



ESTUARIES

OFFSHORE WIND FARM

FIVE ESTUARIES OFFSHORE WIND FARM

10.26 APPLICANT'S COMMENTS ON DEADLINE 2 SUBMISSIONS

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CONTENTS

1. Introduction	10
2. Comments on Deadline 2 Submissions	11
2.1 Environment Agency [REP2-051].....	11
2.2 Historic England Written Representation [REP2-052]	11
2.3 MMO Comments on Submissions at Deadline 1 [REP-054].....	23
2.4 National Grid Electricity Transmission Plc [REP2-060].....	24
2.5 National Highways [REP2-062]	25
2.6 Network Rail [REP2-065].....	26
2.7 Port of London Authority [REP2-066]	27
2.8 National Federation of Fishermen’s organisation [REP2-088].....	38
2.10 Suffolk & Essex Coast & Heaths National Landscape Partnership Response to ExQs1 [REP2-094].....	39
2.11 Ministry of Defence Written Representations and Updated Position Statement [REP2-055]	44
2.12 Maritime and Coastguard Agency Response to ExQ1 [REP2-056].....	46
2.13 Natural England - Cover Letter and Responses to ExQ1 [REp2-057 and REP2-059] 47	
2.14 National Trust Written Representations [REp2-063]	49
2.15 Royal Society for the Protection of Birds [REP2-068]	50
2.16 Trinity House – Written Response to ExQ1 [REP2-069]	51
2.17 Chamber of Shipping – Written Responses to ExQ1 [REP2-070].....	52
2.18 Cobra Mist Limited – Written Responses to ExQ1 [REP2-076].....	53
2.19 East Anglia One North – Written Representations [REP2-078].....	54
2.20 East Anglia Two Limited – Written Representations [REP2-079].....	56
2.21 David Lifton [REP2-077 and Pauline Lifton [REP2-090].....	60
2.22 Strutt & Parker (Farms) Ltd & Liana Enterprises Ltd [REP2-085], [REP2-086], [REP2-092] & [REP2-093]	62
2.23 Executors of the Estate for the Late Charles Tabor [REP2-080] & [REP2-081] ..	65
2.24 Brooks Leney on Behalf of Cable Easement Landowners	66
2.25 Brooks Leney on Behalf of Substation Landowners	68



2.26	T Fairley & Sons Ltd, Robert Fairley Limited And T & R Fairley Farming Partnerships [REP-096], [REP-091] & [REP-095]	69
2.27	Affinity Water [REP-072]	73
2.28	Suffolk County Council's Response to ExQ1 [REP-047]	74
2.29	Tendring District Council's Response to ExQ1 [REP-048]	78
2.30	Essex County Council Response to Exq1 [REP-045]	79
2.31	Essex County Council Additional Comments on Deadline 1 Submissions [REP-044] 82	
2.32	Cadent Gas [REP2-049]	87



DEFINITION OF ACRONYMS

Term	Definition
ADD	Acoustic Deterrent Device
AEZ	Archaeological Exclusion Zone
AIL	Abnormal Indivisible Load
ALC	Agricultural Land Classification
ALO	Agricultural Liaison Officer
AONB	Area of Outstanding Natural Beauty
AQ	Aire Quality
BNG	Biodiversity Net Gain
CA	Compulsory Acquisition
CBRA	Cable Burial Risk Assessment
CoCP	Code of Construction Practice
CSIP	Cable Specification and Installation Plan
CTMP	Construction Traffic Management Plan
DAS	Digital Aerial Surveys
DBA	Desk Based Assessment
DCO	Development Consent Order
DML	Deemed Marine Licence
DWR	Deep Water Route
EA	Environment Agency
EACN	East Anglia Connection Node
ECC	Essex County Council
EIA	Environmental Impact Assessment
EPS	European Protected Species
ES	Environmental Statement
FFC	Flamborough and Filey Coast



Term	Definition
FLCP	Fisheries Liaison and Co-existence Plan
GBS	Gravity Base Structures
HE	Historic England
HGV	Heavy Goods Vehicle
HPAI	Avian influenza
HRA	Habitats Regulations Assessment
HSC	Historic Seascape Character
ISH	Issue Specific Hearing
JNCC	Joint Nature Conservation Committee
LAT	Lowest Astronomical Tide
LBBG	Lesser Black Backed Gull
LIMP	Lesser Black Backed Gull Implementation and Monitoring Plan
LIR	Local Impact Report
LVIA	Landscape and Visual Impact Assessment
MCA	Marine and Coastguard Agency
MHWS	Mean High Water Springs
MLAT	Mean Lowest Astronomical Tide
MLS	Margate and Long Sands
MLW	Mean Low Water
MMO	Marine Management Organisation
MOD	Ministry of Defence
NE	Natural England
NFFO	National Federation of Fishermen's Organisation
NGET	National Grid Electricity Transmission
NH	National Highways



Term	Definition
NIP	Navigation and Installation Plan
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NRA	Navigational Risk Assessment
OLEMP	Outline Landscape and Ecological Management Plan
OTE	Outer Thames Estuary
OWF	Offshore Wind Farm
PADSS	Principal Areas of Disagreement
PCPA	Planning and Compulsory Purchase Act
PEIR	Preliminary Environmental Impact Report
PINS	The Planning Inspectorate
PLA	Port of London Authority
PROW	Public Right of Way
RIAA	Report to Inform Appropriate Assessment
RSPB	The Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SCC	Suffolk County Council
SLVIA	Seascape, Landscape and Visual Impact Assessment
SOCG	Statement of Common Ground
SPA	Special Protected Area
TCE	The Crown Estate
UKHO	UK Hydrographic Office
UWN	Under Water Noise
UXO	Unexploded Ordnance



Term	Definition
VE	Five Estuaries
WSI	Written Scheme of Investigation
WTG	Wind Turbine Generator



1. INTRODUCTION

- 1.1.1 In this document the Applicant has set out its comments with regards to submissions made at Deadline 2 by Interested Parties (IPs) with the exception of Local Impact Reports (LIR) submitted by local authorities. These have been responded to in a separate document; 10.26.1 Applicant's comments on Local Impact Reports, also submitted at Deadline 3.
- 1.1.2 In order to reduce space, the Applicant has not responded to every issue individually or every submission. The Applicant's lack of comment with regards to a specific issue or assertion should not be taken as implicit agreement with it.



2. COMMENTS ON DEADLINE 2 SUBMISSIONS

2.1 ENVIRONMENT AGENCY [REP2-051]

Ref	Summary of Deadline 2 submission OR Excerpt of Deadline 2 submission	Applicant's comments
EA.01	The Environment Agency (EA) made a number of responses to the Applicants Relevant Representation Responses. This included noting that the EA holds historic groundwater levels records from local wells and boreholes that can be supplied on request to our customer engagement team.	<p>The Applicant notes the Environment Agency responses and are meeting to discuss the points raised further as part of the discussions on the Statement of Common Ground and topic specific meetings.</p> <p>The Applicant notes the availability of the historic groundwater level records and will request these from the Environment Agency.</p>

2.2 HISTORIC ENGLAND WRITTEN REPRESENTATION [REP2-052]

Ref	Summary of Deadline 2 submission OR Excerpt of Deadline 2 submission	Applicant's comments
Offshore Comments		
HE1.01	Summary - Historic England do not have an in-principle objection to the proposal. We confirm the applicant has provided a detailed Environmental Statement, which includes the Historic Environment, however, we have identified concerns with the way in which the information has been provided in the ES.	This is noted by the Applicant.
HE1.02	<p>Offshore (Marine) Historic Environment - The application confirms that the proposal is within a sensitive area for the historic environment and the proposed development area includes several records for wrecks and other obstructions. Furthermore, a high number of potential anomalies have been identified by the project and have been assigned an Archaeological Exclusion Zone.</p> <p>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 have provided further detail about how survey campaigns should be designed to include the collection of archaeologically specific cores, and that a Written Scheme of Investigation (WSI) will need to be produced that is acceptable to all parties.</p> <p>We note that the impact assessment presented in the ES 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. Assumptions made about effectiveness of avoidance to remove significant impact effects are however predicated on adequacy of all subsequent survey investigations in order to allow for the proposed adaptive mitigation to be effective</p> <p>It is therefore important that the Applicant acknowledges the risk that this project will encounter both the known and presently unknown elements of the historic environment. We have provided comment below on this matter and provided further comment with regards to the OWSI.</p> <p>We are very concerned that limited detail has been provided about the spatial proximity of this proposed development (Electricity Export Cable) to HMS E6, which is subject to statutory protection under the Protection of Military Remains Act 1986. We confirm that</p>	<p>The Applicant notes the comments and acknowledges the risk that this project will encounter both the known and presently unknown elements of the historic environment.</p> <p>Regarding spatial proximity of the Electricity Export Cable to HMS E6: 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>Further UKHO14544, thought to be the HMSM E6 appears to have been identified in the North Falls Offshore Wind Farm geophysical data (Chapter 16, Table 16.6). Identifiers 70768, 70769, 70770 confirming that it is likely that this wreck site is approximately 600m outside the VE project area.</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 outlined 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>



