wide but going to be widened to over 5 metres wide) and a dramatic increase in traffic all make living in our home [Redacted] untenable. The increase in traffic here and on the Bentley Road in Lt Bromley, will have a big impact on our farming operations at all times of year but particularly at busy times eg harvest. The laying of the cable will have a big impact on farming operations on the fields its going through, with many fields cut in half making smaller parts to the field, therefore rendering them unmanageable. The depth of the cable needs to be at least 1.2 metres from the surface for us to farm the land after you have finished. The placement of the joint bays and link boxes above ground will also be a big hindrance to have to farm around, with a 40 metre easement, both projects with restrictions with what we can do on top of them, on our land which we now theoretically we do not own. With the haul road being on top the cable route with the amount of heavy traffic using this road I can see how the soil structure on this route will ever get back to normal. The loss of yield will mean profit from any future cropping on top of cable route will decrease dramatically. With all these implications, the decrease in value of our farm, including house and farm buildings, will be catastrophic for us as a business and therefore as a family. I am sure I have missed some points but I will try add them as we go forward. I am devastated by the whole project, not just what it means to us as a family but also with the impact it will have on a quiet, rural and unspoilt area of the countryside. I am convinced there must be better options for the environment and countryside e.g. offshore</p>	<p>The concerns about the proximity of the substation and the route selection are noted. The 6.1.4 Site Selection and Alternatives chapter [APP-066] provides a description of the site selection process and the approach undertaken by the Applicant to refine the design of the proposed Five Estuaries Offshore Wind Farm project, including refinement for Environmental Statement (ES) Assessment and DCO application. Sections 4.14.58 to 4.14.66 of the 6.1.4 Site Selection and Alternatives chapter [APP-066] in particular describe the refinement in relation to the onshore substation site and location, including orientation and arrangement options.</p> <p>The Applicant's position with regards to the assessment and management of Traffic and Transport is set out in Section 2 of this document. The Applicant acknowledges the comments regarding the importance of agricultural land and practices. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land, along with other relevant factors, during the development of the Project. Proposed mitigation measures are detailed in the 9.21 Code of Construction Practice [APP-253]. The measures include the appointment of an Agricultural Liaison Officer (ALO) to provide a point of contact for landowners and occupiers during construction. The ALO will be available to discuss practical issues that might arise. The ALO will also ensure that information on existing agricultural management and land conditions is obtained, recorded and verified by way of a pre-construction condition and will undertake site inspections during construction to monitor working practices and ensure landowners' and occupiers' reasonable requirements are fulfilled. The ALO will also ensure reinstatement measures are undertaken following the completion of the works.</p> <p>As set out in the 9.21 Code of Construction Practice [APP-253] a Soil Management Plan will be developed by the Principal Contractor. Section 4.1 of document APP-253 sets out the requirement for pre and post works soil surveys.</p> <p>Where possible and preferred by landowners, access will be maintained to severed land for the purpose of continued farming or maintenance.</p> <p>The Applicant notes the concerns about joint bays and link boxes and will look where possible to work with landowners to site sensitively any above ground infrastructure during detailed design.</p> <p>As set out in 6.3.1 Onshore Project Description [APP-083] the minimum soil cover above the warning tape or tiles will be 0.9m.</p> <p>An evidenced loss of yield due to the works will be compensated through a crop loss claim in line with the various legislation which makes up the 'Compensation Code'.</p> <p>The Applicant notes the comments relating to the importance of agricultural land. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land along with all other relevant factors when developing the Project.</p>

6.27 ROBERT WATSON HENDRIE FAIRLEY [RR-093]

Ref	Topic	Relevant representation comment	Applicant's responses
RWH-RR01		I am not happy with you plans for these cables coming through my farm it will seriously impact on farming operations. With a compound yard and increase in traffic. The cable needs to be at least 1.2 meters deep the junction boxes if not deep underground will be a big hindrance to farm around in the future. Once the cables are done it will take a long while for the ground to get back to normal. The 40 metre easement on top of these cables will be a hindrance for any thing we want to do in the future. We have a car [boot] sale on your proposed route next to Clacton Road this will mean we will not be able to continue. We have horses on the farm during the construction it will restrict the area we can exercise them. As you can well understand we are not happy with your proposal to put these cables through the farm with the impact it will have	<p>Table 1.3 of 6.3.1 Onshore Project Description [AS-004] sets out maximum design scenario for the onshore export cable. As set out in the Code of Construction Practice [APP-253] a Soil Management Plan will be developed by the Contractor. Section 4.1 of document APP-253 sets out the requirement for pre and post works soil surveys.</p> <p>The Applicant's land agent has liaised with the interested party's agent on the point of the car boot sale. It was requested by the interested party that the compound was moved off the adjoining arable field and completely onto the field used for the car boot sale. Justification was provided by the Applicant as to why the compound was located where it was.</p>

6.28 SANDRA PAYNE [RR-096]

Ref	Relevant representation comment	Applicant's responses
SP-RR01	Massive impact on our wild life which is dwindling due to the amount of house building this will have a massive impact on future generations ugly pylons on the landscape huge machinery roads effected by machinery construction sites there must be a better way we have a ocean around the UK wind farms cables on the sea bed problem the government getting there brown envelopes they don't have to live with these things in there back yard	<p>The Five Estuaries project does not include any pylons.</p> <p>The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.</p>

6.29 SARAH LODGE [RR-097]

Ref	Relevant representation comment	Applicant's responses
SL-RR01	<p>As a local resident, I'm so enraged that I don't really know where to start with feeding back my views on this scheme, so let's start with this....if this proposal from Five Estuaries goes ahead, it will permanently destroy the lovely village we live in and the local area, and essentially ruin the quality of life and in some cases, the livelihoods, of so many people.</p> <p>It's not an understatement to say that the overall impact on the village and it's residents will be devastating. We moved here 14 years ago to live in the peace and quiet and beautiful surroundings of a small village, and this will abruptly come to an end with the arrival of huge upheaval caused by road widening works, compounds, scars on the landscape from huge trenches, access roads, hundreds of HGVs a day passing by, and a huge new substation within a short distance of our home.</p> <p>We will be blighted by noise pollution, dust, light pollution, plummeting house values, and disruption to our everyday lives. Some works are planned for directly opposite our house and will be in full view from our lounge window. People in the village wanting to move are already</p>	<p>The Applicant is cognisant and sympathetic to any disruption that may be caused by the project. The majority of impacts will be related to the temporary construction phase with respect to increased traffic flows, noise, dust and light and alteration to the existing road network (including loss of trees, hedgerows, proposed new haul road and permanent improvements to Bentley Road for safe access).</p> <p>The Applicant's position with regards to the assessment and management of Traffic and Transport is set out in Section 2 of this document.. A central haul road is proposed to remove traffic from local roads so far as practical. To facilitate this in a safe manner, it is proposed that Bentley Road widening works are undertaken by the project for safe passing and entry/exit of HGVs from/to the A120 through construction. Public rights of way will be maintained through construction.</p> <p>Impacts relating to increased noise and dust are assessed in 6.3.9 Airborne Noise and Vibration [APP-091] and 6.3.10 Air Quality [APP-092]. Appropriate measures have been</p>



Ref	Relevant representation comment	Applicant's responses
	<p>finding it difficult to sell their homes with this project looming over us, and if it hasn't already, it will undoubtedly cause the value of our property to plummet.</p> <p>The proposed widening of Bentley Road will cause us noise pollution, air pollution, be a horrible visual eyesore and be an absolute nightmare to navigate to and from the A120 whilst trying to go about our daily lives. Not only that, Five Estuaries say they'll try and retain trees where necessary, I doubt very much that they'll actually give two hoots about felling anything that gets in their way when they're busy destroying our village with access roads, and massive trenches. I also have no doubt that they'll grub up all the hedgerows, some of which have only recently been planted, thereby destroying the natural beauty of the area and damaging the local ecosystems.</p> <p>In winter our village has often been cut off by drifting snow when it falls heavily, and all the new hedges were in part planted to help ease this problem in future by protecting the road from drifting snow being blown from across the fields. Wildlife clearly means nothing to big companies like Five Estuaries either. The animals, birds and insects who use the hedgerows for shelter and food can't defend themselves, so they'll just trample over and destroy their environment too, just like they're proposing to do to ours. Traffic visibility splays will also diminish what little greenery is left, despite the fact that most lorry cabs will be much higher than the current hedge levels.</p> <p>The storage compounds proposed will be an ugly, noisy eyesore for all residents and with lorries constantly travelling along the local roads, the many older homes without proper foundations, which include our local pub, and Grade I listed church will suffer from vibration damage. The lorries will be an unwelcome danger whether the roads are widened or not. We see it all too frequently with the few lorries that travel along the road through the village now....often speeding, not familiar with the local area, and unconcerned with the safety of pedestrians walking their dogs, cyclists, or other road users. Their attitude is that 'I'm bigger than you so you should give way'. This will be 10000% times worse with the quantity of traffic that's being proposed using Bentley Road and the access roads.</p>	<p>developed to mitigate for temporary increases in noise and dust through construction (primarily) and operation. The full range of mitigation is included in 9.21 Code of Construction Practice [APP-253].</p> <p>The Applicant's position with regards to concerns regarding potential impacts on property values is set out in section 2 of this document.</p> <p>The impact to local nature is assessed in 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] and appropriate measures are proposed to mitigate impacts from construction (primarily) and operation. Existing trees and hedgerows will be avoided so far as practical by routing around and/or passing the cables under using trenchless crossing techniques such as Horizontal Directional Drilling. Once construction is complete, land will be made good and returned to its prior condition along the export cable corridor and temporary haul road. Habitats surrounding the onshore substation and export cable corridor will be enhanced following the principles of Biodiversity Net Gain, as detailed in 9.22 Outline Landscape and Ecological Management Plan [APP-254]. This will include planting new trees (which will also screen the substation visually), providing new water features and invertebrate habitats to increase biodiversity in the local area.</p>
SL-RR02	<p>And if all this isn't enough Five Estuaries, along with North Falls and Tarchon now want more land to massively increase the size of the substation. The bigger this gets, the more it's going to visually impact the countryside and the view from the homes that have the misfortune to be in the vicinity.</p>	<p>The proximity of VE onshore substation to the North Falls onshore substation means that the majority of the cumulative interactions that will influence local landscape character and visual amenity will relate to these two projects. The cumulative assessment as set out in 6.3.2 Landscape and Visual Impact Assessment [APP-084], and accompanying visualisations present an appropriate level of detail to ascertain potential levels of cumulative effect. While, owing to its earlier stage in the planning process, there is a greater degree of uncertainty regarding the exact location and appearance of the National Grid Substation, this has been overcome by including a 3D box in the visualisations [APP-180 – APP-196], which marks the maximum physical extents that the national grid substation would occupy to ensure the 'worst-case cumulative scenario is covered in the assessment. The visualisations also show that the extent to which the national grid substation will be visible simultaneously with VE and North Falls will be very limited and that despite the relative proximity, subtle variations in elevation combined with existing tree and hedgerow cover will limit intervisibility. The screening effect of the mitigation planting around the onshore substation would reduce significant cumulative effects to not significant following approximately 15 years of growth and would decrease incrementally throughout that period as the screening grows.</p>

Ref	Relevant representation comment	Applicant's responses
SL-RR03	What about the impact on the local farmers, whose grade I agricultural land will be compulsory purchased? Their livelihoods are already in limbo, their land has already been scarred by test trenches, and its value has already dropped. If the scheme goes ahead, land will be forcibly taken from them thereby reducing their yield, and where underground cables have been buried and where construction traffic has been constantly compacting it, the ground will never recover to the quality it was before. This will reduce the yields from the fields even more, thereby reducing the farmers income even further.	The Applicant will work with affected parties to mitigate the impact to land through the construction activities and ensure appropriate reinstatement is carried out. All affected landowners are able to ensure mitigated losses re recovered through the compensations provisions within our agreements.
SL-RR04	Where is this going to end? The mental torment and stress of having this project hanging over us is already starting to take its toll. It will only get worse. Where is the consideration for our human rights? All I see in the consultation packs we receive is 'this is why we came to this conclusion about where we're going to put these cables/compounds/access roads/pylons' and it's generally all about the cost. There's nothing relating to how this is all going to negatively affect the lives of actual human beings and why they thought it was a good idea to destroy our village, our environment and our lives.	The Applicant's position with regards to the impact of the project on mental well being and human rights is addressed in response to James Lodge, specifically in response JL-RR01 above.
SL-RR05	To whoever you are reading this....how would you feel if this was happening near your home? I suspect you'd have similar feelings to me and the rest of the residents of Little Bromley. Basically they say money is the reason that they won't take this project offshore where it belongs. Have they actually asked the end consumers if they'd mind paying more long term to make the offshore option viable? I certainly haven't seen anything to this effect, and would gladly pay more if it meant our village and the local area stayed exactly as it is now! Rest assured we will continue to fight the battle to stop this scheme to the very end, so please do the right thing...refuse planning for this awful scheme and encourage Five Estuaries to reconsider the offshore option without delay.	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.

### 6.30 SIMON HUTLEY ON BEHALF OF HUTLEY FAMILY [RR-102]

Ref	Relevant representation comment	Applicant's responses
SHH-RR01	The main impact is where the cables will go across our family farm they need to go underneath our private lane and to the left of our spinney/pond this will mean they are further away from our farm buildings and our private homes and away from an area where we have future plans to increase income for family farm.	The Applicant is pleased to have completed Heads of Terms with the affected party. The Applicant notes the land interest's' comments and will continue to engage with the land interest to discuss and address concerns.

