



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

The Examining Authority's written questions and requests for information

Issued on 8 October 2024

The following table sets out the Examining Authority's (ExA's) questions and requests for information and constitutes the ExA's first Written Questions (ExQ1). ExQ1 should be treated as formally replacing draft Written Questions 1 (dWQ1) issued on 30 August 2024 as [\[PD-008\]](#). Following the holding of Issue Specific Hearings 1 and 2 (ISH1 and ISH2) and Compulsory Acquisition Hearing 1 (CAH1) and the receipt of the submissions made by the Applicant and other Interested Parties (IPs) at Examination Deadline 1 (3 October 2024) some of the matters included in dWQ1 have been addressed wholly or in part. Accordingly, some of the questions included in dWQ1 have not been asked in their totality or have only been retained in part within ExQ1 and are shown with double strike through in the table below. Questions wholly or partially struck through should not be answered and have only been retained in the table below so as to maintain consistency in numbering. In some instances the ExA has found it necessary to make amendments to the questions/requests for information that were included in dWQ1 and any such amended questions have been shown in red text in the table below. The ExA has also found it necessary to ask some new questions and they are highlighted in red text and have been added to the end of a topic section so as not to affect the numbering that first appeared in dWQ1.

Responses to the questions and requests for information included in ExQ1 must be submitted at Deadline 2 (22 October 2024), in line with the Examination Timetable included in Annex A of the ExA's Rule 8 letter issued on 25 September 2024 [\[PD-009\]](#). If necessary, the Examination Timetable enables the ExA to issue further rounds of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2 and ExQ3.

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

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests. In issuing ExQ1 the ExA has sought to avoid asking questions and/or requests for information which may have been addressed during the course of ISH1, ISH2 and CAH1 and/or responded to in Deadline 1 submissions. However, there may be instances of questions/requests for information having been included in ExQ1 for which the Applicant or other IPs consider they have provided a



response in their Deadline 1 submissions. Should that be the case then the Applicant or the relevant IP should advise where in their previously made written submissions the response can be found.

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

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

Abbreviations used:

AEoI	Adverse Effect on the Integrity of the Site
AIL	Abnormal Indivisible Load
ANS	Artificial Nesting Structure
BMV	Best and most versatile agricultural land
CA	Compulsory Acquisition
CEMP	Construction Environmental Management Plan
CoCP	Code of Construction Practice
dDCO	Draft Development Consent Order
DML	Deemed Marine Licence
EACN	Proposed National Grid East Anglia Connection Node
EIA	Environmental Impact Assessment
EM	Explanatory Memorandum



ES	Environmental Statement
ECC	Export Cable Corridor
ExA	Examining Authority
FLCP	Fisheries Liaison and Co-existence Plan
FFC SPA	Flamborough & Filey Coast Special Protection Area
GW	Gigawatt
HE	Historic England
HoTs	Heads of Terms
HRA	Habitats Regulations Assessment
IP	Interested Party
ISH	Issue Specific Hearing
LBBG	Lesser Black Backed Gull
LIR	Local Impact Report
LPA	Local Planning Authority
MCA	Maritime and Coastguard Agency
MLS SAC	Margate and Long Sands Special Area of Conservation
MMO	Marine Management Organisation
MRF	Marine Recovery Fund
NE	Natural England
NGET	National Grid Electricity Transmission Plc
NRA	Navigational Risk Assessment



NSIP	Nationally Significant Infrastructure Project
OnSS	Onshore substation
OSP	Offshore Substation Platform
OWF	Offshore wind farm
PA2008	The Planning Act 2008
Proposed Development	The proposed Five Estuaries Offshore Wind Farm
RIAA	Report to Inform Appropriate Assessment
RR	Relevant Representation
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SoR	Statement of Reasons
SoS	Secretary of State
SPA	Special Protection Area
m²	Square metre
WR	Written Representation
WTG	Wind Turbine Generator

The Examination Library

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



Index

General and Cross-topic questions (GC)	6
Climate Change (CC)	12
Draft Development Consent Order (dDCO)	13
Historic Environment including Marine Archaeology (HE)	25
Land Rights (Compulsory Acquisition (CA) and Temporary Possession (TP) etc) (LR)	26
Marine Ecology (ME)	30
Ecology Onshore (EO)	37
Navigation and Shipping (NS)	38
Seascape, Landscape and Visual (SLV)	40
Terrestrial Transport and Traffic (TT)	41
Onshore Water, Hydrology and Flood Risk (WE)	44
Land Use and Agriculture (LU)	47

	Question to:	Question
General and Cross-topic questions (GC)		
GC.1.01	Applicant	<p>Status of Application documents</p> <p>The majority of the Application's written documents are prefaced by a generic liability statement which, amongst other things, states "... Five Estuaries Offshore Wind Farm Ltd makes no warranty as to the accuracy or completeness of material supplied by the client or their agent ... Any persons intending to use this document should satisfy themselves as to its applicability for their intended purpose ...". The Applicant must clarify what credence the Secretary of State, the Examining Authority and Interested Parties can place on the accuracy or completeness of any of the Application documentation that is subject to previously quoted liability statement.</p> <p>The Applicant clarified during the Preliminary Meeting that the liability statement included within each of the Application documents should be disregarded. The ExA notes that the Applicant's Deadline 1 documents now include a revised liability statement.</p>
GC.1.02	Applicant	<p>Status of the description of the Proposed Development and reporting on it in the Environmental Statement (ES) submitted with the Application</p> <p>Paragraph 1.3.3 of the Offshore Project Description [APP-069] states:</p> <p><i>"The description of the Proposed Development will be refined as the design continues to evolve through the key subsequent stages of the design, consultation and EIA process culminating in the Environmental Statement (ES) that will accompany the Development Consent Order (DCO) Application."</i></p> <p>Given what is stated in paragraph 1.3.3, does the description for the Proposed Development reflect what it is being proposed and has that development been comprehensively assessed for the purposes of the Environmental Impact Assessment Regulations and reported on in the submitted ES?</p>
GC.1.03	Applicant	<p>Generating capacity of the Proposed Development</p> <p>Provide the following information:</p>

	Question to:	Question
		<p>a) The anticipated generating capacity for the Proposed Development and the contribution that generating capacity would make to the Government’s objective of delivering 50 gigawatts (GW) of offshore wind generation by 2030.</p> <p>b) The anticipated generating capacity for the “small” and the “large” wind turbine generators referred to in [APP-069], for example Table 1.8.</p> <p>c) With respect to connecting with the electricity transmission system, confirm what grid capacity limit has been allocated to the Proposed Development.</p> <p>The ExA finds it necessary to ask this question because a number of Application documents vaguely refer to the Proposed Development having an overall capacity of greater than 100 Megawatts (MW) with there being no indication of its actual anticipated generating capacity. 100MW is simply a threshold for determining whether a proposed offshore generating station in England would or would not be a Nationally Significant Infrastructure Project (NSIP) and be within the scope of the Planning Act 2008 (PA2008). The ExA considers that it and the Secretary State need to know what the anticipated generating capacity for the Proposed Development would be, because that is information which would need to be taken account of should it become necessary to weigh any effects arising from the Proposed Development against any public interest benefits, particularly when exercising duties under s122 of the PA2008 (Purpose for which compulsory acquisition may be authorised) and The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).</p>
GC.1.04	Applicant	<p>Significance of the Proposed Development’s contribution to the United Kingdom’s electricity generating capacity</p> <p>In paragraph 4.1.76 of the Habitats Regulations Assessment Derogation Case (Derogation Case) [AS-003] it is stated “...If VE is abandoned, a relatively low cost and low risk project with the scope to provide a large generational capacity producing clean and renewable energy estimated capacity of at least 100 MW before 2030 would be lost. ...” (emphasis added by the ExA). That quote appears to be inconsistent with the claims made in the first bullet point of paragraph 5.3.30 “The VE development proposes a substantial infrastructure asset, capable of delivering large amounts of low-carbon electricity ...” and paragraph 5.3.31 “VE can make a large, meaningful, and timely contribution to decarbonisation and security of supply ...” of the Derogation Case. Explain what is meant by the emphasised text in paragraph 4.1.76 of the Derogation Case and calculate what 100 megawatts (MW) would be as a proportion of the Government’s objective for delivering 50 gigawatts (GW) of offshore</p>