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	<p>the Ministry of Defence would be the competent authority for designation and administration responsibilities under the 1986 Act, however the documents provided for the ES need to be updated and we have further comment on this below.</p>	
HE1.03	<p>Section 1.6 is clear that the final type of foundation will not be confirmed until the detailed design phase. It is therefore important that the work to inform the risk of encountering archaeological materials within the maximum burial depth is completed. This will require clear consent obligations and appropriately worded requirements.</p> <p>The important detail regarding potential impact to the historic environment is seabed penetration depth for monopiles could be 68 m (diameter up to 15 m), for multi-leg pin piles embedment depth will be 60 m. Suction caisson foundations will have 25 m penetration and 40 m diameter and multi-leg suction caissons, 25 m penetration and 20 m diameter.</p> <p>For Gravity Base System (GBS) foundations, it is clear that "significant seabed preparation" is required to facilitate stable placement of a GBS with base diameter of 55 m and that multi-leg GBS with seabed diameter of 20 m.</p> <p>In addition, all consideration of construction must consider impacts associated with Jack-Up Vessels (JUVs) or other specialist installation vessels that deploy anchors.</p> <p>Section 1.6.33 states that scour protection may be installed to prevent the erosion of foundation structures. The use of scour protection can result in the development of localised areas of erosion in the area around each turbine where scour protection has been utilised. The potential impacts that this may have on the historic environment will therefore need to be considered and mitigated.</p> <p>We are therefore pleased that this issue has been raised as a specific impact in the Offshore Archaeology and Marine Heritage (Volume 6, Part 2, Chapter 11, Section 11.13.49).</p>	<p>This is noted by the Applicant. It should be highlighted that GBS foundations have now been removed from the project design envelope.</p>
HE1.04	<p>Table 11.2 it is disappointing that given the comments we provided in response to the PEIR consultation that a substantially edited version was not produced in the ES, a 35-page table is unnecessary. Unnecessary information such as engagement logs could be produced as appendices if required with summaries in the key chapters.</p> <p>Section 11.4.3 we do not agree with the identification of Impacts 7, 12, 15 and 18. Historic Seascape Character is not a 'sensitive receptor', it is exclusively a means to understand the context within which heritage assets are located or which could be encountered. Furthermore, historic seascape character should not be included as a 'receptor' in section 11.4.9.</p>	<p>Table 11.2 consists of a summary of all points where the Applicant needed to provide a response to comments received from Historic England at Scoping and PEIR to demonstrate that the comments had been addressed, however the table does not include comments agreed and where no further action were required as stated within section 11.3.2.</p> <p>Section 11.4.3 details Impacts 7, 12, 15 and 18 were presented within the PEIR and confirmed by Historic England within the Section 42 letter (2023) as agreed "<i>HE agree with the impacts scoped in for assessment, as listed in Section 11.4.3 (construction, operations & maintenance and decommissioning)</i>" The impacts were therefore included within Volume 6, Part 2, Chapter 11: Offshore Archaeology and Cultural Heritage [APP-080].</p>
HE1.05	<p>It is unfortunate that the advice we provided in response to the PEIR consultation regarding how historic seascape characterisation methodology should be used has been ignored. We therefore recommend this section is reconsidered and an erratum issued.</p>	<p>Following advice within the Section 42, 2023 letter from Historic England the approach to the HSC was reassessed for Volume 6, Part 2, Chapter 11: Offshore Archaeology and Cultural Heritage [APP-080].</p>



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		The capacity for change in the HSC has been included in Section 11.7 and the impacts described in Section 11.12, Section 11.13 and Section 11.14. Details on where and how the Historic Seascape Characterisation was updated is detailed within Table 11.2.
HE1.06	<p>Section 11.6 it is stated that the data received was of "good quality". What 'good' means in this context remains undefined. It is however acknowledged in section 11.6.3 that there are still 'geophysical data gaps where archaeological assessment has not been undertaken'. It can only be concluded that pre-determination evaluation and risk assessment of encountering heritage assets has not been completed.</p> <p>It is also important to record at this stage that no offshore geotechnical surveys have been undertaken for the project, as acknowledged at 11.6.8.</p>	The Applicant included the reference to where the definition of "good" data quality can be found: Section 11.6.1 states that " <i>The data received to date has been of good quality and suitable for archaeological interpretation (further defined in Section 2.4 of Volume 6, Part 5, Annex 11.1:Offshore Archaeology and Cultural Heritage Technical Report).</i> " The Applicant acknowledges within this section that " <i>there are some small remaining geophysical data gaps where archaeological assessment has not been undertaken as illustrated on Figure 11.3.</i> "
HE1.07	Section 11.7.36 We do not agree with the inclusion of Historic Seascape Character (HSC) as a in section 11.4.11 (2011, England's Historic Seascapes: Demonstrating the Method), which states that HSC "...takes a holistic view of the historic landscape and can provide context for the often 'point-based' datasets available for the marine zone."	<p>Section 11.4.11 includes Historic Seascape Characterisation (HSC): Demonstrating the Method, SeaZone (2011) as one guidance document (on a list of 13) that has been taken into consideration when undertaking the assessment. Section 11.7.37 clarifies that the HSC assessment draws on the consolidated National Historic Seascape database (LUC, 2018 via Historic England), Historic Seascape Characterisation: England's Historic Seascape: HSC Method Consolidation (Cornwall Council, 2008), and England's Historic Seascape: Demonstrating the Method (SeaZone, 2011) to assess and define areas within HSC character types that are illustrated in the narrative of historic trends and processes of an area to inform a sustainable management of change over time and the capacity of this area to accommodate changes influenced by the development of the VE OWF.</p> <p>As stated in 11.7.36 the Applicant has undertaken the Historic Seascape Characterisation (HSC) assessment in line with the National Heritage Protection Plan (NHPP) as a coastal and marine environment, including the sub-sea floor, sea floor, water column, sea surface and coastal areas.</p>
HE1.08	Within both the array areas and cable export corridor preliminary data assessment indicated palaeo-channels with geoarchaeological potential (section 11.7.6). Figures 11.5, 11.7, 11.9 - the referencing system for channels of geoarchaeological potential (MA3003 etc) is unexplained in the accompanying text. Please can this be amended.	Offshore Archaeology and Cultural Heritage technical report [APP-128] includes details on all channel deposits as illustrated, section 11.7.6 is a short summary of the existing environment and refers to the channels as valleys and channels of geoarchaeological potential identified in the SBP data.
HE1.09	<p>Figures 11.4, 11.6, 11.1.4 should have clearly explained the code reference system used, which is assumed to be UKHO. It is particularly noticeable that Table 11.13 (High potential anomalies seen in geophysical data) clearly provides the MA ID reference (e.g. MA000I), but the UKHO reference (as used in figures) is given within accompanying text description and therefore somewhat concealed, making cross referencing time consuming.</p> <p>The inclusion of anomalies within the figures and presently considered to be of low archaeological importance is important, as such anomalies will require further investigation and professional assessment. Several figures include text "St James's Day Fight 1666", which is not explained in terms of archaeological potential or even alluded to in any consideration of the Second Anglo-Dutch Wars in July 1666.</p>	All cross referencing as well as details for all features illustrated is included as Appendix A- gazetteer of geophysical anomalies and Appendix B gazetteer of recorded sites, wrecks and obstructions within the marine archaeology study area within Offshore Archaeology and Cultural Heritage technical report [APP-128]. Volume 6, Part 2, Chapter 11: Offshore Archaeology and Cultural Heritage [APP-080] and accompanying figures are intended as an overview of receptors with detail provided within Offshore Archaeology and Cultural Heritage technical report [APP-128].
HE1.10	In reference to HSC broad character types, the Applicant advocates that 'Fishing' is the dominant character type and that the dominant broad character type for the "coastal level" is 'Navigation'. However, we cannot agree with the approach taken by the Applicant here, by not considering cumulate change. Generic consideration of fishing does not allow for appreciation that the physical presence of Wind Turbine Generators	As clarified in Section 11.7.39, the character type is determined as the predominant character type as seen by geospatial coverage in the HSC GIS data (Figures 11.11-11.15). It should be noted that Volume 6, Part 2, Chapter 11:Offshore Archaeology and Cultural Heritage [APP-080] includes a summary of the HSC while Offshore Archaeology and



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	and offshore substation(s) will fundamentally affect what type of fishing can be safely practiced.	Cultural Heritage technical report [APP-128] includes details on the broad character types including fishing and navigation and where cumulative change is discussed in section 3.8.
HE1.11	<p>Section 11.9.2 we note that the available survey data indicates well preserved channels and deposits with high geoarchaeological potential are extant within the study area and which are already mapped (e.g. MA3003 and MA3010 to MA3017, as illustrated in Figure 11.17). Corroboration with recent survey analysis produced by North Falls Offshore Wind Farm Project is important and clear objectives would need to be set for determining geographical association of cross cutting palaeo-channels between these proposed developments.</p> <p>We recommend this is a specific task or objective within the Outline Marine Written Scheme of Investigation (OMWSI) and COCP. It is essential that the OMWSI provides an adequate methodological basis for obtaining and using geotechnical survey data, should consent be obtained.</p>	<p>Noted by the Applicant.</p> <p>Relevant sections within 9.19 Outline Marine Written Scheme of Investigation [APP-251] have been updated and submitted at Deadline 3.</p>
HE1.12	<p>Table 11.15 A preliminary deposit model has been summarised here and Unit 4 (sediments from channel and valley infills) is noted of greatest archaeological potential. The outline deposit model requires further expansion in line with a phased geoarchaeological assessment programme, and this should also be coordinated with North Falls.</p> <p>Again, we recommend this is a specific task or objective within the Outline Marine Written Scheme of Investigation (OMWSI) and COCP. It is essential that the OMWSI provides an adequate methodological basis for obtaining and using geotechnical survey data, should consent be obtained.</p>	<p>Noted by the Applicant. Relevant sections within 9.19 Outline Marine Written Scheme of Investigation [APP-251] have been updated and submitted at Deadline 3.</p>
HE1.13	<p>At present we consider insufficient evaluation has been undertaken in order to address this point and a programme of further works will be required. Furthermore, it is unlikely that this project would be able avoid sedimentary sequences of geoarchaeological interest and it should be acknowledged that subsequent access for study will be permanently compromised. The potential magnitude of impact is therefore significant in EIA terms.</p> <p>As discussed above, the only way to address this matter is for all the heritage works to be completed prior to construction and prior to all associated preparatory works.</p>	<p>The Applicant considers the evaluation undertaken to date to be proportionate to the importance of the heritage assets and argues that it is enough to understand the potential impact of the proposal on their significance as per Overarching National Policy Statement for Energy (EN-1), November 2023, Paragraph 5.9.10. Also see Table 11.1 in Volume 6, Part 2, Chapter 11: Offshore Archaeology and Cultural Heritage (Ref: PINs Examination APP-080).</p> <p>The Applicant has clearly outlined the areas where geophysical data was not collected (See section 11.6.3 and Figure 11.3 in Volume 6, Part 2, Chapter 11: Offshore Archaeology and Cultural Heritage (Ref: PINs Examination APP-080) and Section 6 in Offshore Archaeology and Cultural Heritage technical report [APP-128].</p> <p>The Applicant has also acknowledged that there is a likelihood that previously unidentified sites or features of archaeological interest or significance may be present in the areas where the data has not yet been obtained.</p> <p>As per guidance in Historic Environment Analysis (COWRIE, 2011) The mitigation for sedimentary sequences of geoarchaeological interest is not aiming to completely avoid such deposits of but offset the impact by data collection and research as outlined in Section 11.11 Mitigation in Volume 6, Part 2, Chapter 11:Offshore Archaeology and Cultural Heritage (Ref: PINs Examination APP-080) and Section 5.5 of Offshore Archaeology and Cultural Heritage technical report [APP-128].</p>