### 6.31 STEPHEN MANGHAM [RR-105]

Ref	Relevant representation comment	Applicant's responses
SMG-RR01	My address will have a trench run through the field in front of the property with the farm tracks been used for access for heavy machinery involved in the project. The noise from heavy plant will be hugely impactful as my wife works from home. The proposal also involves digging up the farm track to our property. This will severely limit our access and is	The Applicant has assessed the impacts of Noise and Dust during project construction. The assessments of the impacts can be found in the following chapters of the Environmental Statement; 6.3.9 Airborne Noise and Vibration [APP-091] and 6.3.10 Air

Ref	Relevant representation comment	Applicant's responses
	the route our children walk to school. The agricultural land that is currently farmed will be dug up, putting this land out of use at a time the U.K. looking to stabilise its food security.	<p>Quality [APP-092]. The Applicant has adopted worst-case parameters to provide a robust assessment.</p> <p>The Applicant's position with regards to the assessment and management of Traffic and Transport is set out in Section 2 of this document. As set out in the 6.5.11.1 Obstacle Crossings Register [APP-129] the Applicant intends to drill under Lodge Lane, therefore maintaining access to this property. The Applicant has assessed the impact of the project on the Public Rights of Way (PRoW) network and has proposed mitigation measures to minimise the temporary disruptions to the users of the PRoW. These mitigation measures are outlined in 9.25 Outline Public Access Management Plan [APP-258].</p> <p>The Applicant acknowledges the comments regarding the importance of agricultural land and practices. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land, along with other relevant factors, during the development of the Project, see Document 6.3.5 Ground Conditions and Land Use [APP-087]. Proposed mitigation measures are detailed in 9.21 Code of Construction Practice [APP-253].</p>
SMG-RR02	Tendring is a small village so the impact of the work will be much more noticeable to its residents. Whilst I fully understand the need for critical infrastructure and support renewable energy, an alternative route for the cabling out at sea and along the coast looks to have less impact on the environment and local population.	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.

### 6.32 STRUTT & PARKER FARMS [PD3-004]

Ref	Relevant representation comment	Applicant's responses
S&P-RR01	<p>My clients are significantly affected by the proposals both from a point of view of affecting their agricultural operations but also impact on a large scale residential development proposed which in parts conflicts with the proposed cable route.</p> <p>I appreciate that this is a bit late, but given the severity of the impact on my clients, we wish to be registered as an interested party.</p> <p>We have comments that we wish to raise in particular regarding:</p> <ol style="list-style-type: none"> <li>1. Drainage</li> <li>2. Impact on soil and agricultural land</li> <li>3. Access routes and the need to mitigate land take</li> <li>4. The impact of the development on the proposed residential development and conflicts arising. The proposal could lead to a reduction in housing as a result and we believe that compromises could be achieved that enables both developments to progress.</li> </ol> <p>Please can you consider our representation and add us to the interested party.</p>	<p>The Applicant's land agents (Dalcour Maclaren) have been engaging with the landowner's appointed agent. Most recently meeting on the 10<sup>th</sup> May and 31<sup>st</sup> May 2024 to discuss Heads of Terms. The Applicant will continue to engage on the issues identified, including the residential development proposal.</p> <p>The Applicant has assessed the impacts of the proposed infrastructure on agricultural land, along with other relevant factors, during the development of the Project, see Document 6.3.5 Ground Conditions and Land Use [APP-087]. Proposed mitigation measures are detailed in 9.21 Code of Construction Practice [APP-253].</p> <p>The Applicant is committed to working alongside the land interest to maintain access during the construction period to ensure farming practices and the management of land can continue.</p> <p>Where possible and preferred by landowners, access will be maintained to severed land for the purpose of continued farming or maintenance. The Applicant is committed to engaging with a drainage specialist to carry out surveys and advise on drainage systems both pre and post works ahead of construction. The Applicant and an Agricultural Liaison Officer (ALO) appointed for the</p>

Ref	Relevant representation comment	Applicant's responses
		<p>Applicant will meet with affected parties to ensure appropriate accommodation works are put in place to mitigate the impact on the affected parties.</p> <p>The Applicant notes the comments relating to the importance of agricultural land and properties in close proximity to the project. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land and properties along with all other relevant factors when developing the Project.</p> <p>In response to point 2, as set out in the 9.21 Code of Construction Practice [APP-253] a Soil Management Plan (SMP) will be developed by the Principal Contractor. In order to minimise potential damage to soil structure, biology, and fertility, the applicant will implement several key practices through the SMP. This plan includes limiting the area of disturbance and scheduling work during dry conditions to reduce soil compaction, protecting sensitive areas with ground coverings or temporary access roads, and carefully removing, storing, and replacing topsoil separately from subsoil, with amounts recorded through a soil resource budget. Erosion control measures will be utilised to prevent soil runoff during removal, storage and restoration. To further preserve soil health, contractors will be familiar with and trained in soil conservation practices, and construction activities will be closely supervised.</p> <p>The predevelopment condition of the agricultural land and soil condition will be recorded by way of detailed pre-construction soil condition surveys and intrusive soil survey trial pits to identify and describe the physical and nutrient characteristics of the existing soil profiles. Pre-development assessment will include soil testing to establish a baseline for soil health and fertility.</p> <p>On completion of construction, the principal contractor will ensure that information on soil/land conditions is obtained and verified through a detailed post-construction soil condition survey. Post-development assessment will include soil testing to ensure that restoration efforts are effective in maintaining the soil health. In discussion with landowners the contractor will remedy any loss of nutrients according to best practice guidance at the time of works completion.</p> <p>With regard to the potential interaction with the proposed residential development The Applicant remains committed in engaging with the landowner to reach a voluntary agreement. The Applicant notes that the development is in the pre-planning concept phase and detailed plans have not yet been provided.</p>

**6.33 T & R FAIRLEY FARMING PARTNERSHIP [RR-108]**

Ref	Relevant representation comment	Applicant's responses
TRF-RR01	<p>This representation is submitted by Thomas Fairley, on behalf of T &amp; R Fairley Farming Partnership, occupiers of land owned by T Fairley &amp; Sons Ltd, R Fairley Ltd, and M Cooper. The land is located between Horsley Cross and Little Bromley and is affected by both the proposed onshore cable corridor route and the proposed substation location. Outlined below are a number of principal matters of concern which have not been satisfactorily addressed by the Applicant, and which therefore result in us being opposed to the application in so far as it affects our land and business. It must be noted that our Property and the wider area is not only to be affected by this proposed Project, but also the similar North Falls scheme and the</p>	<p>The Applicant notes the land interest's concerns and will continue to engage with the land interest to address these concerns.</p> <p>The Applicant is committed to working alongside the land interest to maintain access during the construction period to ensure farming practices and the management of land can continue.</p> <p>Where possible and preferred by landowners, access will be maintained to severed land for the purpose of continued farming or maintenance. The Applicant is committed to engaging with a drainage specialist to carry out surveys and advise on drainage systems both pre and post works ahead of</p>



Ref	Relevant representation comment	Applicant's responses
	<p>National Grid Norwich to Tilbury Pylon/Substation scheme whose DCO applications are yet to be submitted.</p> <p>With respect to the physicality's of the project itself, the scheme will have a significant impact on our farming business and our Property comprising land at Abbots Hall, New Hall, Braham Hall and Normans Farm to which Five Estuaries and their agents, have not given due consideration or engaged with us suitably on. Key areas of concern include;</p> <ul style="list-style-type: none"> <li>• The maintenance of existing agricultural field accesses, together with the careful management of accesses where shared use is proposed.</li> <li>• Severance of existing fields, field drainage schemes, the irrigation system and water abstraction boreholes. Five Estuaries, nor their agents and contractors employed to date, have given us any confidence in their ability to appropriately deal with these issues going forwards.</li> <li>• The excessive area of freehold acquisition in land for the substation and little clarity on what, if any, will be handed back. We are concerned that where land is acquired on a temporary basis and it is only determined at a later stage exactly what will be returned to us, an approach which we are aware of other projects trying to take, this prevents us from making meaningful plans for the future of our business and leaves us in a state of limbo, unnecessarily prolonging the disruption to our work and the mental difficulties the uncertainty creates. The proposed land take from our business for the two substations, is circa 75 acres, this acreage will have a significant impact on our margins, at a time when economies of scale are already so important to profitable farming businesses. Five Estuaries have not given any consideration to the fact that we cannot simply replace this land and that this loss may result in the business not being able to sustain the [Redacted] families it currently supports. r• The destruction of prime arable farmland and a complete transformation of the character of the area as a result of the proposed location for the substation. The land is predominantly Grade 1, irrigable farmland with a flat topography meaning the substation will not only destroy some of the best arable land in the country, but will also be visually intrusive for the whole of the surrounding area. n• The setting of our retained residential dwelling will be unrecognisable, cited immediately adjacent to the substation, and extinguishing its value. We are concerned about the potential health implications, both physical and mental, of living in such close proximity to the substation. No understanding has been shown by Five Estuaries for the potential uprooting of an entire family from their home as a result of their project. n• The permanent acquisition of land for the provision of environmental mitigation works in connection with the project. This will potentially result in the loss of further Grade 1 land that could be mitigated for elsewhere on less productive land.</li> <li>• The implementation of utility / diversion works in respect of which the specific works, programme and period of temporary possession remains unclear. Throughout the Applicants consultation process, we have found engagement with not only ourselves but other local land owners, affected persons and the wider community, to be inconsistent, insincere, and at times insulting. a• Collaboration</li> </ul>	<p>construction. The Applicant and an Agricultural Liaison Officer (ALO) appointed for the Applicant will meet with affected parties to ensure appropriate accommodation works are put in place to mitigate the impact on the affected parties.</p> <p>The Applicant's agents have met with the land interest's since this submission with further plans to provide greater clarity on the land impacted and the screening proposals for the area.</p> <p>The Applicant notes the comments relating to the importance of agricultural land and properties in close proximity to the project. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land and properties along with all other relevant factors when developing the Project.</p> <p>In reference to the proposed onshore substation, the proposed infrastructure will be compliant with the Commission for Non Ionising Radiation Protection guidance that is inherently set to protect health.</p> <p>The land surrounding the substation that will be retained by the Project is predominantly to be used for landscaping, and to mitigate the impact on the property.</p> <p>As the Project progresses through detailed design any diversions will identified, designed and communicated. The Applicant remains committed to working with landowners impacted by such works.</p> <p>How the Applicant is working with North Falls is set out in 9.30 Coordination Document [APP-263].</p> <p>The Applicant and their appointed Team have met and are continuing to engage with the landowner to discuss and address concerns. The 5.1 Consultation Report [APP-031] sets out the framework for consultation and how this has been complied with in accordance with the Planning Act 2008.</p> <p>The Heads of Terms (HOTs) for the cable route were issued to the agent on 19th April 2023. The land interest's agent joined with others to form a Land Agents Group (LAG) to agree a template document. The document was therefore in circulation for twelve months prior to populated HOTs being issued to the land interest in April 2024, giving a total of fifteen months negotiation to date. The Applicant is still in active negotiation on these terms, therefore no commercial agreement has been reached. However, the Applicant remains positive that agreement can be reached here.</p>

Ref	Relevant representation comment	Applicant's responses
	<p>between this Five Estuaries Project and the North Falls Project remains unclear, particularly with regard to the phasing of each development. The staggered nature of the consultations for both Five Estuaries, North Falls and now the National Grid Norwich to Tilbury Scheme, coupled with the lack of cooperation between the relevant companies and understanding of the other projects, has resulted in significant confusion and consultation fatigue. This lack of coordination, means we do not have the full picture in order to fully understand the impact on our business and therefore we cannot come to any mutual agreement. In the last month, we have now been informed that if the two projects are not constructed at the same time, the final cable corridors will need to be wider to prevent an already laid cable being disturbed by the second project. Clearly we cannot be expected to sign any Heads of Terms or come to an agreement when the Applicant cannot provide conclusive details on their plans.</p> <ul style="list-style-type: none"> <li>• Meaningful engagement at land owner meetings and public consultation events has been poor with representatives often unable to answer questions, and failing to relay concerns/questions to the relevant individuals.</li> <li>• The Heads of Terms, which were only sent to us in April 2024, lack specific detail relating to our concerns listed above. Five Estuaries have presented a “take it or leave it” approach without any concern for the substantial impact that their proposals have on our business and property which we do not feel is fair or reasonable. We have been told by Five Estuaries’ representatives that the project has to be affordable to generate a profit for its shareholders hence they cannot pay the market rate for the land they wish to acquire, yet we have seen first-hand their blatant disregard to operate efficiently throughout their surveys and archaeological digs. Throughout the process we have been willing to engage with Five Estuaries however we have not received satisfactory engagement with our concerns, nor have we received a sensible offer that would allow for a mutual agreement. Given the cumulative impact of the three known associated projects on Little Bromley and the surrounding area, we do not feel it is appropriate or justified that this project should be assessed in isolation.</li> </ul>	
TRF-RR02	<p>This Five Estuaries project can only go ahead if the National Grid Norwich to Tilbury scheme sites its new substation at the proposed location adjacent to our land, the consultation process for the Norwich to Tilbury scheme has not yet finished and therefore it is our view that this application should not be given consideration until such time as the National Grid make their application and an outcome is reached. The interconnected nature of these schemes means they should be considered as a whole, in order for the cumulative impact to be appropriately assessed. We reserve our right to make further and/or additional representations in relation to the Five Estuaries project proposals, as detailed in the application, and trust that our concerns will be given due consideration by the planning inspectorate in their assessment.</p>	<p>The Applicant's position on this issue is set out in section 2 of this document.</p>