	Question to:	Question
		wind generation by 2030.
GC.1.05	National Grid Electricity Transmission Plc (NGET)	<p>Grid connection limit for the Proposed Development Confirm what grid connection limit has been agreed with the Applicant as part of the connection offer that has been secured.</p> <p>Answer provided by the Applicant under Agenda item 3.3 of Compulsory Acquisition Hearing 1 and referred to in Deadline D1 submission [REP1-059].</p>
GC.1.06	Applicant	<p>Time limits for commencing the Proposed Development</p> <p>Comment on the compatibility of a time limit of seven years for commencing the Proposed Development, sought under the provisions of Requirement 1 of Schedule 2 of the draft Development Consent Order (dDCO) [REP1-008] with:</p> <ul style="list-style-type: none"> a) the Government’s policy ambition for delivering 50GW of offshore wind generation by 2030, as referred to for example in paragraph 3.3.21 of National Policy Statement (NPS) EN-1; and b) the claim within paragraph 5.3.70 of the Derogation Case [AS-003] that the Proposed Development “... can be deployed within a relatively short time frame (before 2030) ...”.
GC.1.07	Applicant	<p>Site Selection and Alternatives (Offshore) Paragraph 4.1.8 in [APP-066] states that “... VE, along with North Falls and Sea Link (National Grid Electricity Transmission), applied as a consortium for grant funding as part of the Offshore Coordination Support Scheme (OCSS)”.</p> <p>Given the relationship between these three projects why has the Applicant chosen to discount an alternative offshore connection solution, via Sea Link (EN020026), which would not necessitate any development onshore?</p> <p>The ExA considers that it and the Secretary State need to understand why an offshore connection to a proposed NSIP transmission project due for submission in the first quarter of 2025 [RR-078] has been discounted and not included as an option given the existing relationship with National Grid/North Falls and an application for grant funding (OCSS). Paragraph 2.13.14 of NPS 5 states “Co-ordinated</p>

	Question to:	Question
		<p>transmission proposals ... are expected to reduce the overall environmental and community impacts associated with bringing offshore transmission onshore compared to an uncoordinated, radial approach. These reduced impacts could, for example, relate to: fewer landing sites and reduced landfall impacts; reduced overall cable length and impacts; and fewer cable corridors and reduced impacts from these". Paragraph 2.13.17 of NPS 5 states "Applicants are expected to be able to indicate how co-ordination including reduction in impacts have been considered ..."</p> <p>The position with respect to connecting with the proposed Sea Link has been explained in section 2 of the Applicant's response to Relevant Representations [PD4-006] and Department for Energy Security and Net Zero's letter of 3 April 2024 to Essex County Council [AS-011]</p>
GC.1.08		<p>Site Selection and Alternatives (Onshore)</p> <p>Natural England (NE) in paragraph 5.10 of [RR-081] states "<i>where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land</i>".</p> <p>Provide an explanation as to why the proposed onshore substation (OnSS) and export cable corridor (ECC) cannot be located in an area that is not Grades 1 to 3a best and most versatile (BMV) agricultural land?</p> <p>The ExA considers that it and the Secretary State need to understand the justification for locating the OnSS on Grade 1 BMV and the disturbance to Grade 2 and 3a BMV along the ECC. Paragraph 2.13.19 of NPS EN-5 states "<i>There may be exceptional circumstances where multiple coordinated solutions have been explored and all those solutions would lead to adverse impacts (for example adverse effects on an environmentally protected site and where these could be avoided through radial connections. In these circumstances radial connections may be more appropriate. Evidence of the co-ordinated solutions assessed and likely adverse impacts would need to be provided by the applicant to clearly substantiate this. This includes demonstration of consideration of alternative co-ordination solutions which may not be in proximate locations</i>".</p>

	Question to:	Question
GC.1.09	Applicant	<p>Implications for the Proposed Development if the proposed Norwich to Tilbury reinforcement project did not proceed</p> <p>Should the proposed Norwich to Tilbury reinforcement project, including the provision of the proposed East Anglian Connection Node (EACN) substation, not proceed, explain what the implications would be for the Proposed Development?</p> <p>Matter addressed by the Applicant in its Pre-examination Procedural Deadline D submissions and the evidence it gave during the first round of hearings.</p>
GC.1.10	Local Planning Authorities (LPAs)	<p>Development Plan policies</p> <p>Confirm whether you are content with the Applicant's policy analysis. The local planning authorities in responding to this question should also advise on whether there have been any changes to the Development Plan operative in their respective areas following the submission of the Application for the Proposed Development and/or as to whether any changes are anticipated prior to 17 March 2025 the latest date by which the Examination must be completed.</p>
GC.1.11	LPAs	<p>Neighbourhood Plans</p> <p>Are there any relevant made or emerging neighbourhood plans that the ExA should be aware of? If there are, please:</p> <ol style="list-style-type: none"> Provide details, confirming their status and, if they are emerging, the expected timescales for their making. Provide copies of the relevant parts of any made plan or emerging plan. <p>Indicate what weight it is considered the ExA should give to these documents.</p>
GC.1.12	LPAs	<p>Updates on other development</p> <p>Provide an update on any planning applications that have been submitted or any permissions that have been granted following the submission of the Application for the Proposed Development which could either affect the Proposed Development or be affected by the Proposed Development and whether those developments would affect the conclusions reached in the Environmental Statement (ES).</p>

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

	Question to:	Question
GC.1.15	Applicant	<p>Designing the proposed onshore substation</p> <p>Section 2.3 of the onshore substation design principles document [APP-234] refers to a design review process being used to finalise the design for the proposed onshore substation. Who would be the “<i>Project Design Champion</i>” and who would be the members of the “<i>Design Review Panel</i>”?</p>
GC.1.16	Applicant	<p>Onshore substation design principles</p> <p>In terms of selecting a location for the proposed onshore substation, paragraph 3.2.5 of the OnSS design principles document [APP-234] refers to, amongst other things, “<i>The Horlock Rules</i>”. What are the Horlock Rules. In answering this question a copy of the Horlock rules should be submitted.</p>
GC.1.17	Applicant	<p>Offshore Decommissioning</p> <p>Within the Application documentation it is submitted that the effects associated with the decommissioning of the offshore works would be similar to the offshore construction works for the Proposed Development, is that proposition correct? For example, would the process of dismantling the wind turbine generators, including removing their piled foundations, have effects for marine ecology similar to those associated with the undertaking of piling and the pouring of concrete?</p>
Climate Change (CC)		
No Questions at this time		

	Question to:	Question
Draft Development Consent Order (dDCO)		
Note All references to the numbering of Articles and Schedules (including Requirements have been updated to refer to those used in the version of the dDCO submitted at Deadline 1 [REP1-008]		
DCO.1.01	Applicant	<p>References to units of distance, area or volume</p> <p>Units of distance, area and volume, kilometres, metres and square metres etc, should be quoted in long form throughout a Development Consent Order (DCO). Within the submitted dDCO metre, square metre and cubic metre have been abbreviated to “m”, “m²” and “m³”, see for example Table 1 in Requirement 2 in Schedule 2.</p> <p>The Applicant must therefore review the use of distance, area and volume units throughout the entirety of the dDCO and ensure they are quoted in their long form throughout the next version of the dDCO that is submitted as an Examination document.</p> <p>Matter addressed by amendments made to the dDCO at Deadline 1 [REP-008].</p>
DCO.1.02	Applicant	<p>Article 2 (Interpretation)</p> <p>a) Include, in the next version of the dDCO the full citation for “<i>the 2016 Regulations</i>” ie the Environmental Permitting (England and Wales) Regulations 2016 and thereafter amend all of the references to these regulations to refer to the short form.</p> <p>b) “<i>address</i>” includes any number or address used for the purposes of electronic transmission. As Article 44 (Services of notices) is the only article referencing “address” and provides clarity with respect to electronic transmission, why is it necessary to list address in Article 2?</p> <p>c) “<i>apparatus</i>” has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act. See Articles 18, 30 36 and 37 below. Why has an interpretation been included in Article 2 when there are other articles not related to street works referencing the term apparatus?</p> <p>d) “<i>buoy</i>”, “<i>cable crossings</i>” and “<i>cable protection</i>” interpretations included in Article 2 have been replicated in full, amended or expanded upon in Schedule 11 Part 1 (1). Only one interpretation is necessary and the dDCO should be revised accordingly. The entire dDCO should be checked for any other duplication of interpretations included in both Article 2 and any other parts (schedules) of the dDCO and any duplications beyond Article 2 should be deleted.</p>

	Question to:	Question
		e) <i>“foundation”</i> appears to reference construction associated with offshore only. However, throughout the dDCO foundation is also mentioned in relation to onshore construction. Amend this interpretation for clarity to include any onshore foundation types.
DCO.1.03	Applicant	Article 37(2)(b) (Felling or lopping of trees and removal of hedgerows) Article 37(2)(b) states <i>“...from constituting an unacceptable source of danger (whether to children or to other persons)”</i> . There is no justification for this particular provision given in the Explanatory Memorandum. A justification for Article 37(2)(b) should be included in the Explanatory Memorandum or this provision should be deleted from the dDCO.
DCO.1.04	Applicant	Article 46 (No double recovery) What is the justification for Article 45’s inclusion and would the inclusion of this Article in any made DCO be consistent with recent practice? Should the Applicant remain of the view that there is a need for Article 45 it should provide examples where this type of article has been included in very recently DCOs. Matter addressed in Deadline 1 submission [REP1-059].
DCO.1.05	Applicant	Numbering and formatting for the works comprising the proposed authorised works in Schedule 1 The ExA considers the Applicant’s approach to the numbering and formatting of works within Schedule 1 to be inconsistent with normal practice. For example, for Work Numbers 1 and 2 for each work three sub works are listed, however, for Work Number 2 rather than its sub works being listed as (a) to (c) they have been listed as (d) to (f) rather than (a) to (c). Thereafter in later Work Numbers sub works start at (g) and culminate in (aa) to (cc) in Work Number 15B. However, for Work Numbers 15C, 15D and 16 the listing of the sub works commence at (a). For the associated development for Work Numbers 1 to 3, the listing commences with (e) running initially running through to (l), while the associated development for Work Numbers 4 to 18 the listed items commence at (a). Work Numbers 15C to 15E are randomly preceded by paragraph numbers (49 to 51), suggesting injudicious cutting