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		It is assumed that all heritage works (excluding works under the forthcoming post-construction monitoring plan) will be undertaken prior to the commencement of the construction phase. All archaeological works will be detailed in activity specific Method Statements and agreed with Historic England in line with Table 11.17: Mitigation relating to Offshore Archaeology and Cultural Heritage, 9.19 Outline Marine Written Scheme of Investigation [APP-251] and Deemed marine licence Schedule 10 Condition 12(2) (3), Condition 13, 16 (a) (iii), Condition 17 (2) (iii) Condition 18 (2) (a), Condition 19 (2) (a).
HE1.14	We do not agree with the inclusion of Impact 7, 12 and 15. It was our advice during pre-application (including the PEIR consultation) that the approach to HSC was reassessed; this has not occurred.	Please see Applicants response to HE1.16 and HE1.17.
HE1.15	<p>2.53. Section 11.15.37 We do not agree with this section. In reference to the attention given to other offshore wind farm developments, the most relevant risk factor is associated with paleoenvironmental material. Avoidance is unlikely to be possible and even if investigations are conducted, access will be compromised and therefore we consider the impact will be significant in EIA terms.</p> <p>Table 11.24 should have identified this matter as a Residual impact, and we recommend this is amended in any future.</p>	Section 11.15.37 is a summary of all the cumulative impacts. Details on the potential cumulative impacts of each relevant development is included in Section 11.15. Relevant sections to other offshore wind farm developments is included in Sections 11.15.12 and 11.12.13 that outline the potential cumulative impacts on paleoenvironmental material such as direct impact and the lack of access to historic environment and paleoenvironmental evidence and how the impact will be offset within the VE order Limits. Sections 11.15.16 to 11.15.18 detail the assessment of the impacts cumulatively with other windfarms and how the assessment has reached the expectation that the impact is not significant in EIA terms.
HE1.16	<p>Section 11.18 mentions palaeochannels and palaeolandscapes within the North Sea to stretch beyond international boundaries. The impact on submerged landscapes in those cases is expected to be offset by archaeological assessments of available geophysical and geotechnical data.</p> <p>We have previously advised that appropriate reference should be included in the ES about how this might be delivered which is still absent.</p>	Potential Impacts to any receptors will be mitigated or offset as outlined in section 11, that states that mitigation measures or commitments that have been identified and adopted as part of the evolution of the project design of relevance to the topic, these include project design measures, compliance with elements of good practice and use of standard protocols. Further, Table 11.17 outlines all mitigation relating to Offshore Archaeology and Cultural Heritage within the VE Order Limits.
HE1.17	It is stated that specialist archaeological input will be incorporated into the planning and implementation of any additional works, which is good to see. We would recommend that the geoarchaeologist is allowed direct access to any cores recovered as it is better to record and assess continuous core sequences rather than isolated deposits as this allows for greater reliability and confidence in the resulting conclusions. Our view is that this recommendation should be formalised in the CoCP and OMWSI documents.	Noted by the Applicant. Relevant sections within 9.19 Outline Marine Written Scheme of Investigation [APP-251] have been updated and submitted at Deadline 3. It should be noted that the CoCP is an onshore document and therefore any updates will not be mirrored there.
HE1.18	Some of the discussions of different remains and activities are quite high-level and do not highlight the specific values or the potential impacts that the proposed scheme may create. For example, reclaimed land is discussed in Section 3.8.101, but the sort of archaeological evidence preserved within these locations is not mentioned. We would expect to see a discussion on the potential for palaeoenvironmental remains or artefacts associated with the activities carried out in marshland environments to be included.	Details on marshland where relevant to a time period or receptor type have been included in sections 3.8.39, 3.8.63, 3.8.67 and Appendix B. Details on the palaeolandscape component of cultural topography is included in sections 3.8.92-95. Further marsh land is further discussed within Volume 3, Chapter 7 Onshore Archaeology and Cultural Heritage [APP-080].
HE1.19	Table 4 also highlights that over 4500 of the anomalies identified to date have been classed as being of low archaeological potential. These anomalies may relate to isolated linear features, such as modern debris (rope, chain, fishing gear etc.) (Section 4.2.4). It is not stated how these remains will be dealt with as part of the mitigation strategy. This is covered in the Outline Marine WSI, but we recommend this is amended to include a summary of the proposed strategy here.	Section 4.1.2 of 6.5.11.1 Offshore Archaeology and Cultural Heritage Technical Report [APP-128] states that " <i>The location of the anomalies identified in geophysical assessments will be considered for future surveys and seabed impacts</i> " Further section 2.7 outlines the mitigation methodology.
HE1.20	Figure 6.12 It is noted that only nine possible geotechnical cores are indicated here, which we consider to be a low number. This is taking into consideration the number and size of channels identified. We feel that this number should be reconsidered, and further work is required.	Figure 612 illustrates, preliminary, archaeological core locations which have been recommended in addition to forthcoming geotechnical cores based on sub-bottom data and desk-based data. It is likely that these will be refined in an activity specific Method



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		<p>Statement ahead of any geoarchaeological works, also see updates to Section 8.4 in Volume 9, Report 19: Outline Marine Written Scheme of Investigation (OMWSI).</p> <p>Further, the Applicant agrees that further geoarchaeological works will be undertaken in line with Table 11.17: Mitigation relating to Offshore Archaeology and Cultural Heritage, Volume 9, Report 19: Outline Marine Written Scheme of Investigation (OMWSI) and Deemed marine licence Schedule 10 Condition 12(2) (3), Condition 13, 16 (a) (iii), Condition 17 (2) (iii) Condition 18 (2) (a), Condition 19 (2) (a).</p>
HE1.21	<p>Sections 4.3.31 & 4.3.33 states that geoarchaeological assessments undertaken on behalf of the North Falls Offshore Windfarm and Thames REC have been referenced. The location of the sampled cores referred to by these projects should be shown on a figure, so it is clear how this data relates to the proposed scheme. This is important as it is currently not clear how many boreholes have been assessed when developing the preliminary deposit model offshore, what information has been used to develop the preliminary deposit model and therefore how much confidence we can have in the model. Without this information it is difficult to assess how well we understand the potential impact of the proposed Scheme.</p>	<p>The geoarchaeological assessment undertaken on behalf of the North Falls Offshore Wind Farm (North Falls Offshore Wind Farm, 2022) included the assessment of sub bottom data and not cores. This is outlined within section 4.3.1 which also states that “<i>there is minor spatial overlap between the VE Array areas and the North Falls array areas, and the North Falls inter connector cable where only one of the features identified from the VE sub-bottom dataset (MA3009) and the North Falls Channel, have a clear geographical association.</i>”</p> <p>Further Figure 6.11 displays VE SBP data as well as the cannels and features identified by the Thames REC project (Emu et al., 2009)</p>
HE1.22	<p>Volume 9, Report 19: Outline Marine Written Scheme of Investigation (OMWSI)</p> <p>Additional detail needs to be provided in this Outline WSI about the specific nature of the proposed works post-consent. Detail is needed in this document as it forms the foundation of later strategies, so it is clear how this work will proceed, and what is expected of the contracting unit(s) responsible for investigating the anomalies and the sites. This includes:</p> <ul style="list-style-type: none"> > the type of techniques that will be applied (geophysical, biological & chemical assessments, palaeoenvironmental and scientific dating) > the remains that will be assessed (plant remains, pollen, charcoal, insects, diatoms, phytoliths, ostracods, foraminifera etc.) 	<p>This is noted by the Applicant. Relevant sections within 9.19 Outline Marine Written Scheme of Investigation (APP-251) have been updated and submitted at Deadline 3.</p>
HE1.23	<p>It is noticeable that Glossary does not include "heritage assets" and that the interpretation of Marine Written Schemes of Investigation should be clear that it is the purpose of these documents to explain the techniques and methodological approach to survey investigations, as much as detail regarding mitigation methods and avoidance strategies. It was also unnecessary to include WSI twice in the Glossary.</p>	<p>“Heritage assets” has been added to the glossary.</p> <p>Outline Marine Written Schemes of Investigation has been removed while Written Scheme of Investigation (WSI) and Marine Written Schemes of Investigation have both been retained.</p> <p>The definition of the Marine Written Schemes of Investigation has been updated to be in line with the guidance document; Archaeological Written Schemes of Investigation for Offshore Wind Farm Projects (The Crown Estate, 2021).</p>
HE1.24	<p>Section 1.1.2 we are not satisfied by how this outline WSI is structured. The document should have content prioritised as follows:</p> <ul style="list-style-type: none"> > Roles and responsibilities > Techniques and methodologies for archaeological actions > Proposed mitigation strategies and completion of archaeological programmes 	<p>No change. Section 1.1.2 details what is included in this document and follows guidance provided on page 8 within Archaeological Written Schemes of Investigation for Offshore Wind Farm Projects (The Crown Estate, 2021) which states what a Written Schemes of Investigations is and what should be included.</p>
HE1.25	<p>There is no need for this document to include known and potential marine heritage receptors as this is duplication of information already provided in the ES chapter and</p>	<p>No change. As per page 8 within Archaeological Written Schemes of Investigation for Offshore Wind Farm Projects (The Crown Estate, 2021) which states what a Written</p>