6.34 T FAIRLEY & SON'S LTD [RR-109]

Ref	Relevant representation comment	Applicant's responses
TFS-RR01	<p>This representation is submitted by Thomas Fairley, on behalf of T &amp; R Fairley Farming Partnership, occupiers of land owned by T Fairley &amp; Sons Ltd, R Fairley Ltd, and M Cooper. The land is located between Horsley Cross and Little Bromley and is affected by both the proposed onshore cable corridor route and the proposed substation location. Outlined below are a number of principal matters of concern which have not been satisfactorily addressed by the Applicant, and which therefore result in us being opposed to the application in so far as it affects our land and business. It must be noted that our Property and the wider area is not only to be affected by this proposed Project, but also the similar North Falls scheme and the National Grid Norwich to Tilbury Pylon/Substation scheme whose DCO applications are yet to be submitted. With respect to the physicality of the project itself, the scheme will have a significant impact on our farming business and our Property comprising land at Abbots Hall, New Hall, Braham Hall and Normans Farm to which Five Estuaries and their agents, have not given due consideration or engaged with us suitably on. Key areas of concern include;</p> <ul style="list-style-type: none"> <li>• The maintenance of existing agricultural field accesses, together with the careful management of accesses where shared use is proposed.</li> <li>• Severance of existing fields, field drainage schemes, the irrigation system and water abstraction boreholes. Five Estuaries, nor their agents and contractors employed to date, have given us any confidence in their ability to appropriately deal with these issues going forwards.</li> <li>• The excessive area of freehold acquisition in land for the substation and little clarity on what, if any, will be handed back. We are concerned that where land is acquired on a temporary basis and it is only determined at a later stage exactly what will be returned to us, an approach which we are aware of other projects trying to take, this prevents us from making meaningful plans for the future of our business and leaves us in a state of limbo, unnecessarily prolonging the disruption to our work and the mental difficulties the uncertainty creates. The proposed land take from our business for the two substations, is circa 75 acres, this acreage will have a significant impact on our margins, at a time when economies of scale are already so important to profitable farming businesses. Five Estuaries have not given any consideration to the fact that we cannot simply replace this land and that this loss may result in the business not being able to sustain the [Redacted] families it currently supports. r• The destruction of prime arable farmland and a complete transformation of the character of the area as a result of the proposed location for the substation. The land is predominantly Grade 1, irrigable farmland with a flat topography meaning the substation will not only destroy some of the best arable land in the country, but will also be visually intrusive for the whole of the surrounding area. n• The setting of our retained residential dwelling will be unrecognisable, cited immediately adjacent to the substation, and extinguishing its value. We are concerned about the potential health implications, both physical and mental, of living in such close proximity to the substation. No understanding has been shown by Five Estuaries for the potential uprooting of an entire family from their home as a result of their project. n• The permanent acquisition of land for the provision of environmental mitigation works in connection with the project. This will potentially result in the loss of further Grade 1 land that could be mitigated for elsewhere on less productive land.</li> <li>• The implementation of utility / diversion works in respect of which the specific works, programme and period of temporary possession remains unclear. Throughout the Applicants</li> </ul>	<p>The Applicant notes the land interest's concerns and will continue to engage with the land interest to address these concerns.</p> <p>The Applicant is committed to working alongside the land interest to maintain access during the construction period to ensure farming practices and the management of land can continue.</p> <p>Where possible and preferred by landowners, access will be maintained to severed land for the purpose of continued farming or maintenance. The Applicant is committed to engaging with a drainage specialist to carry out surveys and advise on drainage systems both pre and post works ahead of construction. The Applicant and an Agricultural Liaison Officer (ALO) appointed for the Applicant will meet with affected parties to ensure appropriate accommodation works are put in place to mitigate the impact on the affected parties.</p> <p>The Applicant's agents have met with the land interest since this submission with further plans to provide greater clarity on the land impacted and the screening proposals for the area.</p> <p>The Applicant notes the comments relating to the importance of agricultural land and properties in close proximity to the project. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land and properties along with all other relevant factors when developing the Project.</p> <p>In reference to the proposed onshore substation, the proposed infrastructure will be compliant with the Commission for Non Ionising Radiation Protection Guidance that is inherently set to protect health.</p> <p>As the Project progresses through detailed design any diversions will be identified, designed and communicated. The Applicant remains committed to working with landowners impacted by such works.</p> <p>How the Applicant is working with North Falls is set out in 9.30 Coordination Document [APP-263].</p> <p>The Applicant and their appointed Team have met and are continuing to engage with the landowner to discuss and address concerns. The Consultation Report 5.1 [APP-031] sets out the framework for consultation and how this has been complied with in accordance with the Planning Act 2008.</p> <p>The Heads of Terms (HOTs) for the cable route were issued to the agent on 19th April 2023. The land interest's agent joined with others to form a Land Agents Group (LAG) to agree a template document. The document was therefore in circulation for twelve months prior to populated HOTs being issued to the land interest in April 2024, giving a total of fifteen months negotiation to date. The Applicant is still in active negotiation on these terms, therefore no commercial agreement has been reached. However, the Applicant remains positive that agreement can be reached here.</p>

Ref	Relevant representation comment	Applicant's responses
	<p>consultation process, we have found engagement with not only ourselves but other local land owners, affected persons and the wider community, to be inconsistent, insincere, and at times insulting. a• Collaboration between this Five Estuaries Project and the North Falls Project remains unclear, particularly with regard to the phasing of each development. The staggered nature of the consultations for both Five Estuaries, North Falls and now the National Grid Norwich to Tilbury Scheme, coupled with the lack of cooperation between the relevant companies and understanding of the other projects, has resulted in significant confusion and consultation fatigue. This lack of coordination, means we do not have the full picture in order to fully understand the impact on our business and therefore we cannot come to any mutual agreement. In the last month, we have now been informed that if the two projects are not constructed at the same time, the final cable corridors will need to be wider to prevent an already laid cable being disturbed by the second project. Clearly we cannot be expected to sign any Heads of Terms or come to an agreement when the Applicant cannot provide conclusive details on their plans. a• Meaningful engagement at land owner meetings and public consultation events has been poor with representatives often unable to answer questions, and failing to relay concerns/questions to the relevant individuals.</p> <p>• The Heads of Terms, which were only sent to us in April 2024, lack specific detail relating to our concerns listed above. Five Estuaries have presented a “take it or leave it” approach without any concern for the substantial impact that their proposals have on our business and property which we do not feel is fair or reasonable. We have been told by Five Estuaries’ representatives that the project has to be affordable to generate a profit for its shareholders hence they cannot pay the market rate for the land they wish to acquire, yet we have seen first-hand their blatant disregard to operate efficiently throughout their surveys and archaeological digs. Throughout the process we have been willing to engage with Five Estuaries however we have not received satisfactory engagement with our concerns, nor have we received a sensible offer that would allow for a mutual agreement. Given the cumulative impact of the three known associated projects on Little Bromley and the surrounding area, we do not feel it is appropriate or justified that this project should be assessed in isolation. This Five Estuaries project can only go ahead if the National Grid Norwich to Tilbury scheme sites its new substation at the proposed location adjacent to our land, the consultation process for the Norwich to Tilbury scheme has not yet finished and therefore it is our view that this application should not be given consideration until such time as the National Grid make their application and an outcome is reached. The interconnected nature of these schemes means they should be considered as a whole, in order for the cumulative impact to be appropriately assessed. We reserve our right to make further and/or additional representations in relation to the Five Estuaries project proposals, as detailed in the application, and trust that our concerns will be given due consideration by the planning inspectorate in their assessment.</p>	



6.35 TRACY RAMPLING [RR-117]

Ref	Relevant representation comment	Applicant's responses
TRM-RR01	I am concerned about the degradation impact that the project may have on my residence which is a Grade II listed building	<p>Following an initial assessment presented within 6.6.7.6 Onshore Cultural Heritage - GPA3 Exercise and Technical Note - Onshore Project Area [APP-165], eight Grade II and II* listed building were scoped into detailed assessment effects arising from the Onshore ECC and OnSS in the 6.3.7 Archaeology and Cultural Heritage [APP-089] chapter of the ES.</p> <p>The assessment of the potential impact on these assets is included 6.3.7 Archaeology and Cultural Heritage [APP-089], and a summary presented in Table 7.12 of the same document. The Applicant intends to engage with the land interest on this matter.</p>

6.36 VALERIE ROBERTS [RR-120]

Ref	Relevant representation comment	Applicant's responses
VR-RR01	We act on behalf of Mrs Valerie Roberts who is the owner of land through which it is proposed to run c.1250m of cables as part of the cable route connecting the off-shore windfarms to the substation in Tendring. We remain engaged in discussion with Five Estuaries' agents for a negotiated option for the rights required and whilst we hope to reach agreement on the heads of terms, we wish to register interest to reserve our client's position.	Noted by the Applicant.

6.37 WENDY HARWOOD [RR-125]

Ref	Relevant representation comment	Applicant's responses
WH-RR01	The key issues have been previously raised on our behalf by Brooks Leney. Undertaking the work in a way that considers current and future farming needs, paying particular attention to soil and environmental management and the requirements for a new reservoir to be constructed is essential. If this is not adequately taken into account there could be very severe impacts on land productivity in the future.	<p>The Applicant notes the comments relating to the importance of agricultural land. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land along with all other relevant factors when developing the Project, see Document 6.3.5 Ground Conditions and Land Use [APP-087]. Proposed mitigation measures are detailed in Code of Construction Practice [APP-253].</p> <p>The Applicant has responded to the concerns of soil health in relation to farming in response to James Francis Fairley, notably response JFF-RR02.</p> <p>The Applicant has assessed the Onshore impact to Wildlife and Habitats in 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086], the project has undertaken surveys to understand the effects of the project and has adopted worst-case parameters to provide a robust assessment. 9.21 Code of Construction Practice (CoCP) [APP-253] and 9.22 Outline Landscape and Ecological Management Plan [APP-254] include details of mitigation measures to minimise the impacts of construction. Section 4.1 of the CoCP sets out the approach to the management of soils. The Applicant notes comments and will continue to engage with the land interest to discuss and address concerns.</p>

6.38 ZOE FAIRLEY [RR-126]

Ref	Relevant representation comment	Applicant's responses
ZF-RR01	I am a resident living in Horsley Cross and Tendring District Councillor Ardleigh and Little Bromley. My family farm in Little Bromley and Horsley Cross. Other family members, also have farms directly impacted by cable routes and associated construction. For my area, it is impossible to look at NG/FE/NF/Tarchon projects as individual developments.	The Applicant's position on the relationship between the Five Estuaries project and the National Grid Norwich to Tilbury and North Falls offshore wind farm projects is set out in section 2 of this document.
ZF-RR02	The location of Ardleigh/Little Bromley/Lawford village borders is the wrong place for such development. The traffic, road and construction impacts are unacceptable. NG/FE/NF will all require access along Bentley Road.	<p>The Applicant has conducted an extensive site selection and alternatives process throughout the multiple design and consenting stages of the project so far. Please refer to 6.1.4 Site Selection and Alternatives [APP-066]. With regards to the possibility of an offshore connection scenario, please refer to the Applicant's position set out in section 2 of this document.</p> <p>Traffic and Transport is assessed in 6.3.8 Traffic and Transport [APP-090]. This includes an assessment of the worst case traffic flow numbers in -combination with North Falls and National Grid projects. Bentley road improvement works are required for safe HGV access to the proposed haul road and a proposed temporary construction compound. The haul road would serve to remove construction traffic from the local road network so far as practical.</p>
ZF-RR03	The Tarchon Interconnector plans as yet, remain an unknown but will add further construction of an interconnector and route in the same area. There are many evidenced concerns for each project, both during and post construction, relating to impact on the environment, landscape, historic settings and listed buildings, loss of farmland, impact on farming businesses, on communities, rural amenity, drainage, well water, properties and health. Cumulative impacts lack clarity and harm of all works for Ardleigh/Little Bromley/Lawford borders, have not been properly assessed or considered. Roads will be unsafe for rural amenity purposes and safe access to the other side of the A120 will be cut off. People with horses locally use the surrounding roads for hacking, joining up with bridle paths and private routes such as EAFR for safe, enjoyable riding. Others use Bentley Road for running, walking and cycling. The widening of Bentley Road will make using this route impossible in terms of safety. The cycle lane is not suitable for safe use by horses when heavy traffic is going to be constant and access to other tracks for riding will not be possible. For other users the general peace and tranquillity will be gone for construction routes across Ardleigh/Little Bromley.	<p>The Applicant notes that 6.1.3.1 Cumulative Effects Assessment Methodology [APP-064] sets out how North Falls Offshore Windfarm, and EACN are considered cumulatively throughout the ES. There is currently not enough information in the public domain to assess the potential cumulative impacts of the Tarchon Interconnector project.</p> <p>The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.</p> <p>The Applicant's position with regards to the assessment and management of Traffic and Transport is set out in Section 2 of this document.</p> <p>With specific regard to private tracks used for hacking, the Applicant would welcome further feedback on local popular routes used by horse riders so that these can be considered further.</p>
ZF-RR04	The impact on the landscape, setting and character of the rural area, including Dedham Vale AONB/National Landscape, our historic environment and listed buildings will be severe and Treasury Green Book principles ignored. No reassurances given on many issues to alleviate peoples' concerns. Stress, anxiety and effect on mental health ignored. There are serious concerns for road surfaces, flooding and water run off.	<p>The potential impact on these areas is assessed and reported on in the following documents:</p> <ul style="list-style-type: none"> <li>• 6.3.7 Archaeology and Cultural Heritage [APP-089]</li> <li>• 6.3.2 Landscape and Visual Impact Assessment [APP-084]</li> <li>• 6.3.5 Ground Conditions and Land Use [APP-087]</li> <li>• 6.3.3 Socio-Economic, Tourism and Recreation [APP-085]</li> <li>• 6.4.2 Human Health and Major Disasters [APP-095]</li> </ul> <p>The proximity of VE onshore substation to the North Falls onshore substation means that the majority of the cumulative interactions that will influence local landscape character and visual amenity will relate to these two projects. The cumulative assessment as set out in</p>