	Question to:	Question
		<p>and pasting from another document. The inclusion of “Work No. 4B” as an unused work number amounts to poor drafting practice.</p> <p>The Applicant must therefore correct and simplify the way the proposed works are listed in Schedule 1 and ensure that in reformatting this schedule normal drafting conventions are used.</p> <p>In revising Schedule 1 of the dDCO the Applicant will also need to review all of the Application documents that refer to Works Numbers, including the onshore Works Plans [APP-010] and make any amendments as necessary to ensure consistency with the revisions that need to be made to Schedule 1.</p> <p>Matter addressed by amendments made to the dDCO at Deadline 1 [REP-008].</p>
DCO.1.06	Applicant	<p>Schedule 2 (Requirements) – references to paragraphs and sub-paragraphs within individual requirements</p> <p>Some requirements (R) with multiple parts, make cross reference to paragraphs in other parts of the same R, see examples in R3(3), R19 and R22. There is a lack of consistency in other Rs in which crossing referencing uses the term sub-paragraph, for example 4(3), 5(2) and 6(1).</p> <p>The ExA considers that the usual convention is to use the term sub-paragraph, rather than paragraph, as the means for making cross references to other parts in Rs.</p> <p>The Applicant should review the drafting for all multi part Rs in Schedule 2 of the dDCO and replace the word paragraph with the word sub-paragraph as necessary.</p>

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

	Question to:	Question
DCO.1.09	Applicant	<p>Implementation</p> <p>Example: R7(3) (Provision of landscaping) lacks precision with respect to the implementation of the landscaping works pursuant to any approval granted under sub-paragraph (1). R7(3) should be amended to state that the landscaping must be carried in accordance with the details approved under sub-paragraph (1).</p> <p>The Applicant should review all of the Rs in Schedule 2 and amend them as necessary to ensure they make it clear that implementation must be carried out in accordance with the details to be approved under the provisions of a preceding sub-paragraph.</p> <p>Matter addressed by amendments made to the dDCO submitted at Deadline 1 [REP1-008].</p>
DCO.1.10	Applicant	<p>Omissions</p> <p>Example:</p> <ul style="list-style-type: none"> • R6(1) (Code of construction practice [CoCP]) refers to sub-paragraph (3) – there is no sub-paragraph (3), which appears to be an omission. Is the CoCP a draft or final document? At this stage of the planning for an NSIP the ExA would expect the CoCP to be a draft document, to be finalised once the detailed design has been completed and a contractor has been appointed. If the submitted CoCP [APP-253] is an outline document then R8 needs to be amended to include an approval mechanism for a final version by the relevant local planning authority. • R9 (3) should reference sub-paragraph (1). Addressed by amendments made to the dDCO at Deadline 1 [REP1-008]. <p>The Applicant should review all of the Rs in Schedule 2 and ensure that they are complete, ie include all of the necessary limbs to make the R precise, implementable and enforceable etc.</p>

	Question to:	Question
DCO.1.11	Applicant	<p>Clarity</p> <p>Examples:</p> <ul style="list-style-type: none"> R6 (Detailed design parameters onshore) and R7 (Provision of landscaping) <p>R6 and R7 appear to be related to works specifically for Work No. 15B (onshore substation) as set out in R5. Given that there are other onshore works listed within Schedule 1 of Part 1 (Authorised development), for clarity consideration should be given to combining R5, R6 and R7 or amending R6's subheading to read "Detail design parameters for the onshore substation" and R7 to read "Provision of landscaping for the onshore substation". If R5, R6 and R7 are combined all subsequent requirements should be renumbered. Irrespective of whether R5, R6 and R7 are to be combined or remain as separate Rs the design parameters currently included in R6 should precode what is currently stated in R5 because it is those parameters that inform the nature of the details to be submitted for approval, with any departures, in effect, meaning that the submitted details could not be approved because they would not accord with the parameters. Addressed by amendments made to the dDCO at Deadline 1 [REP1-008].</p> <ul style="list-style-type: none"> R9 appears to relate wholly to construction traffic management. To avoid confusion with R8 (CoCP) should R9 be preceded by a subheading of something like "Construction traffic management". Addressed by amendments made to the dDCO at Deadline 1 [REP1-008]. R11 (1) (Soil management plan) states <i>"in accordance with the measures set out in the code of construction practice"</i> however, R6 (1) does not include sufficient clarity to ensure that a soil management plan would form part of the code of construction practice. Would it be clearer in R13(1) if the reference was to a draft CoCP (see the point raised above to the status of [APP-253]) or would it be more appropriate for a draft soil management plan to be submitted as a standalone document? <p>The Applicant should review all of the Rs in Schedule 2 and amend the wording, where duplication of terms or lack of detail is present and may lead to a lack of clarity.</p>

	Question to:	Question
DCO.1.12	Applicant	<p>R14 (European protected species onshore)</p> <p>The subheading for R14 is inconsistent with the range of species covered in the R's wording. R14 is not restricted to the consideration of European protected species, given the references to the Wildlife and Countryside Act 1981. R14's subheading should be amended to accurately reflect the coverage R14.</p> <p>Matter addressed in the version of the dDCO submitted at Deadline 1 [REP1-008].</p>
DCO.1.13	Applicant	<p>R13 (Ground water monitoring)</p> <p>Paragraph 6.9.2 of ES Chapter 6 (Hydrology, Hydrogeology and Flood Risk) [APP-088] states “<i>The mitigation includes measures such as design changes and applied mitigation which is subject to further study or approval of details; these include avoidance measures that will be informed by pre-construction surveys, and necessary additional consents where relevant. The composite of standard and applied mitigation measures apply to all parts of the VE development works, including pre-construction, construction, O&M and decommissioning.</i>”</p> <p>The scope of R13, as written, does not fully address impacts in both the hydrological and hydrogeological environments.</p> <p>The Applicant should consider expanding this requirement to include all aspects of the water environment using the mitigation identified in the ES as the starting point for R13.</p>
DCO.1.14	Applicant	<p>R19 (Onshore build options)</p> <p>a) The Proposed Development under “<i>build option 2</i>” would be a ‘paired back’ development involving the installation of two buried cable circuits alone for the proposed Five Estuaries Wind Farm. While R19, as drafted, would require the relevant local planning authority to be notified by the Undertaker that either build option 1 or build option 2 was being pursued under build option 2 there would be no requirement for a revised set of drawings, most particularly an amended set of</p>

	Question to:	Question
		<p>Onshore Works Plans [APP-10], to be submitted. The ExA considers that omission to be a deficiency of the wording of R19 or any other part of the dDCO. That is because under build option 2 it would be unclear precisely what land was to be used to implement what would be a 'lesser' development in land take terms. The Applicant should therefore incorporate a mechanism within R19 that would ensure that if build option 2 was being pursued a revised set of Onshore Works Plans would be submitted to the relevant local planning authority.</p> <p>b) Part of R19's purpose is to ensure that the compulsory acquisition powers included in any made DCO could not be exercised until the notification of which build option was to be pursued had been submitted to the relevant local planning authority. Articles 21 to 34 in Part 5 of the dDCO address the proposed powers of acquisition. Affected Persons would be more likely to be drawn to the provisions of Part 5 of the dDCO and would not necessarily be minded to undertake a search of the relevant local planning authority's planning register to determine which build option was being pursued and how that might ultimately affect an Affected Person's land. Accordingly, the ExA is of the view that within Part 5 of the dDCO a provision should be incorporated that would ensure that there would be notification by the undertaker to all of the Affected Persons of a determination having been made as to which build option was to be pursued, with those notifications being issued concurrently with the notification required under R19 being submitted to the relevant local planning authority. The ExA is further of the view that the revision to Part 5 of the dDCO to be made in this regard should include an obligation ensuring the Affected Persons' notification would be accompanied by an updated Works Plan confirming the land to which the works to be implemented would apply.</p>
DCO.1.15	Applicant	<p>R21 (Reuse of temporary works with the onshore works for North Falls)</p> <p>The penultimate line in R21 refers to "<i>paragraph (2)</i>", however, there is no second paragraph. Are R21 and R22 intended to be distinct or is R22 intended to part of R21? Paragraphs 5.15 and 5.16 in the</p>