Ref	Summary of Deadline 2 submission OR Excerpt of Deadline 2 submission	Applicant's comments
	Offshore Archaeology and Cultural Heritage technical report (Ref: PINs Examination APP-128).	Schemes of Investigations is and what should be included A WSI: <i>"outlines the known and potential archaeological receptors that could be impacted by the scheme"</i> Section 5 provides a table of Archaeological documents produced to date as well as a brief summary of the known and potential marine heritage receptors detailed further within Volume 6, Part 2, Chapter 11:Offshore Archaeology and Cultural Heritage (Ref: PINs Examination APP-080). and Offshore Archaeology and Cultural Heritage technical report [APP-128].
HE1.26	Section 1.1.7 - we do not agree with the approach set out whereby an Outline Marine WSI is to inform production of a "Draft Marine WSI" and then "final Agreed Marine WSI". It should be possible for a "final Agreed WSI" to be produced from an outline WSI which is of an acceptable standard.	<p>No change. As per page 9 section 1.2.11 and page 10 within the guidance document Archaeological Written Schemes of Investigation for Offshore Wind Farm Projects (The Crown Estate, 2021).</p> <p><i>"A Draft WSI should then be prepared, in accordance with the Outline WSI but building on it, containing, for instance, additional details on project design, activities and their methodologies, appropriate data review"</i></p> <p>The Applicant agrees that if there has been no change or further details are not available on project design, activities and their methodologies a final Agreed WSI can be produced from an outline WSI.</p>
HE1.27	Please note Essex County Council is the local curator with responsibilities landward of Mean Low Water (MLW) not MLWS as stated.	Mean Low Water Springs (MLWS) has been updated to Mean Low Water (MLW) the terms have also been added to the acronym list.
HE1.28	Section 5.1.3 we do not agree that HSC should be included as "material and features."	Section 5.1.3 updated and 5.1.4 added clarifying that HSC is not included as material and features.
HE1.29	Section 5.5.6 - states that"...any geoarchaeological assessments should focus on sampling and assessing this deposit where it may be impacted." Therefore, it is incumbent on the OWSI to set out the required techniques and methodological approaches should consent be secured.	A reference to section 8.4 where this is further detailed has been added. 9.19 Outline Marine Written Scheme of Investigation (APP-251) has been updated and submitted at Deadline 3.
HE1.30	Section 5.6 We note very cursory attention is given to the North Sea Prehistory Research and Management Framework. It is unfortunate that this OWSI has not attempted to demonstrate research questions likely to be forthcoming within any subsequent method statements. We recommend the OWSI is amended and these references added.	<p>No change. This Outline Marine WSI provides a framework for archaeological investigations. In support of the OMWSI, detailed archaeological Method Statements will be produced prior to survey or construction work, these will include as stated in section 5.6.1 national research frameworks to contribute to the knowledge and understanding of the historic environment as well as specific research questions.</p> <p>The Applicant acknowledges that the research projects and agendas in section 5.6.2 are valuable and when further information on the character of samples or cores likely to be collected are known, the submitted Method Statements will include relevant research questions.</p>
HE1.31	<p>Section 6.2.4- lacks clarity. It states that"...throughout the lifetime of the project this Outline Marine WSI will evolve from the current Outline Marine WSI to the Draft Marine WSI submitted with the EIA and through to the final Agreed Marine WSI, which will be developed post-consent." Only the Outline WSI is submitted with the DCO Application and therefore the Applicant should explain if a "draft" WSI is to be produced during examination (see also sections 6.8.4 and 6.8.5).</p> <p>Furthermore, any WSI produced post-consent (should permission be secured) should occur prior to any construction activities occurring, so that the final survey campaigns and design decisions are adequately informed by archaeological analysis.</p>	Sections 6.2.3 and 6.2.4 has been updated to clarify that a Draft Marine WSI will be produced during the pre-construction phase. 9.19 Outline Marine Written Scheme of Investigation (APP-251) has been updated and submitted at Deadline 3.
HE1.32	Section 6.7.3 states that there"...are currently no designated marine heritage receptors such as Designated or Protected Wreck Sites or other sites subject to the provisions of the Protection of Military Remains Act 1986 within the proposed development area."	See response to HE1.02.



Ref	Summary of Deadline 2 submission OR Excerpt of Deadline 2 submission	Applicant's comments
	<p>We are however aware of the presence of HMS E6 (protected place under the Protection of Military Remains Act 1986) and its location should be readily identified in all relevant project documentation (see also Outline WSI, section 8.11.1). This needs to be amended in all documents.</p>	
HE1.33	<p>Table 6.1 (AEZs for known wrecks and obstructions within the marine archaeology study area) includes HMS E6 (UKHO Ref: 14554) and which is afforded an AEZ of 50 m. The spatial extent of this AEZ should be agreed with the Ministry of Defence.</p>	<p>See response to HE1.02.</p>
HE1.34	<p>Section 6.7.12 it is important that all parties understand that the implementation of a PAD is only to optimise rapid communication and decision making. It does not undo any adverse effects of the development on sites, features or objects of potential archaeological significance encountered and/or recovered during project works. It is only an offsetting operation and not mitigation (see also section 6.7.32 & 33) as damage and destruction is likely to have occurred which is non-recoverable.</p>	<p>Section 6.7.12 has been updated to clarify that the implementation of the PAD protocol does not mitigate or avoid direct or indirect impacts on marine heritage receptors. 9.19 Outline Marine Written Scheme of Investigation (APP-251) has been updated and submitted at Deadline 3.</p>



Ref	Summary of Deadline 2 submission OR Excerpt of Deadline 2 submission	Applicant's comments
HE1.35	Section 6.7.16 discusses the strategies that will be needed for items removed from the seabed. It is stated that conservation strategies will be included in the relevant method statements, but we would recommend that a relocation and recovery strategy should also be developed.	Section 6.7.17 added to clarify that method statements will be submitted and agreed ahead of relocation of marine heritage receptors.
HE1.36	Section 6.7.17 states that anomalies of low archaeological potential will not be assigned an AEZ but will be investigated as part of further survey work. This may be carried out in conjunction with ROV and UXO surveys (Section 6.7.18). We are pleased to see that low potential anomalies will be avoided where possible or investigated further if this is not possible. Additional detail is needed in this Outline WSI about the nature of the surveys that will be carried out, such as the approaches used, the resolution of the surveys etc.	Reference to section 8.4 has been added where details on probable surveys are included.
HE1.37	Table 6.3 - Final Agreed Marine WSI, the proposed timescale is unachievable. If we understand what is being proposed, this can only be achieved post consent (if permission is secured) and pre-construction in accordance with conditions stipulated in any DCO.	Timescale has been updated for Final Agreed Marine WSI.
HE1.38	<p>Section 6.7.23 states that the proposed development may cause direct impact to deposits which have the potential to be of geoarchaeological interest; the impacts will be restricted to the impact and penetration depths. However, it is noted that the final design of the proposed development has not been finalised, including for example the type of foundations required to secure the turbines to the seabed.</p> <p>The different foundation types will have different levels of impact to any buried archaeology. The full impact on the historic environment is therefore far from clear. In addition, as no geotechnical cores have been collected or assessed as part of the work to date, the significance of the deposits and therefore the impact of the proposed scheme has not been fully determined. These statements need to be reconsidered and we recommend this is considered as a risk.</p>	<p>No change. As stated in section 6.7.25, Geotechnical campaigns are currently planned post-consent and prior to construction and will be inclusive of the collection of archaeologically specific cores and archaeological objectives</p> <p>Mitigation to offset the impact on the historic environment and especially deposits which have the potential to be of geoarchaeological interest further detailed in section 6.7.26.</p> <p>The mitigation strategies are secured through Deemed marine licence Schedule 10 Condition 12(2) (3), Condition 13, 16 (a) (iii), Condition 17 (2) (iii) Condition 18 (2) (a), Condition 19 (2) (a)</p>
HE1.39	Section 6.7.24 states that geotechnical campaigns are planned post-consent and prior to construction. This work will include assessments that will meet the objectives of the archaeological programme and will include the collection dedicated archaeological cores (Section 6.7.25) which is good to see. However, details are needed about the specific nature of the proposed archaeological work.	No change. Further details are included in Section 8.4 as clarified and referenced in section 6.7.26.
HE1.40	<p>Section 6.7.25 states that the cores will be assessed using a staged approach, as outlined in the Cowrie (2011) report, Offshore Geotechnical Investigations and Historic Environment Analysis: Guidance for the Renewable Energy Sector. The detail of the work will be presented in specific method statements (Section 6.7.26).</p> <p>Additional details are however needed in this Outline WSI about the types of investigations and remains that will be assessed in order to clarify what is expected post-consent.</p>	No change. Further details are included in Section 8.4 as referenced.
HE1.41	Section 6.7.33 outlines the PAD that will be implemented to record any unexpected archaeological discoveries. We would recommend that a robust training programme is provided to the project staff to ensure that they are aware of the sort of materials/remains that may be discovered and what they can look like.	Noted by the Applicant, The Applicant also refers to Appendix A outline project-specific protocol for archaeological discoveries (PAD).
HE1.42	Section 7.1.6 - we do not agree that the Applicant "may" engage one or more archaeological contractors to deliver the mitigation measures set out within this Outline Marine WSI. It will be a condition of any DCO secured for this project that a Retain Archaeological Advice service (professional, accredited and experienced as we advised in our response to the PEIR consultation) will take the Outline WSI and, in consultation with Historic England (and local curatorial service where relevant), as described in section 9.1.1 and 9.1.2, produce a project specific WSI for agreement with the relevant competent authority.	<p>No change. As stated in section 7.1.6 The Applicant will engage a Retained Archaeologist to implement the final Agreed WSI but may also engage archaeological contractors for specific work packages outside the expertise and/or capacity of that archaeologist for delivery of specific work packages.</p> <p>This approach is reflected also on page 11 within the guidance document Archaeological Written Schemes of Investigation for Offshore Wind Farm Projects (The Crown Estate, 2021).</p>



HE1.43	Section 8.1.2 outlines the main standard and guidance documents that will guide the assessment work carried out offshore. Several CIFA documents are cited but it should be noted that some of the guidance documents have been revised recently in 2023. The references made to CIFA guidance documents should therefore be reviewed to ensure that the current version of the document has been cited here and will be utilised as part of this work.	The 2023 references have been updated and applied throughout . . 9.19 Outline Marine Written Scheme of Investigation (APP-251) submitted at Deadline 3.
HE1.44	<p>Details have not been included in the Outline WSI regarding the approaches that will be used to investigate the sampled material or the sort of remains that will be assessed. This detail is needed to ensure that it is clear what is expected post-consent. We would therefore request that detail on the different techniques and approaches and remains (as set out above) are included in the Outline WSI.</p> <p>Providing additional detail in the Outline WSI will also highlight all those issues that need to be considered. For example, the challenges of dating some of the deposits present offshore has been noted in the Marine Technical Report and so these issues should be considered as part of the Outline WSI. This should include the sort of techniques that will be applied and the material that will be sampled. For example, some of the deposits that will be targeted as part of the geoarchaeological assessment are older than the upper limit of radiocarbon dating.</p> <p>In this approach alternative dating techniques would also need to be applied; some of these techniques, such as OSL dating need to be collected and stored following very specific protocols to ensure that the material preserves the archaeological information of value, which needs to be recognised.</p>	Details on potential approaches and methodologies for the assessment and analysis of deposits of geoarchaeological potential have been added to this section.
HE1.45	Section 8.4.9 states that the potential locations of geoarchaeological cores have been highlighted on Figure 11.3. The figure shows nine locations in total, but this does not seem to be enough considering the number, size and complexity of possible channels or old land surfaces potentially identified within the marine study area.	No change. The illustrated core positions represent an initial assessment of potential archaeological cores within a larger geotechnical campaign which is to be refined as the project progresses.
HE1.46	Section 8.4.13 outlines the scope of the Watching Briefs (referred to as Archaeological Monitoring and Recording in the revised CIFA guidance, 2023). We would recommend that there is scope within the Watching Brief to carry out more in-depth assessments if significant remains are discovered.	The reference has been updated and more detail added on further assessment of significant remains has been added to section 8.4.29.
HE1.47	Section 8.12.1 states that all recovered artefacts will be subject for a Conservation review. We would recommend that the Conservation Review document should be drafted in consultation with a relevant specialist in conservation.	Section 8.12.2 has been updated to state “conservation specialists.”