Ref	Relevant representation comment	Applicant's responses
		<p>6.3.2 Landscape and Visual Impact Assessment [APP-084], and accompanying visualisations present an appropriate level of detail to ascertain potential levels of cumulative effect. While, owing to its earlier stage in the planning process, there is a greater degree of uncertainty regarding the exact location and appearance of the National Grid Substation, this has been overcome by including a 3D box in the visualisations [APP-180 to APP-196], which marks the maximum physical extents that the national grid substation would occupy to ensure the 'worst-case cumulative scenario' is covered in the assessment. The visualisations also show that the extent to which the national grid substation will be visible simultaneously with VE and North Falls will be very limited and that despite the relative proximity, subtle variations in elevation combined with existing tree and hedgerow cover will limit intervisibility. The screening effect of the mitigation planting around the onshore substation would reduce significant cumulative effects to not significant following approximately 15 years of growth and would decrease incrementally throughout that period as the screening grows.</p> <p>6.3.2 Landscape and Visual Impact Assessment [APP-084] concludes that there will be no significant landscape or visual effects on the Dedham Vale National Landscape or the Suffolk and Essex Coast and Heaths National Landscape. This is largely due to the limited visibility as a result of intervening trees, hedgerows and landform and is a position that Natural England is in agreement with, stating; 'we agree with the Applicant that there is unlikely to be any significant adverse landscape and visual effects arising to either National Landscape because of the terrestrial aspects of the project'. While certain details of the Project are still to be fixed, the location of the onshore substation will not change, and, therefore, the assessment of no significant effects will not change.</p> <p>Community and recreational facilities are assessed on the basis of the extent to which there are local community and commercial facilities in the area likely to be affected by the construction of the VE in terms of accessibility and changes to environmental amenity, summarised below with reference to the findings of the ES (Volume 6).</p> <p>These are summarised within Chapter 6.3.3 Socio-Economic, Tourism and Recreation [APP-085], which draws upon detailed, topic-specific assessments:</p> <ul style="list-style-type: none"> <li>&gt; 6.3.2 Landscape and Visual Impact Assessment [APP-084];</li> <li>&gt; 6.3.8 Traffic and Transport [APP-090];</li> <li>&gt; 6.3.9 Airborne Noise and Vibration [APP-091]; and</li> <li>&gt; 6.3.10 Air Quality [APP-092].</li> </ul> <p>The assessment concludes that while some local communities may experience change in multiple environmental effects, these are not likely to be significant in affecting the operation of community facilities and are not likely to be significant in EIA terms. However, in recognition of uncertainty, good practice has been secured in terms of construction management plans to maintain the operation and accessibility of community infrastructure (including PRow) for example through an 9.25 Outline Public Access Management Plan [APP-258] and 9.24 Outline Construction Traffic Management Plan [APP-257] Overall, given the low to medium magnitude and sensitivity across individual PRow receptors and when taking mitigation measures into account, the overall effect of the construction phase on community facilities, recreational facilities and routes is considered to be of minor adverse significance and not significant.</p>

Ref	Relevant representation comment	Applicant's responses
		<p>With regard to flooding, Flood Risk Assessments have been developed for the project (6.3.6 Hydrology, Hydrogeology and Flood Risk [APP-088], 5.3.1 Flood Risk Assessment Export Cable Corridor [APP-038] and 5.3.2 Flood Risk Assessment Onshore Substation [APP-039]. The project has been designed with these assessments in mind and appropriate measures implemented to ensure safe operation and discharge rates for the lifetime of the project.</p> <p>9.24 Outline Construction Traffic Management Plan [APP-257] states that prior to the start and following completion for each stage of the onshore works of the construction works, road condition surveys for some access roads will be undertaken and agreed with Essex County Council. These surveys will inform any works that may be required to rectify specific damage to the road network as a direct result of the construction work.</p>
ZF-RR05	Little Bromley has a high water table. Properties are reliant on cesspits and well water. Farming irrigation is from bore holes. No reassurances have been given.	The Applicant is aware that there are a substantial number of properties in the area who rely on well water or boreholes. The Applicant has provided 6.6.6.1 Groundwater Risk Assessment [APP-159]. All licenced abstractions and registered private water supplies within 500 m of the DCO limit have been included in this assessment. A number of abstractions within 250 m of the DCO limit have been identified for further detailed investigation. Water testing is currently being carried out in the area at these properties to establish a baseline dataset.
ZF-RR06	There are no answers why other, more technically advanced options, causing less overall harm, are not being considered. Impacts on landowners and harm to farming businesses is unacceptable. Continued lack of clarity within consultation. Insufficient information and time given to make reasonably considered business decisions.	The Applicant is not clear what other 'more technically advanced options' would include. The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.
ZF-RR07	FE has only linked with North Falls where is has suited the projects rather than any consideration from the farmer's perspective.	The Applicant has coordinated with North Falls to prepare delivery scenarios that could reduce environmental impacts along the route. This is set out in detail in 9.30 Coordination Document [APP-263].
ZF-RR08	At Little Bromley, archaeological digs were poorly executed. Soil reinstatement wrong, equipment movement licence not applied for. Is this a pre-cursor for construction?	The Applicant acknowledges the archaeological trenching was complicated by poor weather conditions. Following the period of poor weather, the Applicant worked closely with the interested party to ensure that the works were completed as requested..
ZF-RR09	Under the OCSS scheme FE/NF have said they would connect off shore. This must happen. There are alternative options which would avoid the need for Five Estuaries (and others) to introduce cable routes connecting to EACN.	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.



6.39 WALLIS FAMILY [RR-123]

Ref	Relevant representation comment	Applicant's responses
WF-RR01	<p>Access routes to be taken directly off swan road not via the farmyard as this would be within 12yards off our residence. All joint bays and link boxes to be buried or located on field edges so as not to impede farming operations. Countryside stewardship is in place on the affected land and we would expect to be penalised by any infractions so should be mitigated or compensated for losses out of our control. Noise pollution due to 24 hour drilling we would expect acoustic fencing around the temporary construction compound due to adjacent dwellings. Both projects being done at the same time to mitigate disruption. soil management more attention should be paid to protecting the soil and structure as this is fundamental to food production. cable depth a minimum of 1.2metres soil cover to provide sufficient clearance for land drainage infrastructure to allow for continued farming operations. offshore there has been work done to look at moving the cable route offshore this off course would be the best result for everyone and would remove the permanent scar off the landscape.</p>	<p>The Applicant is having ongoing negotiations with the land interest and their agent. The points raised on operational access, joint bays and link boxes, Countryside Stewardship and any future subsidy schemes and cable depth are covered within the proposed voluntary agreement which has been presented to the land interest and negotiated with their agent.</p> <p>The Applicant notes the concerns about joint bays and link boxes and will where possible work with landowners to site sensitively any above ground infrastructure during detailed design.</p> <p>The Applicant acknowledges the comments regarding the importance of agricultural land and practices. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land, along with other relevant factors, during the development of the Project see Document 6.3.5 Ground Conditions and Land Use [APP-087]. Proposed mitigation measures are detailed in Code of Construction Practice [APP-253].</p> <p>As set out in the 9.21 Code of Construction Practice [APP-253] a Soil Management Plan will be developed by the Principal Contractor. Section 4.1 of the 9.21 Code of Construction Practice [APP-253] sets out the requirement for pre and post works soil surveys.</p> <p>As set out in 6.3.1 Onshore Project Description [APP-083] the minimum soil cover above the warning tape or tiles will be 0.9m.</p> <p>As set out in Section 4.3 of 9.21 Code of Construction Practice [APP-253], appropriate control measures for noise will be implemented to minimise disturbance. Certain operations such as drilling may require extended operating hours and will be further mitigated by use of appropriate measures and controls which may include the selection of quieter equipment, relocating noisier plant at greater distances from the receptor, the use of a noise barrier around the perimeter of the works, or localised acoustic screening around noisy plant and the use of an enclosure.</p> <p>The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.</p>

## 7 APPLICANT'S RESPONSE TO RELEVANT REPRESENTATIONS FROM MEMBERS OF THE PUBLIC

### 7.1 AMY LONGHURST [RR-003]

Ref	Relevant representation comment	Applicant's responses
AL-R01	The total devastation caused to a once rural area is totally unacceptable. No consideration for ecology or nature, landscape will be ruined for years and where it finally connects at Ardleigh yet more loss of valuable arable land meaning yet more importation of food from abroad.	<p>The impact to local nature is assessed in 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] and appropriate measures are proposed to mitigate impacts from construction and operation. Existing trees and hedgerows will be avoided so far as practical by routing around and/or passing the cables under using trenchless crossing techniques such as Horizontal Directional Drilling.</p> <p>The Applicant has assessed the impacts of the proposed infrastructure on agricultural land, along with other relevant factors, during the development of the Project see Document 6.3.5 Ground Conditions and Land Use [APP-087]. Proposed mitigation measures are detailed in Code of Construction Practice [APP-253].</p> <p>Once construction is complete, land will be made good and returned to its prior condition and use (including agricultural use) along the export cable corridor and temporary haul road. Habitats surrounding the onshore substation and export cable corridor will be enhanced following the principles of Biodiversity Net Gain, as detailed in 9.22 Outline Landscape and Ecological Management Plan [APP-254]. This will include planting new trees (which will also screen the substation visually), providing new water features and invertebrate habitats to increase biodiversity in the local area.</p>

### 7.2 ANTHONY RONALD WINTER [RR-005]

Ref	Relevant representation comment	Applicant's responses
ARW-RR01	Seeking information re possible radiation from installed cables.	All proposed renewable energy generation and transmission equipment are designed to comply with the ICNIRP Guidance protective of health. EMFs are inevitable wherever electricity is produced, distributed, and used, including electrical substations, power lines and from household electrical equipment but the level of the magnetic field produced by alternating current underground power cables is less than the Earth's magnetic field in the UK. Moreover, EMFs from the electricity grid are low frequency and non-ionising. This term means that they do not have enough energy to cause damage to human or animal cells in the same way ionising radiation does. The World Health Organization states there is no evidence to conclude that exposure to low-level EMFs is harmful to human health..

### 7.3 ANTHONY STANTON [RR-006]

Ref	Relevant representation comment	Applicant's responses
AS-RR01	I am in favour of pylons.	Noted by the Applicant.

7.4 ANTONY MONGER [RR-007]

Ref	Relevant representation comment	Applicant's responses
AM-RR01	<p>Site will destroy the best farmland in the uk , the environmental impact will be vast , given the number of rare species in the area . Grey partridge , turtle doves amongst many others . Local flooding will be increased due to the failing infrastructure of ditches and road gully's . Major impact to the environment whilst widening the road structure , hedges being removed to make way for the road . Diversions and delays will cause the surrounding smaller roads to be used creating more wear on them and probably fatalities at peak times . The noise and dust from the construction traffic will be heard for a number of years destroying the peaceful area . Properties in the village with no foundations will deteriorate with the heavy lorry traffic . Well water in the village will be affected due to the construction of the site.</p>	<p>The Applicant notes these concerns. The Environmental Statement submitted as part of the application sets out how the Applicant has assessed and sought to avoid, reduce or mitigate potential environmental impacts related to the project. The 6.1.5 Non-Technical Summary [APP-67] summarises this.</p> <p>The Applicant has assessed the Onshore impact to Wildlife and Habitats. As set out in 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086], the project has undertaken surveys to understand the effects of the project extent as described in 6.3.1 Onshore Project Description [AS-004] and has conducted a robust an assessment of the project parameters. Details of mitigation measures that are being undertaken can also be found in the 9.21 Code of Construction Practice [APP-253] and the 9.22 Outline Landscape and Ecological Management Plan [APP-254]. The latter also includes details for ecological enhancement, noting that the project has committed to delivery at least 10% Biodiversity Net Gain, as set out in 6.6.4.18 Five Estuaries Offshore Wind Farm Onshore Biodiversity Net Gain Indicative Design Stage Report [APP-149].</p> <p>The Applicant notes the concerns and has assessed the potential impacts of the project throughout the ES. 6.3.2 Landscape and Visual Impact Assessment [APP-084] concludes that significant effects on landscape character and visual amenity will only occur within a localised area out to 1.3 km and 1.4 km, respectively. These significant effects will be mitigated by the proposed mitigation planting within the first 15 years of the operational lifetime of the onshore substation. The design of the mitigation planting will ensure that significant effects will occur for 15 years or less of the overall 30-year operational life and, therefore, will not last forever. Furthermore, while the landscape character is arable and rural, there are subtle variations in the landform and sufficient tree and hedgerow cover that prevent it from being described as flat and open. The existing landform and vegetation cover create some degree of enclosure that will contribute to the screening of the onshore substation between the short to long-term.</p> <p>The Applicant acknowledges the comments regarding the importance of agricultural land and practices. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land, along with other relevant factors, during the development of the Project. Proposed mitigation measures are detailed in the 9.21 Code of Construction Practice [APP-253]. The measures include the appointment of an Agricultural Liaison Officer (ALO) to provide a point of contact for landowners and occupiers during construction. The ALO will be available to discuss practical issues that might arise. The ALO will also ensure that information on existing agricultural management and land conditions is obtained, recorded and verified by way of a pre-construction condition and will undertake site inspections during construction to monitor working practices and ensure landowners' and occupiers' reasonable requirements are fulfilled. The ALO will also ensure reinstatement measures are undertaken following the completion of the works.</p> <p>As set out in the 9.21 Code of Construction Practice [APP-253] a Soil Management Plan will be developed by the Principal Contractor. In order to minimise potential damage to soil structure, biology, and fertility, the applicant will implement several key practices through the SMP. This plan includes limiting the area of disturbance and scheduling work during dry conditions to reduce soil compaction, protecting sensitive areas with ground coverings or temporary access roads, and carefully removing, storing, and replacing topsoil separately</p>