	Question to:	Question
		<p>Explanatory Memorandum [APP-025] suggest that R21 and R22, as numbered in the dDCO, were intended to be one R. Are R21 and R22 intended to be one requirement?</p> <p>The Applicant must review the drafting of R21 and R22 and amend as necessary. In the event that R21 and R22 are to be merged then subsequent requirements will need to be renumbered.</p> <p>Matter addressed in the version of the dDCO submitted at Deadline 1 [REP1-008].</p>
DCO.1.16	Applicant	<p>R23 (Requirement for written approval)</p> <p>R26 is a freestanding R which requires that approvals and agreements for details being discharged be issued in writing.</p> <p>Is R23 a requirement? It does not seem to relate to any specific requirement bearing upon the undertaker but rather to actions to be taken by the relevant planning authority. This appears to be an adjunct paragraph and the ExA considers it would be more appropriate for any R requiring details to be submitted for approval to include the phrase ‘... submitted to and approved in writing by the relevant local planning authority’. Making that amendment to the relevant Rs would make R23 unnecessary.</p> <p>Additionally, as none of the details to be submitted for approval pursuant to Rs the contained in Schedule 2 would be for the Secretary of State’s approval or another person, the inclusion of “... the Secretary of State ... or another person ...” appears to be unnecessary and should be deleted from R23 if this R is to be retained.</p>
DCO.1.17	Applicant	<p>Process for discharging requirements</p> <p>Schedule 2 sets out all of the proposed Rs, while Schedule 13 sets out the means for seeking approvals under the provisions of the requirements (discharge mechanism). It is common DCO drafting practice for requirements and the discharge mechanism to be included in a single two part schedule. The Applicant is requested to merge Schedules 2 and 13 with one another to create a two part Schedule 2. If the Applicant is unwilling to make this drafting change to the dDCO it should give its reasons for that. If the Schedules are combined then Schedules 14 to 17 should be renumbered and</p>

	Question to:	Question
		<p>any other amendments to the dDCO necessitated by that change should be made to ensure there is consistency between any relevant Articles and Schedules.</p> <p>Matter addressed in the version of the dDCO submitted at Deadline 1 [REP1-008].</p>
DCO.1.18	Applicant	<p>Schedule 7 (Land in which only new rights etc. may be acquired)</p> <p>a) For column 2 in the table within Schedule 7 explain the source/meaning for the emboldened numbers “28.”, “29.”, “30.” and “31.” or delete/correct as necessary.</p> <p>b) With respect to the formatting in column 2 in the table within Schedule 7 from the bottom of page 67 of the dDCO onwards, clarify whether:</p> <ul style="list-style-type: none"> i. the list of “Access rights” restrictions relating to plots 02-002 through to 17-018 should commence at (f), as drafted, or (a); ii. the rights relating to the National Grid substation works area should commence with a paragraph numbered 1, followed by sub-paragraphs commencing at (p) (a continuation of the list included in the preceding “Access rights” section) or commence at (a). iii. “(f) 1. Drainage rights” (top of page 71) and “(w) 2. Restrictive Covenant” (towards the top of page 72) these are subheadings that should be unnumbered or differently numbered?; iv. “(bb)) Compensatory works, works rights” has been correctly labelled and/or is needed as entry in the table; and v. items “(cc)”, “(jj)” and “(qq)” (on pages 72 and 73) should respectively be followed by “1.”, “2.” and “1.” <p>The formatting in this table needs to be fully reviewed and amended as necessary.</p> <p>Matter addressed in the version of the dDCO submitted at Deadline 1 [REP1-008].</p>
DCO.1.19	NGET	<p>Schedule 9 (Protective Provisions)</p> <p>Submit details of your preferred Protective Provisions for inclusion in the Applicant’s dDCO.</p>

	Question to:	Question
DCO.1.20	Affinity Water	<p>Schedule 9 (Protective Provisions)</p> <p>Submit details of your preferred Protective Provisions for inclusion in the Applicant's dDCO.</p>
DCO.1.21	Marine Management Organisation	<p>New Question</p> <p>Deemed Marine Licensing – Articles 5 (Deemed marine licences under the 2009 Act and 7)</p> <p>Do the changes made by the Applicant to the drafting of Article 7 in the version of the dDCO submitted at Deadline 1 [REP1-008] address the MMO's concerns with respect to this article, as expressed most particularly in section 1.2 of your Deadline 1 written submission [REP1-064]? If the amendments made to Article 7 have not addressed your concerns, explain why that is the case, providing any suggested alternative wording.</p>
DCO.1.22	Marine Management Organisation	<p>New Question</p> <p>Deemed Marine Licensing – Articles 5 (Deemed marine licences under the 2009 Act and 7)</p> <p>Do the changes made by the Applicant to the drafting of Article 7 in the version of the dDCO submitted at Deadline 1 [REP1-008] address the MMO's concerns with respect to this article, as expressed most particularly in section 1.2 of your Deadline 1 written submission [REP1-064]? If the amendments made to Article 7 have not addressed your concerns, explain why that is the case, providing any suggested alternative wording.</p>
DCO.1.23	Applicant	<p>New Question</p> <p>Requirement 5 (Onshore substation works)</p> <p>Following the merging of the originally drafted R5 and R6 the wording of sub-paragraph (2) requires reviewing to remove the reference to the former R6 and replacement with wording that reflects the merging of two Rs.</p>

	Question to:	Question
DCO.1.24	Applicant	<p>New Question</p> <p>Accuracy within the Schedule of Mitigation - Routemap</p> <p>The tables within the Schedule of Mitigation – Routemap [APP-264] (the Routemap) list the proposed mitigation measures on a topic by topic basis and identifies how it is proposed those mitigation measures would be secured. Does the Routemap accurately record how the proposed mitigation measures would be secured within the dDCO? For example, in Table 2.9 (Seascape, Landscape and Visual) for items 2 to 7 (inclusive) the proposed mitigation is identified as being within Part 1 of Schedule 1 of the dDCO. However, Requirement 2 (Offshore design parameters) in Schedule 2 of the dDCO would appear to be the means for securing measures to mitigate the seascape, landscape and visual effects of the Proposed Development.</p> <p>The Applicant should review the entire Routemap for its accuracy and amend this document as necessary and resubmit it.</p>
DCO.1.25	Applicant	<p>New Question</p> <p>Force majeure provisions in the deemed Marine Licences</p> <p>In the Force majeure provisions stated in Condition 11(1) of Part 2 of Schedule 10 and Condition 12(1) of Part 2 of Schedule 11 of the respective dMLs it is stated “<i>If due to stress of weather or any other cause the master of the vessel determines that it is necessary to deposit the authorised deposits within or outside of the Order limits...</i>”. Explain, by means of the giving of examples, what “... <i>any other cause ...</i>” means, because the way Conditions 11 and 12 in the respective dMLs have been drafted it appears deposits could be deposited irrespective of what the weather conditions might be and disregarding any other conditions contained in the proposed dMLs if a master of a vessel was of the view that it would be unsafe to proceed to a location authorised to receive deposits. Would it be more appropriate if in Conditions 11 and 12 the words “<i>other cause</i>” was replaced by ‘any safety reason’.</p>
DCO.1.26	Applicant	<p>New Question</p> <p>Changes to conditions included in the dMLs sought by the Maritime and Coastguard Agency (MCA)</p> <p>Confirm: whether the Applicant is agreeable to making the changes to the dMLs sought by the MCA, as stated in Deadline 1 submission [REP1-065]; and at which Examination deadline any such agreeable changes will be incorporated into the dDCO. For any dML drafting changes sought by the</p>

	Question to:	Question
		MCA that the Applicant is unwilling to make, a written explanation for why that might be the case should be submitted.
DCO.1.27	Applicant	<p>New Question</p> <p>Maximum total rotor swept area quoted in Requirement 2 in Schedule 2</p> <p>With a reduction in the maximum rotor diameter from 360 to 340 metres in the revised dDCO [REP1-008] would the maximum total rotor swept area quoted in Requirement 2 of Schedule 2 in the dDCO continue to be 4,194,340 metres squared or be a lesser area?</p>
Historic Environment including Marine Archaeology (HE)		
No Questions at this time		

	Question to:	Question
Land Rights (Compulsory Acquisition (CA) and Temporary Possession (TP) etc) (LR)		
LR.1.01	Applicant	<p>Meeting the conditions under section 122 of the PA2008 in respect of the Onshore Export Cable Corridor (onshore ECC)</p> <p>The ExA notes that the Applicant is seeking CA powers that would facilitate the construction of onshore cable ducting for the proposed North Falls offshore wind farm (OWF). Having regard to:</p> <ul style="list-style-type: none"> • the provisions of section 122 of the PA2008, most particularly the condition stated in section 122(2)(a) that the land "... is required for the development to which the development consent relates"; and • paragraph 11 of the "Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land" (Department for Communities and Local Government, September 2013) (CA guidance), stating: <p style="text-align: center;">"... the applicant should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development."</p> <p>Explain how the powers sought in connection with the onshore cable ducting for the proposed North Falls OWF would meet the conditions stated in section 122 of the PA2008.</p> <p>Matter addressed by the Applicant during Compulsory Acquisition Hearing 1 (CAH1) and in its post CAH1 written submissions [REP1-059].</p>