Onshore Comments

HE2.01	<p>Code of Construction Practice and DCO wording CoCP</p> <p>We welcome that the submitted Five Estuaries Code of Construction Practice (CoCP, Vol 9 Report 21, March 2024) includes an archaeological discovery protocol in its site staff induction section (3.4.1).</p> <p>The CoCP does however not address archaeology further, except to cite the OWSI as a document to read in parallel. We consider this document is unacceptable in its current form and does not provide any comfort in relation to the schemes approach.</p> <p>We recommend that the CoCP be revised to include a more detailed section on archaeology so that headline project principles around the timings, scope and implementation of fieldwork, as well as summary protocols for unexpected discoveries, the potential need for public engagement and</p>	See summary response to HE 2.66 below. The Applicant will work with HE and other relevant Consultees to refine and develop the OWSI and CoCP to review and revise wording of these documents, so that the policies and processes set out in them can be mutually acceptable, and provide an effective means of controlling and achieving the mitigation. The Applicant notes that the CoCP only relates to the onshore works.
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	<p>the monitoring and maintenance of 'no dig' areas are also highlighted in this key control document.</p> <p>The CoCP could also be used to address marine and offshore heritage and approaches to the management of assets, geotechnical works, surveys and mitigation within the project boundaries.</p> <p>As set out in our relevant representation and above in our main representation we would want to ensure there is a mechanism to ensure engagement and support appropriate monitoring. This links the DCO to the OWSI via the CoCP</p> <p>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 CoCP and WSI documents.</p>	
HE2.02	<p>The DCO The Draft Development Consent Order (Ref: Section 3.1, March 2024: Doc Ref: APP-024) Onshore Archaeology Requirement 11 (1) states</p> <p>'No stage of the onshore works may commence until for that stage on archaeological written scheme of investigation in accordance with the outline onshore written schemes of investigation as 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> <p>In addition Condition 13(2) requires amendment to:</p> <p>"Subject to condition 13(3), the licensed activities or any relevant stage of those activities must not commence unless no later than six months prior to the commencement a marine written scheme of archaeological investigation for the stage in construction has been submitted to and approved by the MMO in writing, in accordance with the outline marine written schemes of investigation, and in accordance with industry good practice, in consultation with the statutory historic body and Essex County Council to include- ..."</p>	<p>Requirement 11: The Applicant does not consider it necessary to add who the LPA will consult to this requirement, that is a matter for determination by the LPA depending on the application before them.</p> <p>Schedule 11, part 2, Condition 13(2): the Applicant note that this change amounts to the addition of 'and Essex County Council' to the existing wording. The Essex County Council interest ends at low water and they have no remit for the considerable majority of the licenced works. The Applicant does not consider it necessary to add that the MMO can consult the Council under this condition but notes that the Council will only has a remit in a small area of the works and it is unnecessary to consult them on all of the works where these do not impact the intertidal area.</p>
HE2.03	<p>Concluding Comments</p> <p>As set out above Historic England do not object in principle to the proposal and the information provided in the application is in our view adequate for the purpose of the examination. The information provided with ES is however not without issues.</p> <p>We have identified a series of concerns with the way in which the applicant has set out the information for the historic environment in both the marine and terrestrial chapters and these are set out above in our comments above.</p> <p>In our view there are text issues and errors that need to be addressed by the applicant as soon as possible. We recommend the key documents are corrected or an erratum issued as appropriate before the end of the examination.</p> <p>One of the key issues is the lack of appropriately worded detail in the CoCP and we would recommend this document is revisited with urgency. Other recent DCO projects have set out</p>	<p>The Applicant welcomes HEs statement that they do not object to the Proposals in principle.</p> <p>The Applicant notes that HE acknowledges the restriction on access with the consequent effects on the extent on the fieldwork surveys. The Applicant notes HE's position that the extent of intrusive evaluation is insufficient to establish the significance of unknown and/or buried archaeological remains within the Order Limits. Nevertheless, the Applicant maintains that the level of information provided does allow for meaningful consideration of the potential impacts of the Proposed Development, and the likely effectiveness of the mitigation measures outlined in the ES. The Applicant considers that it is unrealistic and disproportionate to expect that every potential archaeological feature has its significance fully assessed prior to determination. Rather, the Applicant considers that the combination of Desk Based Assessment, together with geophysical survey, targeted (albeit limited) intrusive investigation along with geoarchaeological assessment and observations of geotechnical investigations allows for an appropriate characterisation of the baseline, which permits informed decision-making to be applied at a broader scale.</p>



excellent policies for archaeology through a CoCP or REAC documents that give both comfort and assurances that archaeology would be appropriately managed.

This is a key document that links the DCO requirements to the WSI, and if appropriately detailed would provide assurance to curators that archaeology will be appropriately and responsibly considered and managed.

Likewise, we would consider the changes to the DCO wording to be important to ensure appropriate checks and balances within the programme of work. We would ask the ExA to support these word changes.

One of the key concerns for both the terrestrial and marine environments is the lack of physical evaluation of known archaeological assets. This renders the assessment of value presented in the ES as effectivity a draft value, as it has not been possible to characterise those deposits except via geophysical survey.

This presents considerable risk to the both the loss of important information and proposed embedded mitigation, which relies upon micrositing away from important anomalies is potentially at risk, should extensive and important archaeological deposits be identified post consent.

It is important that the applicant acknowledges that this approach could result in high value assets relating to the historic environment being encountered that could risk the projects timetable and key milestones.

As set out in HE1.97 above that NPS EN1 requires a proportionate approach and the provision of “no more” detail “than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset” (paragraph 5.9.10). The hierarchy of only moving to intrusive investigations where desk based assessment is insufficient is clearly set out in paragraph 5.9.11 of NPS EN1. The Applicant has followed this process with desk based assessment and proportionate investigations. Sufficient detail to allow the Examining Authority and Secretary of State to understand the impact on the significance of heritage asset, as required by the NPS, is therefore before the Examining Authority

The Applicant further considers that the mitigation measures set out in the Outline Written Scheme of Investigation (OWSI) are proportionate and achievable. This is based on a phased investigation (post-determination and pre-construction as appropriate), combined with the ability to be flexible in micrositing of infrastructure within the order limits, especially with regard to the cable works.

The Applicant recognises the need for the involvement of HE (and the other relevant Consultees) to be involved in the refinement of the OWSI which it sees as the start of a phased process of archaeological mitigation, with subsequent detailed WSI produced as needed and being updated based on the results of preceding phases.

The Applicant notes that HE considers that further detail and tighter wording can be provided in the OWSI, and in the CoCP. Whilst noting that the provided documents are the start of an iterative process, the Applicant intends to work with HE (and other relevant Consultees) through the Examination to review and revise wording of these documents, so that the policies and processes set out in them can be mutually acceptable, and provide an effective means of controlling and achieving the mitigation.