Ref	Relevant representation comment	Applicant's responses
		<p>from subsoil, with amounts recorded through a soil resource budget. Erosion control measures will be utilised to prevent soil runoff during removal, storage and restoration. To further preserve soil health, contractors will be familiar with and trained in soil conservation practices, and construction activities will be closely supervised.</p> <p>The proximity of VE onshore substation to the North Falls onshore substation means that the majority of the cumulative interactions that will influence local landscape character and visual amenity will relate to these two projects. The cumulative assessment as set out in 6.3.2 Landscape and Visual Impact Assessment [APP-084], and accompanying visualisations present an appropriate level of detail to ascertain potential levels of cumulative effect. While, owing to its earlier stage in the planning process, there is a greater degree of uncertainty regarding the exact location and appearance of the National Grid Substation, this has been overcome by including a 3D box in the visualisations [APP-180 – APP-196], which marks the maximum physical extents that the national grid substation would occupy to ensure the 'worst-case cumulative scenario' is covered in the assessment. The visualisations also show that the extent to which the national grid substation will be visible simultaneously with VE and North Falls will be very limited and that despite the relative proximity, subtle variations in elevation combined with existing tree and hedgerow cover will limit intervisibility. The screening effect of the mitigation planting around the onshore substation would reduce significant cumulative effects to not significant following approximately 15 years of growth and would decrease incrementally throughout that period as the screening grows.</p> <p>As set out in Section 4.3 of 9.21 Code of Construction Practice [APP-253], appropriate control measures for noise will be implemented to minimise disturbance. Certain operations such as drilling may require extended operating hours and will be further mitigated by use of appropriate measures and controls which may include the selection of quieter equipment, relocating noisier plant at greater distances from the receptor, the use of a noise barrier around the perimeter of the works, or localised acoustic screening around noisy plant and the use of an enclosure.</p> <p>The Applicant's position with regards to the assessment and management of Traffic and Transport is set out in Section 2 of this document.</p> <p>The Applicant is aware that there are a substantial number of properties in the area who rely on well water or boreholes. Water testing is currently being carried out in the area at these properties to establish a baseline dataset.</p>



## 7.5 BRUCE MARSHALL [RR-011]

Ref	Relevant representation comment	Applicant's responses
BM-RR01	<p>How can you even consider an application to go to a site that hasn't even got its own permission! According to ,the now in purdah government, a halt was going to be called on "The great grid upgrade" to look at other options including an integrated offshore grid. This would make this application pointless and would save the devastation of our precious countryside! The application needs looking at as a whole as we are not getting the whole truth! National Grid ( a private company) are telling wind farms, more than just this application and Interconnectors , they must get to Ardleigh/ Lt.Bromley substation before they have their own permission to expand the grid as though it is a foregone conclusion. Planning should go through the process of infrastructure before any additional development! This seems to fail time and again whether it roads before housing, schools and doctors surgeries before development and now green energy before distribution network! None of the above seem to consider the environmental impact on nature, farming, food production and health! If it is produced offshore, keep it offshore, This must be a cheaper option. Bring it on at a brown field site near to where it is needed, Tilbury not Ardleigh!</p>	<p>The Applicant's position with regards the Norwich to Tilbury project, the East Anglia Connection Node Substation and related issues is set out in section 2 of this document.</p> <p>The Applicant acknowledges the comments regarding the importance of agricultural land and practices. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land, along with other relevant factors, during the development of the Project see Document 6.3.5 Ground Conditions and Land Use [APP-087]. Proposed mitigation measures are detailed in Code of Construction Practice [APP-253].</p>

## 7.6 CHRISTINE BARRETT [RR-013]

Ref	Relevant representation comment	Applicant's responses
CB-RR01	<p>Objecting to Substation in Little Bromley I am a resident of Little Bromley, a tiny village along the route of your proposed on-shore connection to the sub station at Ardleigh/Little Bromley. I, along with every single person I've spoken to in the village, strongly object to your proposals for the following reasons;</p> <ol style="list-style-type: none"> <li>1. The unnecessary destruction of our beautiful countryside and the damaging impact of the infrastructure if the on-shore routes go ahead.</li> <li>2. The impact on wildlife is unacceptable when it is both possible and also costs less to go off-shore.</li> <li>3. The noise impact and proximity of substations to properties.</li> <li>4. The impact on local farming, loss of farmland and the cumulative effect of disruption during different schemes' construction.</li> <li>5. The substantial and unacceptable visual impact of the sub-stations.</li> <li>6. The impact of construction traffic, particularly on the road safety of local residents, walkers, cyclists, horse riders etc.</li> <li>7. The impact on properties and value will not be properly compensated, causing stress, anxiety and destroying our emotional well-being and love of the place we call home.</li> <li>8. The possible impact of construction for those not connected to mains services, well water, drainage etc.</li> </ol> <p>I ask you this - if this proposal was going to affect your neighbourhood, would you be happy for it to destroy the area you live in and love? I think not. So why destroy ours when an off-shore solution is possible?</p>	<p>The Applicant notes these concerns. The Environmental Statement submitted as part of the application sets out how the Applicant has assessed and sought to avoid, reduce or mitigate potential environmental impacts related to the project. The 6.1.5 Non-Technical Summary [APP-67] summarises this.</p> <p>The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.</p> <p>With regard to points 1 and 5: The Applicant notes the concerns and has assessed the potential impacts of the project throughout the ES. 6.3.2 Landscape and Visual Impact Assessment [APP-084] concludes that significant effects on landscape character and visual amenity will only occur within a localised area out to 1.3 km and 1.4 km, respectively. These significant effects will be mitigated by the proposed mitigation planting within the first 15 years of the operational lifetime of the onshore substation. The design of the mitigation planting will ensure that significant effects will occur for 15 years or less of the overall 30-year operational life and, therefore, will not last forever. Furthermore, while the landscape character is arable and rural, there are subtle variations in the landform and sufficient tree and hedgerow cover that prevent it from being described as flat and open. The existing landform and vegetation cover create some degree of enclosure that will contribute to the screening of the onshore substation between the short to long-term.</p> <p>The proximity of VE onshore substation to the North Falls onshore substation means that the majority of the cumulative interactions that will influence local landscape character and visual amenity will relate to these two projects. The cumulative assessment as set out in 6.3.2 Landscape and Visual Impact Assessment [APP-084], and accompanying visualisations present an appropriate level of detail to ascertain potential levels of</p>

Ref	Relevant representation comment	Applicant's responses
		<p>cumulative effect. While, owing to its earlier stage in the planning process, there is a greater degree of uncertainty regarding the exact location and appearance of the National Grid Substation, this has been overcome by including a 3D box in the visualisations [APP-180 – APP-196], which marks the maximum physical extents that the national grid substation would occupy to ensure the 'worst-case cumulative scenario' is covered in the assessment. The visualisations also show that the extent to which the national grid substation will be visible simultaneously with VE and North Falls will be very limited and that despite the relative proximity, subtle variations in elevation combined with existing tree and hedgerow cover will limit intervisibility. The screening effect of the mitigation planting around the onshore substation would reduce significant cumulative effects to not significant following approximately 15 years of growth and would decrease incrementally throughout that period as the screening grows.</p> <p>With regard to point 2: The Applicant has assessed the Onshore impact to Wildlife and Habitats. As set out in 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086], the project has undertaken surveys to understand the effects of the project extent as described in 6.3.1 Onshore Project Description [AS-004] and has conducted a robust an assessment of the project parameters. Details of mitigation measures that are being undertaken can also be found in the 9.21 Code of Construction Practice [APP-253] and the 9.22 Outline Landscape and Ecological Management Plan [APP-254]. The latter also includes details for ecological enhancement, noting that the project has committed to delivery at least 10% Biodiversity Net Gain, as set out in 6.6.4.18 Five Estuaries Offshore Wind Farm Onshore Biodiversity Net Gain Indicative Design Stage Report [APP-149].</p> <p>With regard to point 3: Impacts relating to increased noise and dust are assessed in 6.3.9 Airborne Noise and Vibration [APP-091] and 6.3.10 Air Quality [APP-092]. Appropriate measures have been developed to mitigate for temporary increases in noise and dust through construction (primarily) and operation. The full range of mitigation is included in 9.21 Code of Construction Practice [APP-253].</p> <p>With regard to point 4: The Applicant acknowledges the comments regarding the importance of agricultural land and practices. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land, along with other relevant factors, during the development of the Project. Proposed mitigation measures are detailed in the 9.21 Code of Construction Practice [APP-253]. The measures include the appointment of an Agricultural Liaison Officer (ALO) to provide a point of contact for landowners and occupiers during construction. The ALO will be available to discuss practical issues that might arise. The ALO will also ensure that information on existing agricultural management and land conditions is obtained, recorded and verified by way of a pre-construction condition and will undertake site inspections during construction to monitor working practices and ensure landowners' and occupiers' reasonable requirements are fulfilled. The ALO will also ensure reinstatement measures are undertaken following the completion of the works.</p> <p>As set out in the 9.21 Code of Construction Practice [APP-253] a Soil Management Plan will be developed by the Principal Contractor. In order to minimise potential damage to soil structure, biology, and fertility, the applicant will implement several key practices through the SMP. This plan includes limiting the area of disturbance and scheduling work during dry conditions to reduce soil compaction, protecting sensitive areas with ground coverings or temporary access roads, and carefully removing, storing, and replacing topsoil separately</p>

Ref	Relevant representation comment	Applicant's responses
		<p>from subsoil, with amounts recorded through a soil resource budget. Erosion control measures will be utilised to prevent soil runoff during removal, storage and restoration. To further preserve soil health, contractors will be familiar with and trained in soil conservation practices, and construction activities will be closely supervised.</p> <p>With regard to point 6: The Applicant's position with regards to the assessment and management of Traffic and Transport is set out in Section 2 of this document.</p> <p>With regard to point 7: Community and recreational facilities are assessed on the basis of the extent to which there are local community and commercial facilities in the area likely to be affected by the construction of the VE in terms of accessibility and changes to environmental amenity, summarised below with reference to the findings of the ES (Volume 6).</p> <p>These are summarised within Chapter 6.3.3 Socio-Economic, Tourism and Recreation [APP-085], which draws upon detailed, topic-specific assessments:</p> <ul style="list-style-type: none"> <li>&gt; 6.3.2 Landscape and Visual Impact Assessment [APP-084];</li> <li>&gt; 6.3.8 Traffic and Transport [APP-090];</li> <li>&gt; 6.3.9 Airborne Noise and Vibration [APP-091]; and</li> <li>&gt; 6.3.10 Air Quality [APP-092].</li> </ul> <p>The assessment concludes that while some local communities may experience change in multiple environmental effects, these are not likely to be significant in affecting the operation of community facilities and are not likely to be significant in EIA terms. However, in recognition of uncertainty, good practice has been secured in terms of construction management plans to maintain the operation and accessibility of community infrastructure (including PRoW) for example through an 9.25 Outline Public Access Management Plan [APP-258] and 9.24 Outline Construction Traffic Management Plan [APP-257]</p> <p>Overall, given the low to medium magnitude and sensitivity across individual PRoW receptors and when taking mitigation measures into account, the overall effect of the construction phase on community facilities, recreational facilities and routes is considered to be of minor adverse significance and not significant</p> <p>With regard to point 8: The Applicant is aware that there are a substantial number of properties in the area who rely on well water or boreholes. The Applicant has provided 6.6.6.1 Groundwater Risk Assessment [APP-159]. All licenced abstractions and registered private water supplies within 500 m of the DCO limit have been included in this assessment. A number of abstractions within 250 m of the DCO limit have been identified for further detailed investigation. Water testing is currently being carried out in the area at these properties to establish a baseline dataset.</p>

7.7 DAWN MCCLEAN [RR-018]

Ref	Relevant representation comment	Applicant's responses
DMC-RR01	I strongly oppose on shore Offshore is a must	The Applicant's position with regards to an offshore connection / the OCSS and the planning case for the Project is set out in section 2 of this document.

7.8 DEBBIE MASSEY [RR-019]

Ref	Relevant representation comment	Applicant's responses
DMY-RR01	The plan is disjointed and ill conceived serving to benefit outside shareholders and not the population who will have their lives disrupted and disturbed for years ahead. It is illogical to destroy large swathes of farmland and burden people with the noise, pollution and upheaval of a project that is questionably for the benefit of future generations. If this project is essential a sub sea plan would mitigate the massive disruption it will otherwise cause. The people of Tendring are being used as sacrificial lambs for a project whose benefits are poorly defined and future generations will have the legacy of a beautiful countryside blighted by concrete and steel. No previous generations have ever destroyed the natural beauty of the land in the way that is now planned. We need to stop these mis-guided projects now.	The Applicant's positions with regards to an offshore connection / the OCSS and the planning case for the Project is set out in section 2 of this document.