	Question to:	Question
LR.1.02	Applicant	<p>Land required for the onshore ECC for the Proposed Development and the onshore ECC for the proposed North Falls OWF</p> <p>In paragraph 5.3.3 of the Statement of Reasons [APP-030] it is stated “<i>Scenario 1 would mean that land and rights beyond those strictly required to allow VE to be constructed and operated are sought ...</i>”. In light of that comment and allied to question LR.1.01 the Applicant must quantify the amount of land (in square metres) for each work shown on the onshore Works Plans respectively allocated to the onshore ECC for the Proposed Development and the onshore ECC for the proposed North Falls OWF. In answering to this question, the Applicant should:</p> <ol style="list-style-type: none"> Identify in a table the Land Plots and show on plan(s) the plots, subject to the CA powers being sought, required for the Proposed Development, intended for the proposed North Falls OWF and required for both projects; and Clarify the minimum amount of land that would reasonably be required to provide an onshore ECC for the Proposed Development (assuming there was no proposal for the North Falls OWF).
LR.1.03	Applicant	<p>Delay to Heads of Terms (HoTs) negotiations prior to the Application’s submission</p> <p>Explain:</p> <ol style="list-style-type: none"> Why for a significant number of land interests HoTs negotiations have been delayed and had not been commenced prior to the Application’s submission, as recorded in Schedule of Negotiations [APP-027]. Whether HoTs have been issued to the land interests that had not been in receipt of them prior to the Application’s submission. What progress has been made towards agreeing HOTS with all land interests following the Application’s submission.
LR.1.04	Applicant and North Falls Offshore Windfarm Limited	<p>Land required for the Proposed Development’s onshore substation and the proposed North Falls OWF’s onshore substation</p> <p>Allied to questions LR.1.01 and LR.1.02, having regard to the provisions of s122(2)(a) of the PA2008 and the CA guidance, explain why it is considered to be reasonably necessary to seek powers for the freehold acquisition of the entirety of Land Plots 17-024 (296,427 square metres (m²)) and 17-025 (182,196 m²) [APP-008] as part of the Proposed Development, when some of that proposed freehold acquisition would be for the construction of the onshore substation for the proposed North Falls OWF’s onshore substation.</p>

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

	Question to:	Question
LR.1.08	Applicant	<p>Adequacy of Consultation – Pre-application</p> <p>In line with Human Rights legislation all reasonable efforts should be made to engage with Affected Parties as defined in s42(1) (d) of the Planning Act 2008. It is stated in the s51 advice to the Applicant [PD-003]:</p> <p><i>‘It is noted that the Book of Reference [APP-026] (Doc 4.1) (BoR) contains several parties who appear not to have been consulted under s42(1)(d) at the stage 2 and 3 consultations. The Applicant is advised to review the BoR and amend it before it serves notice under s56(2)(a) of PA2008.’</i></p> <p>a) The applicant should provide a list of all those parties, listed in the BoR, not consulted during the second and third rounds of consultation at the pre-application stage; and</p> <p>b) The applicant should provide an explanation as to why in the later consultation rounds no direct consultation has taken place with those parties?</p>
LR.1.09	Applicant	<p>New Question</p> <p>Land required to facilitate planting at OnSS</p> <p>In respect of Land identified as 17-024 on Land Plans [APP-008], which relates to Works No. 15C, as illustrated on sheet 18 in [APP-010] appears not to reflect the proposed restoration in this area as outlined on Figure 1 in the Outline Landscape and Ecological Management Plan (oLEMP) [AS-006] which shows the tree/shrub planting area extending west into an area outside the area for Works No 15C shown on the Land Plans and identified as Works No 15 and Works No 15A/15E.</p> <p>Provide an explanation for why there is an apparent disparity between the proposed area for Work No. 15C shown on the Land Plans [APP-010] and planting and the proposed landscape planting shown in the oLEMP.</p>

	Question to:	Question
Marine Ecology (ME)		
General Questions		
ME.1.00	Applicant	<p>Duration of offshore construction period</p> <p>In section 7.5 (Construction Programme) of the Report to Inform Appropriate Assessment [APP-040] it is explained that under the indicative constructive programme that: 1) preliminary survey and clearance works would potentially taking place between 2026 and 2028; 2) main offshore construction works would be commenced in 2029; and 3) the wind farm becomes operational by 2030. However, the programme outlined in paragraph 7.5.2 does not appear to be consistent with what is shown in Figure 7.1 when the indicative durations for foundation, array cable and turbine installations and commissioning/snagging are aggregated. Provide the following clarifications:</p> <ol style="list-style-type: none"> Estimates for how long (in months) it is expected it would take to install (in their entirety) the offshore: substation(s); cabling in the export corridor; and wind turbine generators (foundations, supporting structures and turbines etc). An estimate (in months) for undertaking the offshore construction works from start to completion in their entirety. The date by which the Proposed Development would be capable of generating at full capacity. For the purposes of answering this question it should be assumed that if a Development Consent Order is made that decision would be made in the second half of 2025.
Assessment Methodologies		
ME.1.01	Applicant, Natural England, MMO and RSPB	<p>IP Methodological Concerns</p> <p>A number of methodological concerns have been raised by NE [RR-081], the Maritime Management Organisation (MMO) [RR-070] and the RSPB [RR-094]. An update should be provided explaining how the Applicant is addressing the IPs' methodological concerns.</p> <p>The ExA notes the documents submitted by the Applicant, together with updates to the Environmental Statement, pursuant to addressing the methodological concerns of Interested Parties. This includes a</p>

	Question to:	Question
		<p>Herring Seasonal Restriction Note [REP1-024], an Apportioning Note [REP1-020], Guillemot and Razorbill Survey Reports [REP1-054], Population Viability Analysis [REP1-022] and Marine Mammal Modelling [REP1-056].</p> <p>Can the Parties identify areas of outstanding disagreement with regard to assessment methodologies, as well as provide an update in relation to how such concerns are being addressed.</p>
Compensatory Measures		
ME.1.02	Applicant	<p>Without Prejudice Derogation Conclusion – Gannet</p> <p>NE does not agree with the Applicant’s conclusions of no adverse effect on integrity (AEoI) for the Gannet feature of the Flamborough and Filey Coast (FFC) Special Protection Area (SPA) (NE issue C41 in [PD2-005]). Table 1.1 in the Habitats Regulations Derogation Case [APP-046] shows that gannets were included in the “without prejudice derogation” conclusion of the Report to Inform Appropriate Assessment (RIAA). What compensatory measures would be associated with gannets under this scenario?</p>
ME.1.03	Applicant	<p>Kittiwake Compensatory Measure – Artificial Nesting Structure (ANS)</p> <p>Provide an update in relation to negotiations with the undertaker for the Dogger Bank South OWF with regards to sharing the compensatory ANS.</p> <p>Is it the Applicant’s intention that Kittiwake pairs occupying the ANS would be divided/shared between participating Projects? If so, what would the mechanism for that be and how would this be apportioned?</p> <p>Addressed through revision to ExQ1 ME.1.02 above.</p>
ME.1.04	Applicant	<p>Marine Recovery Fund (MRF)</p> <p>a) Identify any effective strategic compensatory measures for delivery through the MRF that could be applicable for this Proposed Development?</p> <p>b) What would be the timeframes for the delivery of any such measures?</p>

	Question to:	Question
		<p>c) Unlike for Guillemot and Razorbill, the MRF does not appear to be included as a possible measure for Kittiwake compensation. Are there different approaches to the MRF for different seabird species? If so, why? Is the MRF an option for Kittiwake compensation?</p>
ME.1.05	Applicant	<p>Lanterns Marshes Compensatory Site</p> <p>Following the Applicant's recent engagement with the National Trust [PD2-001], it would appear that Lanterns Marshes is now being considered as a potential Lesser Black Backed Gull (LBBG) compensation site. That was not included in the initial Application. The Applicant should provide a plan showing the location of the Lantern Marshes site relative to the proposed compensatory sites included in the submitted Application.</p> <p>a) The Applicant should advise on: Whether it intends to promote Lantern Marshes as a compensation site during the Examination;</p> <p>b) How the provision of Lantern Marshes as a potential compensatory site might be secured through a provision or provisions (Requirement or any other means) of the dDCO;</p> <p>c) Any compulsory acquisition implications for potentially introducing Lantern Marshes as a compensatory site;</p> <p>d) Any implications under the Environmental Impact Assessment Regulations and the Habitat Regulations, including how the site's use for LBBG compensation could affect other habitat for protected species; and</p> <p>e) Any other legal considerations</p> <p>Applicant confirmed at ISH 1 that Lanterns Marshes no longer forms part of compensatory strategy.</p>
ME.1.06	Applicant	<p>Assessing Compensatory Measure Success</p> <p>Can the Applicant explain how the success (or otherwise) of compensatory measures will be monitored and assessed? Additionally, can it clarify the course of action that would be taken in the event that measures are found to be unsuccessful.</p>