2.3 MMO COMMENTS ON SUBMISSIONS AT DEADLINE 1 [REP-054]

Ref	Summary of Deadline 2 submission OR Excerpt of Deadline 2 submission	Applicant's comments
MMO1.01	<p>With regards to the Site Integrity Plan condition suggested in MMO's Relevant Representation (RR-070), point 3.3.5, the MMO notes these have not been included in the recent DCO draft. The Applicant's response to MMO-RR16 in REP1-050 does not provide justification on why the condition is not a stand-alone condition.</p> <p>As part of the Review of Consents undertaken by the Secretary of State (SoS) and approved in 2020, a stand-alone condition was included on multiple Offshore wind Farms Orders. Since this decision the MMO has worked to amend the condition slightly for future projects to make sure it includes all the required information including any updated guidance from JNCC. The MMO believes this must be a stand-alone condition with a six-month timescale to ensure the MMO can make a detailed decision in relation to the in combination impacts.</p>	<p>The Applicant still does not understand the need for a standalone condition, given that an outline SIP is provided and a final SIP will be submitted for approval, where should any new guidance not be followed, this could be picked up by the MMO as regulator. It is unclear what the additional drafting adds, or why the SIP requires a separate condition where many other pre-construction plans, of which the SIP is but one, do not. It is also noted that the inclusion of this condition post-2020 is not universal, for example it was not included in the Norfolk Vanguard DCO (2022)</p> <p>Nonetheless, the Applicant agrees in principle that this can be a standalone condition and will be included in an updated dDCO, submitted at a future Deadline following consideration and discussion of the wording.</p>
MMO1.02	<p>Under definitions in Schedules 10 and 11, Part 1, 4(d): the MMO notes that the telephone number of the local MMO office, Historic England, Ministry of Defence, and the Civil Aviation Authority is missing, the MMO requests these to be included.</p>	<p>The Applicant is seeking to confirm the appropriate details but does not yet have these.</p>
MMO1.04	<p>Schedule 10, Part 2, 18(5) – the MMO notes the inclusion of the suggested provision. The MMO requests that it is amended to state 'sub-paragraphs (1-4)'.</p>	<p>There is no Schedule 10, part 2 sub-paragraph 18(5) in the dDCO – Revision C [AS-031], the Applicant would request that the MMO clarify the reference.</p>
MMO1.05	<p>Schedule 10, Part 2, 19 and Schedule 11, Part 2, 20 – the MMO requests for 'the relevant body' in these conditions to be amended to 'the MMO'.</p>	<p>The Applicant suggests that the references are out of alignment but made these amends to the 'timing of the monitoring report' conditions.</p>
MMO1.06	<p>Schedule 11, Part 2, 26 (1) and (2a-c) – the MMO is content that the suggested provision for 'Reporting of cable protection' has been included. The MMO notes that 'any other information...' should be listed as point (c) like in Schedule 10.</p>	<p>This change has been made in Revision C of the dDCO [AS-031].</p>
MMO1.07	<p>The MMO notes that the Acronym definition for ADD (used in SE-UWN-2) has not been included. Please can this be included.</p>	<p>The acronym Acoustic Deterrent Device (ADD) will be included in the next revision of the Marine Plan Policy Assessment [REP1-0550].</p>
MMO1.08	<p>The MMO notes multiple areas within the assessment where the Applicant refers to mitigation measures included within the application, but does not expand on what the mitigation measures are. An example of this is for policy SE-CO-1. While the MMO appreciates that the Applicant has referenced the chapters where this is visible within the Environmental Statement or within other application documents, the Marine Plan Policy Assessment must be able to be read as a standalone document and must provide evidence of the mitigation measures relevant to the policies within the assessment. SE-HER-1 is a good example of where the mitigation measures have been included in the justification for policy compliance.</p>	<p>The Applicant has updated the Marine Plan Policy Assessment [REP1-0550] to include mitigation measures detail. This will be submitted at Deadline 3.</p>
MMO1.09	<p>The MMO wants to highlight that for all policies with a mitigation hierarchy, answers must be provided in full and are applicable to all projects. An example of this type of policy is SE-INF-2. Please give reasoning as to why the Project is compliant with the policy and use the mitigation hierarchy to structure the answer i.e. this project avoids/minimises/mitigates/compensates for impacts because...</p> <p>It is important to note that there are also multiple areas within the assessment where full justifications for why the Project is compliant or not with a policy has not been provided. This is required for each policy, along with evidence of how you have concluded the justification provided. It is not enough to state that the Project is compliant or not with a policy, or to write N/A. The MMO notes that for policy AQ1 in particular the Applicant has written 'N/A'. A conclusion of why the Applicant considers each policy to be 'not applicable' must be added. The explanation should include whether the Applicant</p>	<p>The Applicant has updated the Marine Plan Policy Assessment [REP10550] to include justification for each compliance with policy. This will be submitted at Deadline 3.</p>



	<p>considers the project in accordance with the policy objectives, and if so how. If the Project is not in accordance with the policy, the Applicant must explain why not and include any considerations they believe should be taken into account.</p> <p>The MMO therefore requests that the Applicant ensures all policies include justifications and where necessary the mitigation measures that will be used.</p>	
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2.4 NATIONAL GRID ELECTRICITY TRANSMISSION PLC [REP2-060]

2.4.1 The Applicant agrees on the principle of NGET's comments and making the appropriate changes in response to their comments.



2.5 NATIONAL HIGHWAYS [REP2-062]

Ref	Summary of Deadline 2 submission	Applicant's comments
NH.01	<p>National Highways written representation identified a number of areas under discussion with the Applicant, these included:</p> <ul style="list-style-type: none">• Summer sensitivity tests.• The vehicular impact of the construction activity on a worst-case scenario at each junction individually verses a network wide likely worst-case scenario.• Use of a workforce occupancy rate of 1.5 people per car.• Clarifications on the method used to assign the vehicular trips to the SRN. <p>2.5.1 A junction capacity assessments.</p> <ul style="list-style-type: none">• Use of peak period growth rates in the assessment of junctions.	<p>The Applicant acknowledges and welcomes the submission from National Highways. There are ongoing discussions between the Applicant and National Highways to seek to find an agreed position on the items raised. The Applicant will update on the issues raised at Deadline 4 and through the Statement of Common Ground due to be submitted at Deadline 5.</p>



2.6 NETWORK RAIL [REP2-065]

Ref	Summary of Deadline 2 submission	Applicant's comments
NR.01	<p>NR objects to the use of the Acquiring Rights over the Plots to deliver the development to be authorised by the DCO on the ground that the proposed works will interfere with the safe and efficient operation of the railway and will give rise to impacts on NR's railway and associated infrastructure and without the necessary provisions in place, the exercise of the above would compromise public safety on or near the railway. Network Rail continues to investigate the extent of the risk to its assets and is liaising with the Promoter in relation to any mitigation required and it is anticipated that this will continue during the examination process. In particular:</p> <ul style="list-style-type: none">• Network Rail requires protective provisions to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with the relevant safety standards.• Network Rail requires a private agreement to regulate the manner in which rights over railway property are to be granted and in which works are to be carried out in order to safeguard Network Rail's statutory undertaking. Engineers for Network Rail are continuing to review the extent of impacts on operational railway and Network Rail property and any mitigation required (including NR's review and prior approval of the design proposals for the parts of the DCO scheme which interface with the railway at detailed design and construction stages) will be considered in this agreement.• The completion of the necessary deeds of easement and asset protection agreement to govern the construction, maintenance and, where appropriate, removal of the parts of the development proposed by the DCO which are located on or adjacent to operational railway land.• Network Rail and the Promoter are in discussions about the effects of the DCO in general and will continue to liaise to address all outstanding matters. Until satisfactory agreement has been reached with the Promoter on all matters to its satisfaction, Network Rail will not be in a position to withdraw its objection to the making of the DCO.	<p>The Applicant cannot agree to any limitation on Compulsory Acquisition unless and until a suitable voluntary agreement is reached, to do otherwise would create a ransom situation which no prudent developer (or funder) would accept.</p> <p>The Applicant notes that protective provisions for Network Rail are included in the dDCO. The Applicant has engaged with Network Rail's appointed legal representative and discussions are ongoing.</p>



2.7 PORT OF LONDON AUTHORITY [REP2-066]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
PLA-01	<p>The depth of the VE cables where they cross the DWRs; the approach to cable laying and repair; cable protection and cable crossings are therefore all critical if the DWRs into the Port of London are not going to be impacted by VE. There are areas of the ECC where certainty is required at this stage on cable burial depths, cable protection and cable crossings to ensure that there will be no significant effects on shipping and navigation arising from the ECC, in isolation or cumulatively with other projects, during construction, operation, maintenance and decommissioning.</p>	<p>Consultation with the PLA is ongoing to ensure the Outline Cable Specification and Installation Plan (CSIP) [APP-242] correctly identifies and mitigates any potential impacts on the DWRs. The Applicant has committed to an under keel clearance of 22m below Chart Datum (CD) and the final applicable area for this commitment is also being discussed and again will be outlined within the CSIP.</p>
PLA-02	<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 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.</p>	<p>As with PLA-04, consultation on the final details of the CSIP [APP-242] are ongoing. The Outline Navigation and Installation Plan (NIP) [REP1-039] is also being finalised and will manage interactions involving third-party vessels entering the port.</p>
PLA-03	<p>At this stage in the project, cable burial depths are unknown. The Offshore Project Description chapter of the ES (APP-069) sets out the maximum design scenarios for the burial depth of the ECC which ranges from 0m to 3.5m. The Navigational Risk Assessment ("NRA") (APP-240) advises at paragraph 88 that the indicative maximum burial depth is 3.5m with an indicative average cable burial depth of 0.5m relative to non mobile seafloor level. Documents including the Offshore Project Description (APP-069) and Detailed Offshore Project Design Envelope (APP-070) state that cables will be buried below the seabed wherever possible (emphasis added) and that where burial cannot be applied or minimum cable burial depths cannot be achieved, alternative methods such as rock placement, concrete mattresses or other solutions could be used.</p>	<p>The NRA [APP-240] considers indicative burial depths within the entirety of the DCO limits. It recognises that additional mitigations are required with regard to cable burial and management of installation activities within the Area of Interest (defined in Section 2 of the NIP [REP1-039]). These mitigations are included within the CSIP [APP-242] and implementation of the NIP. The CSIP is secured in Schedule 11 Part 2 Condition 13(1)(g) of the dDCO and the NIP is secured in Schedule 11 Part 2 Condition 13(1)(j) of the dDCO.</p>
PLA-04	<p>The Ports and the Applicant are in discussions about cable depth where the ECC crosses the DWRs. It is the PLA's understanding from recent meetings that there is agreement between the parties regarding the realistic maximum draught of vessels (20m) and that it is also agreed that an additional 10% is required to ensure suitable under keel clearance for vessels. This means that the cables would need to be installed and maintained within the ECC at a depth that would allow for the Trinity and Sunk DWRs to be dredged and deepened in the future to a depth of at least 22m below CD. The Applicant and the Ports are in discussion about the datum to be used in the application documents (mean lowest astronomical tide ("MLAT") or CD) and it is hoped that agreement can be reached on this point shortly.</p>	<p>Consultation with the PLA is ongoing to ensure the Outline CSIP [APP-242] correctly identifies and mitigates any impacts on the DWRs. The Applicant has committed to an under keel clearance of 22m below Chart Datum (CD) and the final applicable area for this commitment is also being discussed and again will be outlined within the CSIP.</p>
PLA-05	<p>The area over which this deeper cable burial needs to occur is also still under discussion. Due to the constructive nature of the discussions, it is hoped that agreement might be reached on the area for deeper cable burial before the close of the examination. It will be important to secure any agreed position in relation to the DWRs as an embedded mitigation and for the agreed position to be clear and consistent within the application documents and within the dDCO. The exact mechanism and wording for this will be the subject of future discussions between the Applicant and the Ports including the PLA's recommendation at Issue Specific</p>	<p>Consultation with the PLA is ongoing to ensure the CSIP [APP-242] correctly identifies and mitigates any impacts on the DWRs. The Applicant has committed to 22m below CD and the final applicable area for this commitment is also being discussed and again will be outlined within the CSIP.</p>