7.9 FRASER MCAVOY [RR-033]

Ref	Relevant representation comment	Applicant's responses
FM-RR01	The impact of the planned route is huge, negatively affecting the natural environment as well as blighting the scenery and lives of people across multiple counties. Alternative solutions have been proposed and should be adhered.	<p>The process of selecting a substation site, landfall and proposed route of the underground cable is set out in 6.1.4 Site Selection and Alternatives [APP-066].</p> <p>The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.</p>

7.10 GILL BOOT [RR-036]

Ref	Relevant representation comment	Applicant's responses
GB-RR01	Environmental impact	The Applicant notes this statement. The Environmental Statement submitted as part of the application sets out how the Applicant has assessed and sought to avoid, reduce or mitigate potential environmental impacts related to the project. The 6.1.5 Non-Technical Summary [APP-067] summarises this.



7.11 HAROLD DRAYCOTT [RR-041]

Ref	Relevant representation comment	Applicant's responses
HD-RR01	I hereby object in the strongest terms to this extremely damaging and unnecessary project.	Noted by the Applicant

7.12 JAYNE MARSHALL [RR-050]

Ref	Relevant representation comment	Applicant's responses
JM-RR01	<p>I object to the harm these proposals will create for the health and wellbeing of local communities, the environment and wildlife (to name but a few)! Even at this stage of the proposals, the worry and stress levels amongst residents are already escalating! The project is based on the assumption that National Grid will get the green light for the 180km Norwich to Tilbury (N2T) so called upgrade - by means of the construction of unnecessary, archaic methodology, menacing looking and non environmentally friendly pylons and of course, substations. There are much better options available, such as an integrated offshore grid (no.1) and High Voltage Direct Current [HVDC] (no.2), which have not been considered! As such, the whole scheme should be halted and ALL alternative methods returned to the drawing board for thorough investigation and discussion. I live in an area where agriculture and horticulture dominates and the land is best most versatile (BMV); a quality which is to be envied for it's ability to produce high yields of top quality food crops. It is vital for the UK to be as self sufficient as possible, especially during times of world conflict (such as now), where we shouldn't (and may not be able to in the future) be so reliant on foreign imports. We attended a Five Estuaries drop in session at Arleigh Village Hall in 2022 and we're encouraged (having spoken with two marine biologists amongst the team) that Five Estuaries was looking at the possibility of an offshore connection. We were told that off the North of Scotland, where such a connection was already in place, marine ecosystems had been completely rejuvenated - from the smallest crustaceans to fish, seals and even dolphins! To be able to put your name to this and for the benefit of all, is truly commendable! I am totally supportive of Essex Suffolk Norfolk Pylons Campaign group [Redacted] and everything it stands for. There are many professionals in the group who really know what they're talking about - ALL options having been thoroughly investigated (including costings, which National Grid are not being transparent about!) and I would urge you please, to take the lead and consider these. In conclusion: An integrated offshore grid = FASTER, BETTER, CHEAPER! Keep Britain farming = NO FARMERS - NO FOOD</p> <p>! Thankyou</p>	<p>The Applicant notes these concerns. The Environmental Statement submitted as part of the application sets out how the Applicant has assessed and sought to avoid, reduce or mitigate potential environmental impacts related to the project. The 6.1.5 Non-Technical Summary [APP-067] summarises this.</p> <p>The Applicant's position with regards to an offshore connection / the OCSS and the planning case for the Project is set out in section 2 of this document.</p> <p>The Applicant acknowledges the comments regarding the importance of agricultural land and practices. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land, along with other relevant factors, during the development of the Project. Proposed mitigation measures are detailed in the 9.21 Code of Construction Practice [APP-253]. The measures include the appointment of an Agricultural Liaison Officer (ALO) to provide a point of contact for landowners and occupiers during construction. The ALO will be available to discuss practical issues that might arise. The ALO will also ensure that information on existing agricultural management and land conditions is obtained, recorded and verified by way of a pre-construction condition and will undertake site inspections during construction to monitor working practices and ensure landowners' and occupiers' reasonable requirements are fulfilled. The ALO will also ensure reinstatement measures are undertaken following the completion of the works.</p> <p>As set out in the 9.21 Code of Construction Practice [APP-253] a Soil Management Plan will be developed by the Principal Contractor. In order to minimise potential damage to soil structure, biology, and fertility, the applicant will implement several key practices through the SMP. This plan includes limiting the area of disturbance and scheduling work during dry conditions to reduce soil compaction, protecting sensitive areas with ground coverings or temporary access roads, and carefully removing, storing, and replacing topsoil separately from subsoil, with amounts recorded through a soil resource budget. Erosion control measures will be utilised to prevent soil runoff during removal, storage and restoration. To further preserve soil health, contractors will be familiar with and trained in soil conservation practices, and construction activities will be closely supervised.</p>

7.13 JESSICA ALLEN [RR-052]

Ref	Relevant representation comment	Applicant's responses
JA-RR01	<p>This project will impact a large number of aspects to nature and people alike. Farmers land being cut in half and not being able to access land which will impact their businesses and producing food for produce. It will affect nature by ripping out 100 year old hedgerows that are vital habitats to wildlife, including endangered species such as hedgehogs. The disruption of traffic with road widening will affect the local area dangerously with road users using the small single track roads which are already hazardous in a normal year and again with the farming community during busy periods such as harvest will affect them being able to tend to whatever crops they have left after construction.</p>	<p>The Applicant is in discussions with landowners regarding the potential impacts to their business operations and will continue to work with them through the detailed design of the Project, as well as through the construction and operation periods.</p> <p>There would be some temporary disruption to traffic associated with the junction improvements and widening of Bentley Road; however this would be minimised as far as practicable and plans will be developed for traffic management measures (including signed diversions) to be implemented during these works, which would be agreed with Essex County Council and National Highways (for any potential temporary disruption to the A120). The proposed timing of these works would be communicated to the local communities that would likely be affected in advance of the commencement of the works, to enable residents to plan their alternative routeing arrangements.</p> <p>No VE construction HGVs would use single track roads. All the proposed construction access routes are A classification roads (A12, A120 and A133), B classification roads (B1035, B1033, B1032, B1441 and B1414) and one C class road (Bentley Road).</p> <p>Some other roads in the area may be used by the workforce (cars / LGVs); however, these would predominately be other B and C classification roads, with the exception of Waterhouse Lane, Little Bromley Road and Ardleigh Road, which may be used by workforce vehicles accessing the OnSS construction site should the temporary haul road between Bentley Road and Ardleigh Road not yet be constructed.</p> <p>Section 4.11 of 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] provides full details of anticipated construction related impacts to important ecological features; this includes hedgerows, and identifies those which are Important Hedgerows under the Hedgerow Regulations 1997. All hedgerows which support dormice or are important for bat species have been avoided through use of trenchless techniques.</p> <p>Where impacts have been identified the mitigation hierarchy has been applied. The mitigation hierarchy sets out a sequential approach beginning with the avoidance of impacts where possible, the application of mitigation measures to minimise unavoidable impacts and then compensation for any remaining impacts.</p> <p>All hedgerows that are unavoidably affected will be reinstated.</p> <p>A summary of the potential impacts and proposed mitigation and/ or compensation measures is included in Table 4.24 in Section 4.18 of 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086]. This sets out that temporary loss of 1.61 km of hedgerow is anticipated, and that these will be reinstated with a species-rich, locally appropriate native mixture including heavy standard trees at a 3:1 ratio for any lost. Table 4.24 also summarises potential impacts and mitigation/ compensation in respect of hedgehog; no significant effects are predicted based on implementing the mitigation measures proposed.</p> <p>In addition, a further 4.53km of hedgerow planting is proposed based on the illustrative layout provided in 9.22: Outline Landscape and Ecological Management Plan [APP-253].</p> <p>Another key document that sets out how construction related impacts will be addressed is 9.21: Code of Construction Practice[APP-253].</p>

Ref	Relevant representation comment	Applicant's responses
		In addition, the project is seeking to provide significant biodiversity enhancements; 6.6.4.18 Onshore Biodiversity Net Gain Indicative Design Stage Report [APP-149] includes a commitment to provide a minimum 10% Biodiversity Net Gain.

#### 7.14 JOANNE KING [RR-054]

Ref	Relevant representation comment	Applicant's responses
JK-RR01	I object to the plan on the grounds it will ruin the people of east Anglia quality of life . The countryside and wildlife that is ruined keep everything offshore with a integrated off grid to London	The Applicant notes these concerns. The Environmental Statement submitted as part of the application sets out how the Applicant has assessed and sought to avoid, reduce or mitigate potential environmental impacts related to the project. The 6.1.5 Non-Technical Summary [APP-067] summarises this.  The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.

#### 7.15 JOANNE LESLEY ELLIOTT [RR-055]

Ref	Relevant representation comment	Applicant's responses
JLE-RR01	The proposed point of connection at Ardleigh is unsuitable and contrary to the requirements set out in NPS-EN5, National Grid and ESO have confirmed that the East Anglian Connection Node is only required to connect the Five Estuaries and North Falls Windfarms and the Tarchon interconnector. The resulting network reinforcement required will involve cables across the Dedham Vale AONB and surrounding countryside. 50m pylons will be seen from the Dedham Vale and surround the oldest recorded town in England, Colchester. National Grid have stayed in their own consultation that significant damage will occur.	The Applicant's position on these issues is set out in section 2 of this document

#### 7.16 KAREN WAZNY [RR-059]

Ref	Relevant representation comment	Applicant's responses
KW-RR01	By their own admission in the long run off shore cable is best. But they want to save money now and are not bothered about future costs	The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.

7.17 KEVIN CLARK [RR-062]

Ref	Relevant representation comment	Applicant's responses
KC-RR01	The issue is that unspoilt countryside will be devastated by this development	The Applicant notes these concerns. The Environmental Statement submitted as part of the application sets out how the Applicant has assessed and sought to avoid, reduce or mitigate potential environmental impacts related to the project. The 6.1.5 Non-Technical Summary [APP-067] summarises this.

7.18 LAURA DAY [RR-063]

Ref	Relevant representation comment	Applicant's responses
LD-RR01	One of the proposed road that will affected is the road I live on. It will cause considerable chaos for us as the children use this road to get to & from school via the school bus. If this road is closed the children will not be collected in little Bromley causing parents a massive problem trying to get the children to school. There are no paths for the children to walk, there are no street lights, the roads are dangerous & unwalkable for children. This road is also used by vehicles that need 24/7 access to a large working poultry farm, and a busy dog boarding kennel also in the same road. This will have a huge impact on business. Our roads are fly tipped at least once a month, if the other only access to the farm/kennels is blocked by a monthly fly tipping, there is no access to these business premises or homes. One fly tip caused a road to be closed for over 2 mths due to the council not clearing . The wildlife & vegetation will be disturbed & many will be die, the dirt & dust will cause problems, the constant noise will affect people's life's & home life. It will be a huge disruption for local vehicles who use this road for work/school.	<p>The Applicant has considered the impact of increased traffic flow and routing to the local road network.</p> <p>The Applicant's position with regards to the assessment and management of Traffic and Transport is set out in Section 2 of this document.</p>

7.19 LLOYD BELLETT [RR-066]

Ref	Relevant representation comment	Applicant's responses
LB-RR01	<p>Dear Planning Committee,</p> <p>As a long-standing resident of Little Bromley for the past 26 years, I am compelled to express my strongest opposition to the proposed development plans that threaten to irreparably damage the very essence of our beloved village and its surrounding countryside. For over two decades, I have called this tranquil hamlet my home, drawn to its unspoiled natural beauty, quiet country lanes, and pristine agricultural lands.</p> <p>However, the proposed widening of Bentley Road, the construction of substations, and the establishment of compounds pose a grave threat to the rural character and environmental integrity that we have cherished for generations. The influx of heavy machinery and construction traffic would not only disrupt the peace and tranquillity of our village but also contribute to air and noise pollution, directly impacting the quality of life for residents.</p> <p>Moreover, the potential damage to listed buildings and properties without proper foundations is a significant concern that cannot be overlooked. Legal precedents, such as the landmark case of Newbury District Council v. Secretary of State for the Environment (1981), have established that the preservation of the character and appearance of an area is a material consideration in planning decisions.</p>	<p>The Applicant is cognisant and sympathetic to any disruption that may be caused by the project. The majority of impacts will be related to the temporary construction phase with respect to increased traffic flows, noise, dust and light and alteration to the existing road network (including loss of trees, hedgerows, proposed new haul road and permanent improvements to Bentley Road for safe access).</p> <p>The Applicant's position with regards to the assessment and management of Traffic and Transport is set out in Section 2 of this document. A central haul road is proposed to remove traffic from local roads so far as practical. To facilitate this in a safe manner, it is proposed that Bentley Road widening works are undertaken by the project for safe passing and entry/exit of HGVs from/to the A120 through construction. Public rights of way will be maintained through construction.</p> <p>Impacts relating to increased noise and dust are assessed in 6.3.9 Airborne Noise and Vibration [APP-091] and 6.3.10 Air Quality [APP-092]. Appropriate measures have been developed to mitigate for temporary increases in noise and dust through construction (primarily) and operation. The full range of mitigation is included in 9.21 Code of</p>