	Question to:	Question
		<p>Applicant confirmed at ISH 1 that the monitoring of compensatory measure success, as well as the implementation of any measures necessary to achieve success, would be managed under relevant Monitoring Plans.</p>
<p>Benthic and Marine Mammal Ecology</p>		
<p>ME.1.07</p>	<p>Applicant</p>	<p>Cable Protection</p> <p>How has maximum length of cable protection required within Margate and Long Sands (MLS) Special Area of Conservation (SAC) been determined?</p> <p>a) What effects would the presence of cable protection within and outside of the MLS SAC have in relation to sediment transport processes, with particular regard to Annex I Sandbanks.</p> <p>b) Has the potential for the addition of further scour/cable protection, including any required as a result of cable repair and replacement or cable exposure during operation, been included within the calculations for the worst case scenario for cable protection within the MLS SAC? If so, what assumptions have been made for worst case assessments concerning cable protection exposure?</p> <p>c) What is proposed in terms of any cable protection at the decommissioning stage for the Proposed Development? How has this been considered in the assessments?</p> <p>Applicant confirmed at ISH 1 that a Technical Note will be provided by Deadline 2 at the latest addressing these issues.</p>
<p>ME.1.08</p>	<p>Applicant</p>	<p>Cable Burial Likelihood</p> <p>Item F10 in NE's RR Appendix F [PD2-008] advises that further geotechnical data is needed to inform the cable burial likelihood (and therefore any potential compensation level). Will any such geotechnical data be provided? If not, why not?</p>

	Question to:	Question
ME.1.09	Applicant	<p>Decommissioning Mitigation The Schedule of Mitigation – Routemap [APP-264] states that the decommissioning phase for the Proposed Development would be a similar process to the construction phase but in reverse. Would the decommissioning mitigation measures be similar to those for the construction phase.</p> <p>a) Can the Applicant clarify the processes involved in decommissioning, with particular regard to those that differ from construction activities.</p> <p>b) Can the Applicant explain how differing decommissioning activities would be similar to construction activity in terms of noise generation, noting that they will likely include the breaking of concrete.</p> <p>Applicant confirmed at ISH 1 that a Technical Note will be provided by Deadline 2 at the latest addressing these issues.</p>
ME.1.10	Applicant and Natural England	<p>New Question Benthic Ecology Without Prejudice Compensatory Measures</p> <p>The Applicant [REP1-051] confirmed that discussions were ongoing with Defra regarding the proposed use of strategic compensatory measures (if required) for adverse effects on integrity to the MLS SAC. The likely measure appears to be an extension to a designated site or a new designated site with Annex I sandbank features.</p> <p>NE’s advice [PD2-008] is that this measure would have the greatest likelihood of maintaining the coherence of the National Site Network but it identified risks with timing, location and implementation</p>

	Question to:	Question
		<p>given that the mechanism is not yet agreed and would be led by Defra. The ExA seeks further information as follows:</p> <ul style="list-style-type: none"> a) The Applicant and NE are requested to provide more information about the likely timeframe for delivery of the identified strategic compensatory measure. b) The Applicant and NE are requested to confirm if there is a contact at Defra through which the ExA might seek direct updates on the progress of strategic compensation during the Examination and, if so, provide contact details. c) NE is requested to clarify its advice in F5 [PD2-008] regarding delivery timescales for the strategic compensatory measure, specifically when in the project lifecycle the measure would need to be implemented to ensure an overall environmental net positive outcome for the feature over the Proposed Development’s lifetime. d) The Applicant is requested to explain, with supporting evidence and reference to relevant guidance, what weight it considers that the ExA could give to each of the non-strategic compensatory measures still being progressed (as set out in [APP-047]), based on the information currently submitted to Examination.
ME.1.11	Applicant	<p>New Question Benthic In-combination Assessment</p> <p>Would an in-combination assessment in line with Natural England’s Best Practice Guidance (as referenced in E29 [PD2-007]) result in any change to existing in-combination assessment conclusions? If so, what would this be?</p>
ME.1.12	Natural England	<p>New Question Benthic Mitigation</p> <p>With regard to its advice at E30 in [PD2-007], does NE consider that the Applicant should assess alternative cable routes through the MLS SAC? If so, does NE consider that this could result in a different assessment outcome or change in its advice?</p>

	Question to:	Question
Bird Risk Collision Modelling		
ME.1.13	Applicant	<p>New Question Bird Risk Collision Modelling</p> <p>Following the acceptance of the application for this Proposed Development, the “Joint advice note from the Statutory Nature Conservation Bodies (SNCBs) regarding bird collision risk modelling for offshore wind developments” was published in August 2024. Are there any implications for the HRA undertaken for the Proposed Development as a result of this new guidance? If so, what would they be?</p>
Designated Sites		
ME.1.14	Natural England	<p>New Question Designated Sites</p> <p>Table 5.1 within NE’s Cover Letter to its Relevant Representations [PD2-002] identifies designated sites for which NE is not content that adverse effects on site integrity (as a result of the Proposed Development alone or in combination) can be excluded beyond reasonable scientific doubt.</p> <p>Are you content with the Applicant’s conclusions in its Habitats Regulations Assessment in relation to other designated sites not listed in Table 5.1. If not, explain why that is the case?</p>
Protected Species		
ME.1.15	Natural England	<p>New Question Migrating Bats</p> <p>Is NE content with the Applicant’s assessment of the Proposed Development’s effects on migrating bats within its updated Response to Relevant Representations [REP1-049] (including at BSH-RR01 and BSH-RR02). If not, explain why that is the case?</p>

	Question to:	Question
Ecology Onshore (EO)		
EO.1.1	Applicant	<p>New question</p> <p>Protected species and hedgerows</p> <p>During ISH1 hedgerow removal was discussed. The Applicant stated that hedgerow 22a to 22b on Sheet 7 [APP-015] would be retained, due to the existence of dormouse habitat in what was identified as important hedgerow. That would give rise to additional BMV land take to provide access to the ECC.</p> <p>a) Provide the justification for taking that approach given the proposed removal of part of the same hedgerow to the south of the ECC (between 21a and 22b), which appears to provide connectivity to another important hedgerow 21b to 19a/19b.</p> <p>b) Are there other examples where BMV land is taken to bypass protected hedgerows/protected species habitat?</p> <p>c) If the answer to b) is yes the Applicant should identify those by reference to the document, sheet number and hedgerow identifier.</p>
EO.1.2	Applicant	<p>New question</p> <p>Surveys</p> <p>Natural England in its submission [PD2-012] identified temporal deficiencies in surveys carried out and submitted in support of the Environmental Statement.</p> <p>Explain what you are doing to address the concerns raised by Natural England in [PD-012].</p>

	Question to:	Question
Navigation and Shipping (NS)		
NS.1.01	Applicant	<p>Plan or plans showing the location of navigation and shipping features referred to in the ES and Navigational Risk Assessment (NRA)</p> <p>Figures based on navigation charts have been included in Chapter 9 of the ES (Shipping and Navigation) [APP-078] and the NRA [APP-240], however, it is difficult to identify the names, locations and full extent for some of the cited navigation and shipping features. A simplified and fully legible plan or plans must be submitted showing the offshore Order Limits for the Proposed Development and the names (i.e. legible labels) and extents of navigation and shipping features including, amongst other things:</p> <ul style="list-style-type: none"> • North Hinder Junction; • the Traffic Separation Scheme areas; • The Sunk, Trinity and DR1 Light Buoy deep water routes; • Harwich Deep Water Channel; • any other fairways used as routes to and from the ports of Harwich and Felixstowe and the ports accessed via the river Thames and the river Medway; • the pilot boarding stations and anchorages serving the ports of Harwich and Felixstowe; • the Long Sand Head Two-Way Route; • The Sunk Inner and Sunk Outer Precautionary Areas. <p>Addressed in Appendix 3, Figures 2.1 and 2.2 of [REP1-060].</p>
NS.1.02	Applicant	<p>Vessel traffic surveys</p> <p>Explain why it was necessary to obtain from the Maritime Coastguard Agency “... <i>an exemption to the MGN 654 24-month requirement between completion of vessel traffic surveys and the submission of the consent application</i>” (paragraph 50 in the Navigational Risk Assessment [APP-240]).</p>
NS.1.03	Applicant	<p>NRA worst case array layout</p> <p>Explain the rationale for the worst case array layout including the proposed offshore substation platforms being “...located in proximity to areas where exposure to vessel to structure allision risk is deemed to be greatest ...” (paragraph 77 in the NRA [APP-240]).</p>

	Question to:	Question
NS.1.04	Applicant	<p>NRA array layout Explain the reasoning for the minimum spacing between Wind Turbine Generators (WTGs) of 830 metres and between WTGs and the Offshore Substation Platforms (OSPs) of 500 metres as set out in the offshore design parameters (paragraph 77 in the NRA [APP-240]).</p> <p>Addressed under Agenda item 3.3 of ISH1 and in [REP1-059].</p>
NS.1.05	Applicant	<p>Potential concurrent working in the Sunk area</p> <p>Further to the Harwich Haven Authority's representations made in [RR-043] concerning potential concurrent offshore works for the Proposed Development, the proposed North Falls OWF and National Grid's Sea Link, provide an indicative timetable for the offshore construction works for the three previously mentioned projects. The indicative timetable should show any expected concurrency for the three projects' offshore construction works.</p>
NS.1.06	Maritime and Coastguard Agency (MCA), Trinity House, UK Chamber of Shipping, and any other IP	<p>NRA methodology</p> <p>Are you content with the methodology that has been applied to assess the Proposed Development's shipping and navigational risks in the submitted NRA (Chapter 3 in [APP-240])?</p> <p>If you are not content, what are your concerns and how might they be addressed?</p>
NS.1.07	MCA, Trinity House, UK Chamber of Shipping and any other IP	<p>NRA data sources</p> <p>Are you content that the NRA has been informed by the correct sources of data (Chapter 5 in [APP-240])?</p> <p>If you are not content, what other data do you think should be taken into account when assessing the navigational and shipping risks associated with the Proposed Development?</p>