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	Hearing 1 that a plan be produced for the area where the cables would cross the DWRs and that this plan would be a certified document.	
PLA-06	<p>Currently, the mitigations relating to shipping and navigation place significant weight on documents that are yet to be produced (discussed further below) and they do not provide the certainty in relation to the DWRs that is required. For example:</p> <p>(a) The mitigations as presented in table 9.10 of the Shipping and Navigation chapter of the ES (APP-078) include compliance with MGN 654 and its annexes including in relation to reductions of no more than 5% in under keel clearance. As will be evident from the paragraphs above, there can be no reductions in under keel clearance at the Sunk and Trinity DWRs if these routes are to be dredged in the future to 22m CD.</p> <p>(b) The oCBRA (APP-239) whilst referring to the Sunk and Trinity DWRs does so only in relation to the charted depths. There is reference to dredging but this is only in relation to London Gateway's approved dredge depth of 16.5m within the Sunk DWR. Paragraph 3.2.16 states there is the potential for this depth to be increased in future to account for larger draught vessels (subject to approval) and paragraph 3.2.17 states the oCBRA will take into account both active and potential future dredging over the ECC when identifying the target burial depth. As there is a specific draught of vessel (20m) and therefore dredge depth (-22m CD) that has been agreed between the parties, the oCBRA should provide this specific information and commit to cable burial depths that will not prejudice vessels with a draught of 20m entering the Port.</p> <p>(c) Whilst paragraph 9.11.100 of the Shipping and Navigation chapter of the ES (APP-078) refers to the Trinity and Sunk DWRs and how these are required to give deep water access for the current max draught (up to 17.5m) and realistic future worst case draught (up to 20m) paragraph 9.1.101 goes on to state that the CSIP and CBRA will take into account areas where deep draught vessels transit and therefore areas where water depth cannot be compromised by more than 5%. As highlighted above, there are areas where no reduction in depth can be permitted.</p>	<p>Outline versions of the CSIP [APP-242] and NIP [REP1-039] have been submitted as part of the application. Both of these documents clearly state what commitments or information will be available at the time of construction commencing. Specific responses as follows:</p> <p>(a) Adherence to MGN 654 and its annexes is secured in Schedule 10 Part 2 Condition 14(1) and Schedule 11 Part 2 Condition 15(1) of the dDCO. The CSIP will identify areas where there can be no reduction in under keel clearance whilst adherence to MGN 654 requirements will apply to the rest of the DCO limits.</p> <p>(b) The oCBRA [APP-239] identifies the overarching characteristics and risks of the area. Specifics in relation to burial depths to allow future dredging will be detailed within the CSIP.</p> <p>(c) As per response to (a).</p>
PLA-07	<p>As well as crossing the DWRs, the ECC is located in close proximity to the Sunk Pilot Diamond as shown on Figure 2.2 in the Applicant's Responses to Action Points (REP1-060). Pilotage is compulsory for large vessels within the London Pilotage District and its approaches and boarding and landing of pilots takes place in the general vicinity of the Sunk Pilot Diamond, rather than at that specific point shown on Figure 2.2. The actual location will be based on a number of factors, including traffic density, wind strength and direction and tidal conditions</p>	<p>Extensive consultation prior to submission was undertaken on the pilot boarding activity within the Sunk pilotage area and the DCO limits for the offshore ECC were amended to account for the higher density areas of activity. This has been followed by in-person workshops to discuss how installation activities in this area would be managed. The output of this consultation is the development of the NIP [REP1-039].</p>
PLA-08	<p>Construction and maintenance vessels must not hinder access into the Port nor the ability to board or land pilots. Contrary to the Applicant's assertions at paragraphs 9.11.103 to 9.11.106 of the Shipping and Navigation Chapter of the ES (APP-078), 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 as explained further below.</p>	<p>The Shipping and Navigation Chapter of the ES [APP-078] acknowledges that worst case consequences of reduced port access may include disruption to port schedules including congestion and disruption to pilot boarding operations. The Applicant acknowledges that tidal constraints for deep drafted vessels are a contributing factor to this impact as discussed in Section 15.4.2 of the NRA. The NIP [REP1-039] is being finalised and will mitigate interactions involving third-party vessels entering the port whilst the CSIP [APP-242] will ensure an under keel clearance of 22m below CD is maintained in proximity to the DWRs.</p>
PLA-09	<p>With the continued development of London Gateway to six berths there will be greater need to ensure vessels can arrive and depart at all states of the tide, in order</p>	<p>The Shipping and Navigation Chapter of the ES [APP-078] acknowledges that worst case consequences of reduced port access may include disruption to port schedules including</p>



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	<p>for the terminal and the wider port to operate efficiently. For example, if a vessel leaving London Gateway was tidally constrained at the Sunk and missed her deadline for leaving the berth, the vessel may have to remain alongside for a number of hours until there was sufficient water again, which would also impact any inbound vessel planned for the same berth.</p>	<p>congestion and disruption to pilot boarding operations. The Applicant acknowledges that tidal constraints for deep drafted vessels are a contributing factor to this impact as discussed in Section 15.4.2 of the NRA. The NIP [REP1-039] is being finalised and will mitigate interactions involving third-party vessels entering the port whilst the CSIP [APP-242] will ensure an under keel clearance of 22m below CD is maintained in proximity to the DWRs.</p>
PLA-10	<p>The largest, deepest vessels into and out of the port tend to manoeuvre off the berths towards high water, when there is more available deep water for swinging. Their passages between the container or tanker berths and the Sunk can be up to five hours, which is a significant proportion of the approximately 6hr tidal window between high water and low water. This means they are usually planned to be in the vicinity of the Sunk at the lower end of the tide.</p>	<p>The Shipping and Navigation Chapter of the ES [APP-078] acknowledges that worst case consequences of reduced port access may include disruption to port schedules including congestion and disruption to pilot boarding operations. The Applicant acknowledges that tidal constraints for deep drafted vessels are a contributing factor to this impact as discussed in Section 15.4.2 of the NRA. The NIP [REP1-039] is being finalised and will mitigate interactions involving third-party vessels entering the port whilst the CSIP [APP-242] will ensure an under keel clearance of 22m below CD is maintained in proximity to the DWRs.</p>
PLA-11	<p>If the tidal window at the Sunk was restricted due to lack of safe water, the safety and efficiency of vessel movements could be compromised. For example, a vessel which was planned to be at the Sunk before low water, could, if delayed, find itself unable to complete its passage out of the Thames. The vessel would have to either slow down or try and anchor to await the rising tide, both of which would create a hazard to itself and other vessels. Alternatively, if delayed at the berth the vessel would not be permitted to sail until the tide had risen sufficiently, causing further delay to that vessel and any vessel due to take its berth. Large vessels navigating to and from London Gateway are required to have some separation for safety reasons, so with up to 6 berths operating in the future it will be necessary for more than one vessel to be navigating on any tide. Avoiding the low water period at the Sunk would make it difficult to achieve multiple vessels safely navigating in and out of the port with the required separation on each tidal cycle, leading, once again to vessel delays and potentially compromising navigational safety.</p>	<p>The Shipping and Navigation Chapter of the ES [APP-078] acknowledges that worst case consequences of reduced port access may include disruption to port schedules including congestion and disruption to pilot boarding operations. The Applicant acknowledges that tidal constraints for deep drafted vessels are a contributing factor to this impact as discussed in Section 15.4.2 of the NRA. The NIP [REP1-039] is being finalised and will mitigate interactions involving third-party vessels entering the port whilst the CSIP [APP-242] will ensure an under keel clearance of 22m below CD is maintained in proximity to the DWRs.</p>
PLA-12	<p>Where the cables are crossing over or are adjacent to the DWRs the most effective method of cable laying in terms of speed and ability to achieve the required cable burial depth should therefore be used. The Shipping and Navigation Chapter of the ES (APP-078) advises that the outline Navigation and Installation Plan ("oNIP") (REP1-039) will address the approach to cable laying and is included as mitigation in Section 9.9. Whilst there is mitigation in table 9.10 relating to the production of a NIP there is no mitigation relating to installation at the DWRs and the oNIP (REP1-039) simply states that the speed when undertaking cable lay/burial activities would be between 150 to 450m per hour.</p>	<p>It is always going to be in the Applicant's interest to undertake activities in the most efficient and effective way, bearing in mind the balance between speed and efficacy. What constitutes 'the most effective method' will vary along the ECC and it would be incorrect to assume that less effective measures would be used outside of the DWRs (or that installation in the DWRs would require something over and above what is used elsewhere to be 'more efficient'). The chosen method of installation will be set out in the CSIP and will take into account to various constraints of seabed geology, water depth and cable burial depth requirements.</p>
PLA-13	<p>The maximum design scenario assessed as set out in the Shipping and Navigation Chapter of the ES (APP-078) is an "indicative height of protection for export cables of 1.1m and 1.4m when including crossings." The worst case consequence is identified in table 9.20 as "disruption to port schedules and vessel grounding on cable protection" but the PLA would assert that the worst case scenario consequence could be vessels being unable to access the Port because the required under keel clearance is not available with the associated economic impacts that would flow from this. The mitigations include compliance with MGN 654 but as highlighted earlier, up to 5% reduction in water depths at the DWRs may not be achievable as this would</p>	<p>Adherence to MGN 654 and its annexes is secured in Schedule 10 Part 2 Condition 14(1) and Schedule 11 Part 2 Condition 15(1) of the dDCO. The CSIP will identify areas where there can be no reduction in under keel clearance whilst adherence to MGN 654 requirements will apply to the rest of the DCO limits.</p>