Ref	Relevant representation comment	Applicant's responses
	<p>The proposed development would undoubtedly undermine the very essence of our village, which is cherished for its rural charm and tranquillity. The irreversible destruction of our mature trees, hedgerows, and agricultural land, which serve as vital habitats for wildlife and contribute to food production, is another critical issue that must be addressed.</p> <p>The Human Rights Act 1998 and the European Convention on Human Rights enshrine the right to respect for private and family life, as well as the peaceful enjoyment of one's home and possessions. The proposed development threatens to violate these fundamental rights by disrupting our way of life and devaluing our properties. In the landmark case of <i>Garlick v. Cheltenham Borough Council</i> (2001), the court ruled that the impact on the landscape and the loss of agricultural land are material considerations in planning decisions. The proposed development would undoubtedly have a detrimental impact on both fronts, making it a compelling case for rejection on legal grounds.</p> <p>Furthermore, legal precedents such as the case of <i>Bushell v. Secretary of State for the Environment</i> (1981) have established that the preservation of residential amenity and the protection of the natural environment are material considerations in planning decisions. The proposed development would undoubtedly have a detrimental impact on both fronts, further strengthening the case for rejection.</p> <p>I implore you to consider the far-reaching consequences of this proposed development and the precedent it would set for encroaching on the rights and well-being of residents in rural communities. Our village has been a cherished haven for generations, and its preservation is not only a matter of preserving our way of life but also a matter of safeguarding our legal rights and the integrity of our natural environment.</p> <p>I urge you to explore alternative solutions that prioritize the welfare of local residents and the protection of our cherished rural heritage. Together, we can work towards a sustainable future that strikes a balance between development and the preservation of our irreplaceable natural and cultural assets.</p>	<p>Construction Practice [APP-253].the impact to local nature is assessed in 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] and appropriate measures are proposed to mitigate impacts from construction (primarily) and operation. Existing trees and hedgerows will be avoided so far as practical by routing around and/or passing the cables under using trenchless crossing techniques such as Horizontal Directional Drilling. Once construction is complete, land will be made good and returned to its prior condition along the export cable corridor and temporary haul road. Habitats surrounding the onshore substation and export cable corridor will be enhanced following the principles of Biodiversity Net Gain, as detailed in 9.22 Outline Landscape and Ecological Management Plan [APP-254]. This will include planting new trees (which will also screen the substation visually), providing new water features and invertebrate habitats to increase biodiversity in the local area.</p> <p>The Applicant accordingly agrees that landscape, impact on agricultural impacts, natural environment and amenity are material planning considerations and notes that these have been assessed as required in the ES to allow the necessary consideration. This does not however mean that any impact requires refusal, only that these must be assessed and weighed in the planning balance. The Applicant refers to Planning Statement [APP-213] which sets out its case on this balance.</p> <p>The Applicant notes but does not accept the interpretation as regards the consideration of human rights, and does not agree that the points raised create any legal basis for refusal. The Human Rights Act, in so far as it is engaged by this Application, which the Applicant submits is only in relation to the seeking of compulsory powers not the planning merits, is considered in the statement of reasons [APP-030].</p>

## 7.20 LOUISE STANLEY [RR-068]

Ref	Relevant representation comment	Applicant's responses
LS-RR01	<p>Another off shore wind project that is again going to affect vast areas of local farm land, destroy wildlife habitat and without a thought of the local residents and again cause major disruption to our area re traffic. All we hear is how this will help produce alternative energy, cheaper and cleaner . So far no energy is getting cheaper, and never will be as you have to recover the cost and ongoing maintenance, it's not cleaner due to construction work required and we never see any local jobs! How many years will it take you to recover your cost and at what cost to your us ?</p>	<p>The need for renewable energy is set out in Government policy and summarised in section 2.4 of 6.1.2 Policy and Legislation [APP-062].</p>

7.21 MARIANNE FELLOWES [RR-069]

Ref	Relevant representation comment	Applicant's responses
MF-RR01	As a long term resident of the area [Redacted] and someone who also regularly enjoys Orfordness Island Nature Reserve, as a member of the National Trust, I wish to keep informed and monitor the mitigation elements for lesser black-backed gulls. I also believe as a registered Interested Party I would be able to provide local knowledge and significant experience of NSIP DCO examination to assist the Developer and PINs as to what information is helpful for individuals or groups who are not as aware of this process (for example do not understand the importance of being an IP or taking part in Open Floor Hearings and Issue Specific Hearings) and to promote and enable meaningful evidence and effective engagement. Especially to ensure that DOOs Deed of Obligations are fully representative and deliverable. I am also very concerned about potential future changes (within the DCO process) to site landfall locations in Suffolk and the perceived or actual cumulative impacts with other energy projects already in the public domain, including but not limited to; disbenefit to the environment, health and well-being of residents and visitors, and the vital tourism economy of this heritage coast, and River Alde as part of the Suffolk Coast National Landscape (previously known as AONB/Area of Outstanding Natural Beauty). I am also interested in the opportunity to inform the structure of community benefits to 'bring communities along' as well as compensation if mitigation can not be achieved. There is still a significant level of detail to be provided by the Developer and I believe the consultations previously have not been as 'front loaded' as the NSIP process expects.	This is noted by the Applicant. Updates to the proposed compensation measures at Orford Ness will be submitted at Deadline 1 following ecological surveys and landowner consultation.

7.22 MRS SHARON DOOLIN [RR-076]

Ref	Relevant representation comment	Applicant's responses
SD-RR01	concerned about impact on wildlife, countryside	The Applicant notes these concerns. The Applicant has assessed the potential impact on these issues. The assessment is reported on in 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086].

7.23 NICK WINSHIP [RR-084]

Ref	Relevant representation comment	Applicant's responses
NW-RR01	A complete monstrosity that will denude farming land forever where it crosses causing huge impacts on people's livelihoods. The devastation in the devaluation of houses affected be in on their land near their land or in sight of their homes leaving them with little to pass on to Suicide rates in farming are at an all time high...this will push farmers to the end of their tether and I hold all of you involved in the horrendous scheme for those, and they will, that commit suicide because they will not be able to see past the loss of their grandparents//their generations of family farming land. I don't suppose that will even prick your consciences???? generations, let alone anyone wishing to sell on, the majority of lenders will not lend on homes near pylons. The pathetic amount of compensation offered is by far the most insulting. It will never ever get people back to where they should be financially and that is wholly unacceptable. For those of you reading this that it won't affect, give your heads a wobble and see how you would feel if you were out in that position????? Your hard earned money poured down the drain Only options are off shore or underground cables. THRRE IS NO OTHER ACCEPTABLE ALTERNATIVE WE DO NOT WANT THE	No pylons are proposed as part of this project. The majority of farming land affected by the construction of the project will be remediated and returned to use, with the exception of the land required for the onshore substation.  The Applicant is working with all land interest's potentially directly affected by the proposals, and will continue to liaise closely with them during future construction to mitigate impact on farming (and other business) activities.  The Applicant's position with regards the Norwich to Tilbury project, the East Anglia Connection Node Substation and related issues is set out in section 2 of this document.

Ref	Relevant representation comment	Applicant's responses
	MONSTROSITIES OF THESE PYLONS and we will do everything we can in our power to block them. This is going to cause a war. It's that simple. The anger is so strong I don't think you actually realise and we are not going down without a fight! What do we have to say to get through to you off shore or underground. That's it!	

#### 7.24 PENELOPE ANN RICHARDS [RR-088]

Ref	Relevant representation comment	Applicant's responses
PAR-RR01	Will damage the Colne Valley environment. The businesses and recreational activities that benefit from the natural beauty and walks, the archaeological sites, value of houses, the flora and fauna, prevent further housing in the villages, risk to schools health and citizens close by.	The project is not located near the Colne Valley.

#### 7.25 PHILIP CUNNINGHAM [RR-089]

Ref	Relevant representation comment	Applicant's responses
PC-RR01	Impact on Agriculture, construction traffic. Archaeology.	The potential impact on these areas is assessed and reported on in the following documents, with associated mitigation measures identified: <ul style="list-style-type: none"> <li>• 6.3.5 Ground Conditions and Land Use [APP-087]</li> <li>• 6.3.8 Traffic and Transport [APP-090]</li> <li>• 6.3.7 Archaeology and Cultural Heritage [APP-089].</li> </ul>

#### 7.26 SHANNAN GREEN [RR-100]

Ref	Relevant representation comment	Applicant's responses
SG-RR01	<ul style="list-style-type: none"> <li>• Destruction of farm land</li> <li>• Destruction of rural land for wildlife</li> <li>• Health impact on home owners who have been living and owned land in the area for generations</li> <li>• Negative impact on communities</li> </ul>	The potential impact on these areas is assessed and reported on in the following documents: <ul style="list-style-type: none"> <li>• 6.3.5 Ground Conditions and Land Use [APP-087]</li> <li>• 6.3.7 Archaeology and Cultural Heritage [APP-089]</li> <li>• 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086]</li> <li>• 6.3.3 Socio-Economic, Tourism and Recreation [APP-085]</li> <li>• 6.4.2 Human Health and Major Disasters [APP-095].</li> </ul>



Ref	Relevant representation comment	Applicant's responses
SBT-RR01	<p>This will have a huge and totally unnecessary impact on the region of Tendring . This project needs to stay offshore and connect to and come onshore on a brownfield site not across valuable food producing land . I am contacting you to raise my very strong objections to your proposal to widen Bentley Road and for Five Estuaries to carry out work to connect to the Ardleigh substation. This will completely ruin our Village. I have lived in Little Bromley for 26 years and moved here to enjoy its peaceful location surrounded by unspoilt open countryside. The area is primarily grade 1 arable farmland with quiet country lanes which are enjoyed by walkers, cyclists, horse riders to name but a few. As a keen cyclist and dog walker I can only see our once quiet location being decimated by dust and noise making it an unbearable place to live. Many of the properties are listed or without foundations and the suggestion that such work be contemplated with the constant flow of heavy HGV's over 450 on our road alone ! would result in not only property prices plummeting but also damage to buildings, I assume you will compensate for this? I think not. Your glossy brochure promotes a vision of 'clean energy' but at what cost???? Clearly the technical planners/ consultant's that have been out and have somehow decided this would be a good idea have not thought his through and are a bit delusional. Our mature trees and hedgerows some of which have been replaced as the village has been cut off with snow drifts in previous years would be shamelessly bulldozed and cast aside for tarmac and concrete. As a village our roads are often flooded and more concrete and tarmac will make this worse. Your illusion of 'clean 'may fool others but to you guys its all about money and shareholders . I'm all for clean green energy but stay offshore. Marine wildlife will recover within three years if the project were to connect at the point where it will be delivered to London, i.e. Tilbury . Our village, community and countryside will never recover, nor will the valuable farm land that you will decide to compulsory purchase. Agriculture is necessary for food production and you will be taking away acres of land that will no longer be suitable for growing the crops we need to maintain food produced by British Farmers. My property would overlook the compound and new road. I currently enjoy agricultural aspects from all my views, as do all the properties along Shop Road. Who would plan a compound for construction/machinery storage the middle of a village????!!</p> <p>Another flaw in your proposed project. We have no street lighting and I assume this would be artificially lit for security at night-time. This would be obtrusive and would undermine our enjoyments of the night sky. Its also harmful to our many nocturnal animals we have living nearby , including bats and owls. We live in a village NOT a town. So whilst this torment is carried out has anyone thought about the local business's trying to function? farmers manoeuvring with agricultural machinery ? and people trying to get to work? Probably not. Pollution from the HGV'S, dust. All of this is both detrimental to our health and wellbeing. My mental health is already being tested with the dread that this project is just being suggested. For the past two years we have been bombarded with questionnaires , consultations , brochures proclaiming thoughtful and careful planning from Five Estuaries, North Falls Tarchon ( that's a joke in itself ) exporting our energy back to Germany and National Grid. I have attended meetings and listened to yours and others proposals. The majority of people do not want his project which affects all of Tendring . It will unnecessary devastate the region. Do any of you ever listen or are our protests/objections falling on deaf ears? Ask yourself the question would you like this on your doorstep? What about our human rights or do we not have any???? Tearing up the countryside is not the answer there are alternatives. We as a community will continue to fight this proposal and as more and more people wise up as to what you have</p>	<p>The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.</p> <p>HGVs associated with the construction of VE would not be permitted to travel through Little Bromley and would arrive at the construction accesses from Bentley Road via the A120. Bentley Road would be widened between the A120 and AC-9 to allow two HGVs to pass safely and a temporary speed limit reduction to 40mph during the construction period is proposed, which would minimise dust and noise impacts to local residents.</p> <p>The forecast number of daily VE HGV movements on Bentley Road on route to and from construction sites at the peak of construction of VE is 216, which equates to 18 per hour, or 3 every 10 minutes.</p> <p>The average number of daily VE HGV movements on Bentley Road across the construction programme would be 132, which equates to 11 per hour, or around 1 vehicle every 5 or 6 minutes.</p> <p>HGV movements would be managed by a Construction Traffic Management Plan (CTMP), which the Applicant is committed to implementing, including a mechanism for any identified issues with HGV movements during construction to be reported to the Applicant so that these can be investigated and rectified. An Outline version of the CTMP (document 8.25, APP-257) was submitted with the development Consent Order (DCO) application.</p> <p>The Applicant acknowledges the comments regarding the importance of agricultural land and practices. The Applicant has assessed the impacts of the proposed infrastructure on agricultural land, along with other relevant factors, during the development of the Project. Proposed mitigation measures are detailed in the 9.21 Code of Construction Practice [APP-253]. The measures include the appointment of an Agricultural Liaison Officer (ALO) to provide a point of contact for landowners and occupiers during construction. The ALO will be available to discuss practical issues that might arise. The ALO will also ensure that information on existing agricultural management and land conditions is obtained, recorded and verified by way of a pre-construction condition and will undertake site inspections during construction to monitor working practices and ensure landowners' and occupiers' reasonable requirements are fulfilled. The ALO will also ensure reinstatement measures are undertaken following the completion of the works.</p> <p>As set out in the 9.21 Code of Construction Practice [APP-253] a Soil Management Plan will be developed by the Principal Contractor. In order to minimise potential damage to soil structure, biology, and fertility, the applicant will implement several key practices through the SMP. This plan includes limiting the area of disturbance and scheduling work during dry conditions to reduce soil compaction, protecting sensitive areas with ground coverings or temporary access roads, and carefully removing, storing, and replacing topsoil separately from subsoil, with amounts recorded through a soil resource budget. Erosion control measures will be utilised to prevent soil runoff during removal, storage and restoration. To further preserve soil health, contractors will be familiar with and trained in soil conservation practices, and construction activities will be closely supervised.</p>