Seascape, Landscape and Visual (SLV)		
	Question to:	Question
SLV.1.01	Applicant	<p>Rationale for the siting of the proposed Onshore substation</p> <p>Explain the rationale for the sighting orientation for the proposed Onshore substation shown on the "Drawing Number 1" (page 17) included in the Outline Landscape and Ecological Management Plan [AS-006].</p>
SLV.1.02	Applicant	<p>Onshore substation photomontages for the Proposed Development and the proposed North Falls OWF</p> <p>a) With respect to the photomontages for Viewpoint 1 (Ardleigh Road near Norman's Farm) clarify whether what is depicted in the first image, Figure 2.16d [page 3 in APP-182] shows the substation for the Proposed Development, as per the title for this image "<i>Photomontage showing Project 2 GIS Substation (Left)</i>" or that substation together with a substation for the proposed North Falls OWF as per the image title for the photomontage Figure 2.16e [page 5 in APP-182]. It appears to the ExA that the aforementioned photomontages are identical and that there is an inconsistency between what is shown on the Figure 2.16d left, ie two substations, and the title for this image. The photomontage set included in [APP-182] should be corrected and resubmitted.</p> <p>b) Comment on the likelihood of the Five Estuaries and the North Falls projects having substations with different insulation arrangements, ie one substation being air insulated and the other being gas insulated, as depicted in the suite of onshore substation photomontages submitted with the Application.</p>
SLV.1.03	Applicant	<p>New Question</p> <p>Height of the existing pylons in the vicinity of the proposed onshore substation site</p> <p>To assist with gauging the height and scale of the onshore substation for the Proposed Development provide details for the height of the pylons and the overhead lines within or crossing Land Plots 17-024, 17-027 to 17-029 and 17-031.</p>

	Question to:	Question
SLV.1.04	Applicant and Suffolk and Essex Coast and Heaths National Landscape Partnership	<p>New Question</p> <p>Duty to seek to further the purpose of conserving and enhancing the natural beauty of the area</p> <p>Is it possible for an offshore wind farm to comply with the duty to further the purpose of conserving and enhancing the natural beauty of the area?</p>
SLV.1.05	Applicant	<p>New Question</p> <p>Natural England’s Design Principles 1, 2 and 3</p> <p>Explain whether Natural England’s Design Principles 1, 2 and 3 have been adopted as embedded mitigation and fully considered. If those principles have not been considered does the Applicant intend to carry out further assessments in line with those principles?</p>
SLV.1.06	Applicant	<p>New Question</p> <p>Curtaining Effect</p> <p>In light of Natural England’s concerns about the Applicant’s assessment of the “<i>curtaining effect</i>”, is the Applicant intending to carry out further consideration and identify potential mitigation in relation to the direct views out to sea along the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and Suffolk Heritage Coast - Orford Ness to Dunwich stretch?</p>
Terrestrial Transport and Traffic (TT)		
TT.1.01	Applicant	<p>Scope of the traffic and transportation issues assessed</p> <p>The Traffic and Transport Chapter of the Environmental Statement (ES) [APP-090] focuses on the implications of the onshore works of the Five Estuaries project for terrestrial traffic and transportation.</p> <p>a) Are the offshore elements of the Proposed Development anticipated to generate any onshore vehicular movements, particularly during the construction phase?</p> <p>b) If yes, what would be the expected volume of onshore vehicular movements resulting from offshore activities during the construction and operational phases? Why do these not appear to have been acknowledged in the ES assessment of onshore traffic and transport implications?</p> <p>Addressed by the Applicant under Agenda item 3.7 of ISH1 and in [REP1-059].</p>

	Question to:	Question
TT.1.02	Applicant	<p>Implications of the onshore cable route for railway services How would the safe running of the Sunshine Coast Line train service during construction (and also any subsequent maintenance) of the onshore cable route be ensured where it intersects with the railway track between the Thorpe le Soken and Kirby Cross stations? Would there be any disruption to the timetable for this service as a result of the proposed works?</p> <p>Addressed by the Applicant under Agenda item 3.7 of ISH1 and in [REP1-059].</p>
TT.1.03	National Highways, Essex County Council, Suffolk County Council and any other IP	<p>Assessment of onshore traffic and transport impacts</p> <p>Do you consider that the assessment of onshore traffic and transport impacts for the Proposed Development, as set out in Chapter 8 of the ES [APP-090] and the Traffic and Transport Baseline Report [APP-172 and APP-173] addresses all relevant issues?</p> <p>If not, what are your concerns and how might they be addressed?</p>

	Question to:	Question
TT.1.04	Applicant and National Highways	<p>New Question Routing for Abnormal Indivisible Loads (AIL)</p> <p>During the course of ISH1 there was discussion of the use of the A120 westbound (from Harwich) as part of the route for AILs (of up to 400 tonnes) needing to access the proposed onshore substation site via Bentley Road. National Highways in its post ISH1 written submission [REP1-066] has commented (paragraph 1.4) that AILs travelling from Harwich on the A120 would need to make a 360 degree turn at the “next” roundabout (presumed by the ExA to be the A120’s junction with Harwich Road) in order to enter Bentley Road. In section 4.3 of [REP1-066] National Highways refers to AILs switching carriageways at the Horsley Cross Roundabout.</p> <p>a) For National Highways – Clarify what your understanding of the Applicant’s AIL routing proposals for accessing Bentley Road via the A120 are, ie making 360 degree turns at the A120’s junction with Harwich Road or undertaking lane switches at the Horsley Cross Roundabout.</p> <p>b) For Applicant – In light of what National Highways has said about the AIL route to Bentley Road in paragraph 1.4 and section 4 of [REP1-066] clarify:</p> <ul style="list-style-type: none"> i. whether the intention is for 360 degree turns to be made at the A120’s junction with Harwich Road or lane switching at the Horsley Cross Roundabout. ii. whether any physical works would need to be undertaken to either of the roundabouts referred to in b)i to accommodate an AIL of up to 400 tonnes and how the undertaking of any such works would be secured under the provisions of the dDCO.
TT.1.05	Essex County Council	<p>New Question Construction vehicles crossing roads</p> <p>Are you content with the measures suggested by the Applicant in Section 3.5 of the Outline Construction Management Plan [APP-257] to ensure the safety of all road users at the identified locations where construction vehicles would cross the public highway?</p>

	Question to:	Question
TT.1.06	Applicant	<p>New Question</p> <p>Transport Assessment methodology</p> <p>As queried by Essex County Council in its Deadline 1 submission [REP1-062] explain the rationale for why only pedestrian amenity has been considered, rather than the amenity of all relevant non-motorised users, as set out in section 8.4 of Volume 6, Part 3, Chapter 8: Traffic and Transport of the Environmental Statement [APP-090].</p>
TT.1.07	Essex County Council and Suffolk County Council	<p>New Question</p> <p>Transport impacts at ports</p> <p>During ISH1 you made the case that the Applicant should prepare and submit an Outline Port Construction Management Plan to manage the impacts of traffic at ports during the construction and operation of the offshore elements of this proposed development. Given the Applicant's comments on their offshore activities and resulting onshore traffic impacts at ports in paragraphs 2.7.4 to 2.7.7 of [REP1-059], do you still consider such an Outline Port Construction Management Plan should be submitted?</p>
TT.1.08	Applicant	<p>New Question</p> <p>Management of construction traffic</p> <p>Essex County Council in its Deadline 1 submission [REP1-062] has set out in the section entitled "Controls and Mitigation" a number of additional proposals to help control and monitor construction traffic. In light of those comments, do you consider that the Outline Construction Traffic Management Plan [APP-257] and/or the Outline Workforce Travel Plan [APP-259] should be updated?</p>
Onshore Water, Hydrology and Flood Risk (WE)		
WE.1.01	Applicant	<p>Hydrology, Hydrogeology and Flood Risk</p> <p>In [APP-088] it is indicated that there are existing systems of agricultural irrigation/drainage infrastructure within the Order limits.</p> <p>a) What evidence is there that the sub-surface infrastructure, including trenches, cable connection at the proposed OnSS and joint pits for the ECC would not need to be buried at greater depths to avoid compromising the function of the irrigation/drainage required for agriculture?</p>

	Question to:	Question
		<p>b) New Question – In Table 6-12 in [PD-088] it is stated “<i>Surface water flowing into the trenches and work areas during the construction period will be pumped via settling tanks or ponds to remove sediment and potential contaminants, before being discharged into local ditches or drains via temporary interceptor drains. Where topographic or hydraulic gradients on site are significant, cable trenches will include a hydraulic break (bentonite or natural clay seals) to reduce flow rates along trenches and hence reduce local erosion</i>”. What would the potential impacts of introducing a hydraulic break into an existing field drainage system?</p>
WE.1.02	Farming Affected Persons	<p>Agricultural Irrigation and Drainage</p> <p>a) Provide land maps showing the locations of known agricultural irrigation/drainage infrastructure. These maps should also show the relevant Land Plots, as identified on the onshore Land Plans [APP-008].</p> <p>b) Identify the maximum depth, citing Land Plot number to which it relates, of the agricultural irrigation/drainage infrastructure?</p>
WE.1.03	Applicant	<p>Hydrology, Hydrogeology and Flood Risk</p> <p>In paragraph 6.7.33 of [APP-088] it is stated “<i>This ground investigation data indicates groundwater levels typically between 2.3 m and 3.3 m below ground level...it should be noted that the investigations were completed in mid May and mid October respectively and therefore winter peak water levels will potentially be higher</i>”.</p> <p>a) Have further The Applicant stated during ISH1 that ground investigations were ongoing and that piezometric monitoring points been installed to establish winter peak water levels? The Applicant is requested to provide an addendum to [APP-088] updating the evidence baseline for groundwater depths using empirical data gathered since the drafting of APP-088. The update must include measurements taken during the months of November and December for submission by Deadline 6.</p> <p>b) Paragraph 6.10.33 in [APP-088] states “... <i>Excavations for the cable route will be shallow (up to 2 m depth)</i>” and paragraph 1.4.16 in [AS-004] advises “... <i>Where water enters the trenches during</i></p>

	Question to:	Question
		<p><i>installation, this will be pumped via settling tanks or ponds to remove sediment, before being discharged into local ditches or drains via temporary interceptor drains.”</i></p> <ul style="list-style-type: none"> i) Given that ground investigations were only carried out mid May and mid October, how confident is the Applicant that the proposed pumping would be sufficient to cope with infiltration during wetter periods of the year? ii) How would these drainage measures interact with existing field irrigation/drainage systems and not compromise their efficiency? <p>c) Table 6-8 “Permitted Abstraction Points“ and Table 6-9 ”Private Water Supplies” in [APP-088]</p> <ul style="list-style-type: none"> i) Should it be necessary to carry out dewatering for prolonged periods, provide evidence demonstrating that activity would not adversely impact on the abstraction points and private water supplies in and around the ECC. ii) What modelling has been undertaken to demonstrate that there would be no adverse impacts arising from prolonged periods of dewatering?
WE.1.04	Applicant	<p>New Question</p> <p>Monitoring points for groundwater</p> <p>The Applicant has indicated (see WE.1.03 above) that monitoring of groundwater is ongoing. Provide a plan or annotate the existing plans contained in [APP-088] identifying the monitoring locations in and around the ECC and OnSS?</p>
WE.1.05	Applicant	<p>New Question</p> <p>Mitigation relating to hydrology, hydrogeology and flood risk</p> <p>a) In Table 6-12 in [APP-088] is stated “Any stockpiles along the cable route will have gaps to allow surface water runoff to pass through’ and ‘If applicable, storage of stockpiled materials should be covered when not in use to prevent materials being dispersed by wind or rainfall runoff”. In the</p>

	Question to:	Question
		event of torrential and persistent periods of rain what assurance can the Applicant provide to land users that surface water run-off will not compromise the existing field drainage systems or result in pooling/ponding, due to insufficient capacity of existing field drainage systems to accommodate percolation of additional surface water?
WE.1.06	Applicant	<p>New Question</p> <p>Sea Defences/Holland Haven SSSI</p> <p>The applicant confirmed during ISH1 that discussions with the Environment Agency (EA) were pending to address the protection of the landfall sea defences from ‘frack out’.</p> <p>Can the Applicant confirm that discussions have been held and that a technical note will be issued by Deadline 2 outlining the mitigation measures agreed with the EA in respect of sea defence protection, including incidental protection for the Holland Haven SSSI, during construction?</p>
Land Use and Agriculture (LU)		
LU.1.01	Applicant	<p>Mineral Safeguarded Areas</p> <p>Provide maps showing the relationship between the proposed onshore cable corridor and the mineral safeguarded areas in the Essex Minerals Local Plan.</p>
LU.1.02	Applicant	<p>Outline Landscape and Ecological Management Plan (OLEMP) [AS-006]</p> <p>Paragraphs 2.6.7 and 2.6.26 in [AS-006] refer to the management of soils during construction and decommissioning. Given those references, the Applicant appears to be committing to reinstating the OnSS site back to agricultural land use. However, in Table 1.14 of the Onshore Project Description [AS-004] top soil is identified as waste for use elsewhere. Table 1.9 also identifies 134,084 tonnes of Native Soils as waste.</p> <p>a) Given that to restore land back to agriculture, the preservation and correct storage of soils is important, confirm whether the Applicant is committed in principle to restoring the OnSS site back to BMV?</p>

	Question to:	Question
		<p>b) Clarify what is meant by "Native Soil"?</p> <p>c) Given the importance of preserving BMV soils and the statement at paragraph 2.6.26 in the OLEMP, why is there no indication that topsoil/sub-soil would be stored for the reinstatement of the site to Grade 1 following decommissioning?</p> <p>Items a) and c) addressed during ISH1 and in the Applicant's Deadline 1 submission [REP1-059]</p>
LU.1.03	Applicant	<p>Ground Conditions and Land Use [APP-087]</p> <p>Tables 5.4 and 5.5 in [APP-087] provide analysis of the sensitivity and magnitude of loss of Grade 1 BMV land. Table 5.9 identifies the distribution of Grades 1 and 2 BMV land but does not differentiate Grade 3a and 3b. Table 5.9 provides a percentage value to BMV as follows:</p> <p>Within DCO Order Limits: Grade 1 – 29.79%, Grade 2 – 19.58%, Grade 3 (undifferentiated) 39.47%; and</p> <p>Within Essex: Grade 1 – 1.77%, Grade 2 – 0.04%, Grade 3 (undifferentiated) 0.08%.</p> <p>a) Have ground investigations been undertaken to establish the true extent of BMV Grade 3a within the ECC?</p> <p>b) Has any assessment been carried out (and by whom) as to whether the restored land would be of the same or better agricultural land classification than it was prior to any construction works being undertaken?</p>
LU.1.04	Applicant	<p>Ground Conditions and Land Use [APP-087]</p> <p>With respect to soil management in Table 5.13 of [APP-087] reference is made to the Construction Soil Management - Best Practice cites 'Good Practice Guide for Handling Soils (Institute of Quarrying, 2021) and it is stated "No decision has yet been made regarding the final approach to decommissioning for the Project as it is recognised that industry best practice, rules and legislation change over time".</p>

	Question to:	Question
		<p>a) Explain why that quote has been included as best practice given there is no provision in the CoCP for the long-term storage of topsoil and sub-soil in respect of the OnSS site.</p> <p>b) Given the lack of commitment to a restoration strategy and as a precaution, the Applicant should provide details for the long term storage of topsoil and sub soil for the restoration of the OnSS site back to Grade 1 BMV land. Addressed during the course of ISH1 and in [REP1-059]</p>
LU.1.05	Applicant and North Falls Offshore Windfarm Limited	<p>Proximity of the onshore ECCs for the Proposed Development and the proposed North Falls OWF</p> <p>Further to the Relevant Representation submitted by Brooks Leney on behalf of various farmers and landowners [RR-010]:</p> <p>a) Would there be any sterilisation of farm land between the proposed onshore ECC easements for the Proposed Development and the proposed North Falls OWF? If so, the sterilised land must be identified on plan and the area of affected land should be quantified.</p> <p>b) What steps are being taken by the respective projects to minimise any sterilisation of farmland?</p>
LU.1.06	Farming Affected Persons	<p>Crop Rotation and Crops</p> <p>a) Provide the proposed crop rotation schedule for land subject to the ECC for any five year period. This information can be provided in tabular form referencing Land Plot numbers/Year or illustrated and annotated on scaled plans.</p> <p>b) Provide the proposed crop rotation schedule for land subject to the construction of the OnSS for any five year period. This information can be provided in tabular form referencing Land Plot numbers/Year or illustrated and annotated on scaled plans.</p> <p>c) In providing the information requested in a) and b) an overview of the management of individual crop types within any 12 month period i.e. land preparation, planting, spraying, irrigating, harvesting, should be provided.</p>

	Question to:	Question
LU.1.07	Cobra Mist Limited	<p>Land use of LBBG Compensation Area</p> <p>RR-014 states <i>"submitted plan seem to indicate the encroachment onto unsuitable or unacceptable areas"</i></p> <p>a) Provide a plan showing the precise area referenced in RR-014 (include Land Plot numbers); and b) Explain why these areas are unsuitable or unacceptable.</p>
LU.1.08	Farming Interested Parties and Affected Parties	<p>New Question</p> <p>Agricultural Equipment Manoeuvring</p> <p>In agricultural operational terms what is the minimum width in metres for a field margin to allow the turning of agricultural vehicles?</p>