Ref	Relevant representation comment	Applicant's responses
	<p>planned be prepared for a fight on your hands. Greed/capitalism before green. Shame on you if this is allowed to proceed.</p>	<p>The Applicant has assessed the Onshore impact to Wildlife and Habitats. As set out in 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086], the project has undertaken surveys to understand the effects of the project extent as described in 6.3.1 Onshore Project Description [AS-004] and has conducted a robust an assessment of the project parameters. Details of mitigation measures that are being undertaken can also be found in the 9.21 Code of Construction Practice [APP-253] and the 9.22 Outline Landscape and Ecological Management Plan [APP-254]. The latter also includes details for ecological enhancement, noting that the project has committed to delivery at least 10% Biodiversity Net Gain, as set out in 6.6.4.18 Five Estuaries Offshore Wind Farm Onshore Biodiversity Net Gain Indicative Design Stage Report [APP-149].</p> <p>An assessment of flood risk for the cable corridor and the substation location is provided in 5.3.1 Flood Risk Assessment Export Cable corridor [APP-038] and in 5.3.2 Flood Risk Assessment Onshore Substation [APP-039] respectively. These assessments consider the risk of flooding from all sources, including groundwater and take into consideration the potential for changes to flood risk off-site.</p> <p>Impacts relating to increased noise and dust are assessed in 6.3.9 Airborne Noise and Vibration [APP-091] and 6.3.10 Air Quality [APP-092]. Appropriate measures have been developed to mitigate for temporary increases in noise and dust through construction (primarily) and operation. The full range of mitigation is included in 9.21 Code of Construction Practice [APP-253].</p> <p>The Applicant notes the concerns and has assessed the potential impacts of the project throughout the ES. 6.3.2 Landscape and Visual Impact Assessment [APP-084] concludes that significant effects on landscape character and visual amenity will only occur within a localised area out to 1.3 km and 1.4 km, respectively. These significant effects will be mitigated by the proposed mitigation planting within the first 15 years of the operational lifetime of the onshore substation. The design of the mitigation planting will ensure that significant effects will occur for 15 years or less of the overall 30-year operational life and, therefore, will not last forever. Furthermore, while the landscape character is arable and rural, there are subtle variations in the landform and sufficient tree and hedgerow cover that prevent it from being described as flat and open. The existing landform and vegetation cover create some degree of enclosure that will contribute to the screening of the onshore substation between the short to long-term.</p> <p>Community and recreational facilities are assessed on the basis of the extent to which there are local community and commercial facilities in the area likely to be affected by the construction of the VE in terms of accessibility and changes to environmental amenity, summarised below with reference to the findings of the ES (Volume 6).</p> <p>These are summarised within Chapter 6.3.3 Socio-Economic, Tourism and Recreation [APP-085], which draws upon detailed, topic-specific assessments:</p> <ul style="list-style-type: none"> <li>&gt; 6.3.2 Landscape and Visual Impact Assessment [APP-084];</li> <li>&gt; 6.3.8 Traffic and Transport [APP-090];</li> <li>&gt; 6.3.9 Airborne Noise and Vibration [APP-091]; and</li> <li>&gt; 6.3.10 Air Quality [APP-092].</li> </ul>

Ref	Relevant representation comment	Applicant's responses
		<p>The assessment concludes that while some local communities may experience change in multiple environmental effects, these are not likely to be significant in affecting the operation of community facilities and are not likely to be significant in EIA terms. However, in recognition of uncertainty, good practice has been secured in terms of construction management plans to maintain the operation and accessibility of community infrastructure (including PRow) for example through an 9.25 Outline Public Access Management Plan [APP-258] and 9.24 Outline Construction Traffic Management Plan [APP-257]</p> <p>Overall, given the low to medium magnitude and sensitivity across individual PRow receptors and when taking mitigation measures into account, the overall effect of the construction phase on community facilities, recreational facilities and routes is considered to be of minor adverse significance and not significant.</p>

#### 7.28 SIR BERNARD JENKIN MP [RR-103]

Ref	Relevant representation comment	Applicant's responses
SBJ-RR01	<p>I object to this windfarm connecting to the proposed East Anglian Connection Node; I favour a connection via Sealink or the Tarchon Interconnector, as part of a shift in network design to offshore connectivity and transmission. I also think that both 5E and Falls should transmit DC power, so HVDC undergrounding on land is much cheaper and line-loss is reduced to a minimum. They will also be able to connect directly to undersea cables. Arup analysis of Norwich to Tilbury shows that reduced line loss can significantly reduce constraint payments.</p>	<p>The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.</p> <p>The benefits of High Voltage Direct Current (HVDC) technology in terms of losses must be balanced against the significant additional cost and complexity for the substations. It is for this reason that projects that are smaller in capacity and / or closer to shore favour High Voltage Alternating Current (HVAC) rather than HVDC. Five Estuaries is not of a capacity or far enough from shore to benefit from HVDC technology.</p> <p>In terms of cable installation though the number of circuits would be reduced with HVDC, this would not alter the cable route, or remove the need for cable trenches, Horizontal Directional Drilling (HDD) or the TCCs. It should also be noted that any reduction in the temporary disruption for the cable installation would also be offset by a notable increase in size of the onshore substation to accommodate the HVDC-HVAC convertors which would be permanent for the project lifetime.</p>

#### 7.29 TAZ BROTHERTON [RR-110]

Ref	Relevant representation comment	Applicant's responses
TB-RR01	<p>this will severely impact my whole village Little Bromley, it will turn this peaceful setting into a construction site, it will impact the value of the homes around it. I moved here recently to get away from the noisy bust world and now it looks like its all going to be turned upside</p>	<p>The Applicant is cognisant and sympathetic to any disruption that may be caused by the project. The need for the project is set out in Government policy and summarised in section 2.4 of 6.1.2 Policy and Legislation [APP-062].</p>

Ref	Relevant representation comment	Applicant's responses
	<p>town. for me and my wife and the village this project should not go ahead. it's utterly heart-breaking.</p>	<p>The Environmental Statement submitted as part of the application sets out how the Applicant has assessed and sought to avoid, reduce or mitigate potential environmental impacts related to the project. The 6.1.5 Non-Technical Summary [APP-067] summarises this.</p> <p>Community and recreational facilities are assessed on the basis of the extent to which there are local community and commercial facilities in the area likely to be affected by the construction of the VE in terms of accessibility and changes to environmental amenity, summarised below with reference to the findings of the ES (Volume 6).</p> <p>These are summarised within Chapter 6.3.3 Socio-Economic, Tourism and Recreation [APP-085], which draws upon detailed, topic-specific assessments:</p> <ul style="list-style-type: none"> <li>&gt; 6.3.2 Landscape and Visual Impact Assessment [APP-084];</li> <li>&gt; 6.3.8 Traffic and Transport [APP-090];</li> <li>&gt; 6.3.9 Airborne Noise and Vibration [APP-091]; and</li> <li>&gt; 6.3.10 Air Quality [APP-092].</li> </ul> <p>The assessment concludes that while some local communities may experience change in multiple environmental effects, these are not likely to be significant in affecting the operation of community facilities and are not likely to be significant in EIA terms. However, in recognition of uncertainty, good practice has been secured in terms of construction management plans to maintain the operation and accessibility of community infrastructure (including PRoW) for example through an 9.25 Outline Public Access Management Plan [APP-258] and 9.24 Outline Construction Traffic Management Plan [APP-257]</p> <p>Overall, given the low to medium magnitude and sensitivity across individual PRoW receptors and when taking mitigation measures into account, the overall effect of the construction phase on community facilities, recreational facilities and routes is considered to be of minor adverse significance and not significant.</p> <p>Control measures to minimise the effects of construction are set out in 9.21 Code of Construction Practice [APP-253].</p>

**7.30 TED EDWARDS [RR-111]**

Ref	Relevant representation comment	Applicant's responses
TE-RR01	<p>The main issues I have with the application are two-fold. Firstly, I believe that a land-based solution (laying underground cables in cut-and-cover trenches) to connect to a large new onshore substation in the countryside is old-fashioned and that more modern and less obtrusive methods should be used - which would essentially be an offshore, underwater cabling solution taking the electricity to its ultimate destination. My second issue is that although there does now seem to be collaboration between this scheme and the separate North Falls scheme, there does not at this stage appear to be a binding commitment from both parties to share the same trenching, laying and making good activity. It is bad enough having huge swathes of the countryside dug up to lay the cables but, if this is the final</p>	<p>The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.</p> <p>It is worth noting that the destination of the electricity produced is the national electricity transmission network, not a specific location.</p> <p>The Applicant has set out potential delivery scenarios in the 9.30 Coordination Document [APP-263], which would aim to reduce the potential impacts of the construction of the onshore elements of the Five Estuaries and North Falls projects.</p>

Ref	Relevant representation comment	Applicant's responses
	<p>solution, then we must ensure it only gets dug up once to support both schemes. I do have a follow-on issues around a commitment to keep the time any stretch of land is dug up to a minimum and to ensure that construction traffic is legally obliged to follow the prescribed routes and on-site haul roads, not country lanes that are unsuitable for heavy traffic.</p>	<p>HGV movements would be managed by a Construction Traffic Management Plan (CTMP), which the Applicant is committed to implementing, including a mechanism for any identified issues with HGV movements during construction to be reported to the Applicant so that these can be investigated and rectified. An Outline version of the CTMP (document 8.25, APP-257) was submitted with the development Consent Order (DCO) application.</p>

### 7.31 THERESE COFFEY [RR-115]

Ref	Relevant representation comment	Applicant's responses
TC-RR01	<p>I am registering as an interested party for this NSIP application because whilst the onshore landing point for Five Estuaries is currently proposed to be between Holland-on-Sea and Frinton-on-Sea, I'm concerned that as it forms part of the Offshore Coordination Support Scheme there is a danger that it may mean even more inappropriate energy infrastructure for the Suffolk Coast. Through this process, I want to ensure that the onshore infrastructure is not diverted to Friston or indeed any other part of Suffolk and encourage connection closer to London.</p>	<p>The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.</p>

### 7.32 TRACY ANN LANEY [RR-116]

Ref	Relevant representation comment	Applicant's responses
TAL-RR01	<p>I live in an area of outstanding beauty. This work will devastate this whole area. We already suffer when the A12 is closed with lorries on our small roads. The roads around here are not designed for lorries of any sort. We have recently had many new homes built and still being build and this disruption has been ridiculous, this area is villages and farmland we do not need or want it destroyed.</p>	<p>Application document 6.3.2 Landscape and Visual Impact Assessment [APP-084] concludes that there will be no significant landscape or visual effects on the Dedham Vale National Landscape or the Suffolk and Essex Coast and Heaths National Landscape. This is largely due to the limited visibility as a result of intervening trees, hedgerows and landform and is a position that Natural England is in agreement with, stating; <i>'we agree with the Applicant that there is unlikely to be any significant adverse landscape and visual effects arising to either National Landscape because of the terrestrial aspects of the project'</i>.</p> <p>The proposed construction access routes for VE HGVs are A classification roads (A12, A120 and A133), B classification roads (B1035, B1033, B1032, B1441 and B1414) and one C class road (Bentley Road between the A120 and AC-9, not through Little Bromley). No other roads would be used by VE HGVs. Bentley Road would be widened between the A120 and AC-9 to allow two HGVs to pass safely and a temporary speed limit reduction to 40mph during the construction period is proposed, which would minimise dust and noise impacts to local residents. HGV movements would be managed by a Construction Traffic Management Plan (CTMP), which the Applicant is committed to implementing, including a mechanism for any identified issues with HGV movements during construction to be reported to the Applicant so that these can be investigated and rectified. An Outline version of the CTMP (document 8.25, APP-257) was submitted with the development Consent Order (DCO) application.</p>



7.33 VALERIE HARRIS [RR-119]

Ref	Relevant representation comment	Applicant's responses
VH-RR01	We do not want our land and environment polluted by these monstrosities which will have no local advantage. The construction will destroy much of the countryside which will take so very long to recover. The pollution: noise, stress, visual and air quality cannot justify this environmental desecration.	<p>The potential impact on the issues raised in the representation are assessed and reported on in the following documents:</p> <ul style="list-style-type: none"> <li>• 6.3.9 Airborne Noise and Vibration [APP-091]</li> <li>• 6.4.2 Human Health and Major Disasters [APP-090]</li> <li>• 6.3.2 Landscape and Visual Impact Assessment [APP-084]</li> <li>• 6.3.10 Air Quality [APP-092].</li> </ul> <p>The need for the project is set out in Government policy and summarised in section 2.4 of 6.1.2 Policy and Legislation [APP-062].</p> <p>Control measures to minimise the effects of construction are set out in 9.21 Code of Construction Practice [APP-253].</p>

7.34 VICTORIA LOUISE CAUVAIN [RR-121]

Ref	Relevant representation comment	Applicant's responses
VLC-RR01	Please, please, please follow an underwater option for this plan. Our roads are already in bad condition, over used and our farmland is rapidly disappearing under houses, what farmland and natural areas we retain need to be left be.	<p>The Applicant's position with regards to an offshore connection / the OCSS is set out in section 2 of this document.</p> <p>The potential impact on the issues raised in the representation are assessed and reported on in the following documents:</p> <ul style="list-style-type: none"> <li>• 6.3.5 Ground Conditions and Land Use [APP-087]</li> <li>• 6.3.8 Traffic and Transport [APP-090].</li> </ul>