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	prevent vessels with a draught of up to 20m from entering the Port. The Infrastructure and Other Marine Users Chapter of the ES (PD4-004) does not appear to consider impacts on marine users from the cables or cable crossing if there is a reduction in water depth.	
PLA-14	Sealink is classified at paragraph 12.7.24 of the Infrastructure and Other Marine Users chapter of the ES (PD4-004) as having lower levels of certainty or information available and have therefore not been assessed within the current baseline. Whilst in EIA terms, Sealink may not be required to be assessed because of the stage that this project is at, the burial depth for the VE cables within the ECC could have significant implications for this project and it is important that the VE burial depth does not prohibit this and any other projects from occurring because of unacceptable impacts on water depths which could have been designed out through the deeper burial of VE or the moving of cable crossing locations. The PLA must have confidence that the VE cable will be buried at a sufficient depth or placed in areas of deeper water so that any cable crossings for SeaLink and North Falls are achievable without impacting on vessels with a draught of 20m from entering the Port.	Cable crossing locations have been considered in the design of the VE cables, in consultation with Sealink and North Falls. Whilst the precise crossing locations are still subject to detailed design, they will take place to the east of the DWRs in areas of deeper water.
PLA-15	The PLA would want to approve any surveys or monitoring or pre-construction activities that could affect the DWRs because a survey vessel may pass slowly over the DWRs or even stop to place/remove monitoring equipment which could affect shipping. Equally, restrictions may need to be placed on how the pre-construction activity can be undertaken e.g. a boulder or archaeological find cannot be relocated to or within a DWR but must instead be removed.	It is for the MMO as regulator to approve activities under the dML. The ECC is not within the PLA's jurisdiction and it would be inappropriate for them to control activities in an area of free navigation.
PLA-16	In order to install the cables within the ECC it will be necessary to dredge. The Marine Licence allows for up to 9,214,386 cubic metres 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. There is a concern about a lack of controls in relation to the placing of inert material within the ECC and the implications of this for navigable depths at the DWRs. The Applicant's Reply to Relevant Representations (PD4-006) notes the PLA's concern and advises that details of dredging will be set out in the final CSIP. The Applicant further advises that they will review the oCSIP to provide further clarity on this point and the PLA await an updated oCSIP.	The Applicant has no intention of depositing dredged material within the DWRs. The Applicant is preparing a sediment disposal plan which will provide further detail and control on deposition.
PLA-17	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.	Table 3.1 of the Safety Zone Statement [APP-230] confirms that safety zones will only be applied for around surface piercing structures. This is the legal limit of the Energy Act 2004 and Electricity Regulations 2007. Safety zones cannot apply to export cables out with 500m around any surface piercing structure associated with VE.
PLA-18	The PLA note that the Applicant's response to the PLA's Relevant Representation (PD4-006) indicates that 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, therefore, be disregarded. The PLA assume that the ES will be updated in due course.	See above response to PLA-25. The references in the ES do not affect the conclusion of any impact assessment and as safety zones around offshore cable works cannot be legally put in the place the Applicant does not consider there is benefit in updating the ES.



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PLA-19	<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 DWRs into the Port will be protected now and into the future.</p> <p>Amendments are however required to the outline documents and protective provisions provided for the PLA to remove the current uncertainty. Specific comments on the documents include:</p> <p>(a) Outline Cable Burial Risk Assessment (oCBRA) (APP-239) and CBRA</p> <ul style="list-style-type: none"> i) The oCBRA (APP-239) sets out “routing and burial risk considerations at this point in time” (paragraph 2.1.4). It is predominately focused on the risks to the cables from external factors including seabed gradients, seabed contacts and mobile seabed features. A number of solutions are set out in order to reduce risks to the cable for example, avoidance of boulders and then if that is not possible, their relocation. Not all solutions will be acceptable in all locations. For example, near to or within the DWRs it may not be appropriate to relocate boulders. Of concern to the PLA is how risks to shipping and navigation would inform the CBRA and in particular how the DWRs would be maintained to allow access for vessels with a 20m draught when the Applicant is considering the need to provide cable protection in order to reduce the risks to the cable. ii) Paragraphs 3.2.16-3.2.18 relate to dredging, but these paragraphs highlight the current charted depth of the DWRs and London Gateway’s approved dredge depth within the Sunk DWR. They do not set out the PLA’s requirement for the export cables, cable protection and crossings to maintain at least access for vessels with a draught of 20m which will require dredging of the seabed. The wording used in the document lacks certainty. For example: (A) they ‘may’ apply a 1.0m overdredge allowance (paragraph 3.2.18) but this wording means that they may not. <p>(B) “The pre-construction CBRA will further assess the risks associated with anchor strikes and shipping traffic, and this will inform the final target burial depth, burial equipment and the potential need for cable protection (also considering the potential impact on shipping due to reduction of navigable depth)” (paragraph 3.2.27). This statement assumes that a reduction in navigable depth will occur which, as the PLA has already stated, will not be possible where the cables cross the DWRs.</p> <p>(C) “The need to cross existing subsea cables will necessitate the use of cable protection, as VE’s export cables will be installed over the existing subsea cable. The pre construction CBRA will detail the cable crossings, their location and the need for and extent of cable protection. This statement makes no reference to the need to ensure that any protection will not compromise maintaining a minimum 22m water depth at the DWRs.</p>	<p>The outline CBRA has been submitted for information only. A CBRA is a technical assessment that will inform the approach to cable burial, and is one part of defining the final cable route and installation . It is not intended to condition the installation of the cables, with any controls being set out in the oCSIP. There is no intention that the CBRA is document that requires approval nor consultation. The dML sets out that the CSIP must be informed by a CBRA, and therefore this information, as far as is relevant, will be included in the CSIP that is required for approval, but the CBRA is not a stand-alone control document.</p> <p>Regarding the lack of reference to the NRA. Paragraph 2.1.8 of the outline CBRA refers to other management plans where there may be interrelationships with the CSIP. The NRA is not a management plan and hence is not referred to in this list.</p>



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	<p>(D) There is no information in the oCBRA about who interested parties to the document might be and if or how they would be consulted, and their comments taken into account in the production of the CBRA. There is no requirement for the MMO to be provided with a copy of any comments received on the document. (E) Whilst the oCBRA refers to the DML: 13(h)(ii) the reference should be to 13(g)(ii). The requirement is only to 'accord with the principles' of the oCSIP and the condition in the DML allows for loss of navigable depth that could exceed 5%: "a detailed cable laying plan for the Order limits within that stage, incorporating a burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection"</p> <p>The CBRA (and CSIP) will inform and are informed by various plans which are listed at paragraph 2.1.8 of the CBRA. It is a notable omission that the NRA is not one of the plans that is listed.</p>	
PLA-20	<p>(b) Outline Cable Specification and Installation Plan (oCSIP) (APP-242) and CSIP</p> <p>(i) The purpose of the oCSIP is to set out the considerations for cable route design and approach to installation, identifying where specific constraints or requirements regarding burial depth and cable protection will need to be factored into the final design and installation planning.</p> <p>(ii) Whilst it is stated that the final CSIP will be developed in consultation with stakeholder including the PLA there is no requirement to do so. There is no requirement to consult the PLA on this plan or to demonstrate how any consultation that might have taken place on the document has been taken into account and incorporated into the final version of the document.</p> <p>(iii) There are no commitments in the oCSIP relating to burial depths at the DWRs. Table 2 shows a minimum burial depth of 0m and an indicative maximum burial depth of 3.5m and the DML requires a detailed cable laying plan incorporating a burial risk assessment which includes identification of any cable protection that exceeds 5% of navigable depth. The oCSIP does not commit to and the DML does not require details to be provided to demonstrate that the PLA's requirements have been met to maintain access for vessels of 20m draught.</p> <p>(iv) The oCSIP has as a mitigation, cables being typically buried at a target burial depth that is to be determined in the CBRA. It states in table 1 "ensuring use of the deep water routes by deep draught vessels is not compromised due to underwater allision risk." This statement is too vague and could be interpreted as the current charted depths of the DWRs rather than protecting the DWRs and access for vessels with a draught of 20m. Table 1 also states that VE will be compliant with MGN 654 and its annexes including in relation to reductions of no more than 5% in under keel</p>	The oCSIP will be updated and submitted at Deadline 4.



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	<p>clearance (unless risks can be satisfactorily mitigated). As highlighted throughout this document, there are locations where it would not be possible to have any reductions in under keel clearance.</p> <p>(v) This oCSIP is lacking in commitments relating to the DWRs. The oCSIP advises that it identifies where specific constraints or requirements regarding burial depth and cable protection will need to be factored into the final design and installation planning but nowhere does it commit to protecting the DWRs and access for vessels of 20m draught. (vi) The oCSIP goes on to state at para 2.2.2 that the potential impacts on shipping cannot be wholly avoided through cable routing and will therefore be managed through engagement with the relevant stakeholders and the measures contained in management plans including the CSIP and the NIP. (vii) There is no commitment in the oCSIP at paragraph 4.4.1 to designing out cable jointing where the ECC crosses the DWRs. There are also no commitments in relation to cable protection / cable crossings and the DWRs which should be set out at paragraphs 4.5 and 4.6 of the oCSIP.</p>	
PLA-21	<p>(c) Outline Navigation Installation Plan (oNIP) (REP1-039) and NIP</p> <p>(i) The purpose of the document is to manage interactions between project vessels and third party vessels in navigationally sensitive areas. It is also stated at paragraph 1.1.2 that it is “an embedded mitigation for minimising the significant of effect associated with shipping and navigation impacts, including...reduced access to local ports and harbours including pilotage operations, and reduction in under keel clearance.” Whilst the NIP could therefore be a useful document, as drafted the oNIP contains insufficient detail, commitments and there is a substantial amount of it is ‘tbc’. This document is the subject of ongoing discussion between the Ports and the Applicant and whilst an updated version (Rev B) (REP1-039) was submitted at DL1, a further version (Rev C) is currently the subject of review. The PLA therefore proposes not to comment on the Rev B version but will focus on continuing engagement with the Applicant regarding the Rev C version of the document and will provide detailed comments on the document at a later deadline.</p>	<p>The outline NIP [REP1-039] is a framework for identifying what information will be provided at the start of construction. It cannot be finalised until the installation method is known, noting that worst case parameters have been assessed within the ES.</p>
PLA-22	<p>It is noted that at Deadline 1 the Applicant updated the outline Construction Management Plan (REP1-044) to include a reference to the PLA. This is set out in table 3.1 of the document and states in relation to access AC-0 that liaison will be required with the Port of London on any management measures that restrict vehicular access. Whilst this reference is welcomed, it does not go far enough in ensuring that the safety of navigation is maintained. The PLA is seeking through protective provisions to have to agree any management measures that restrict vehicular access.</p>	<p>The Applicant notes the PLA's responses and welcomes ongoing dialogue on the protective provisions to resolve this.</p>
PLA-23	<p>Article 2 (Interpretation) definition of Commence</p> <p>In order to amount to commencement under the proposed definition an offshore work needs to be a licensed activity authorised by the deemed marine licences. The PLA note that the Applicant has confirmed in its reply to the Relevant Representation of the MMO (PD4-006) in relation to MMO-RR21 that there is proposed monitoring to be</p>	<p>It is for the MMO as regulator to approve activities under the dML. The ECC is not within the PLA's jurisdiction and it would be inappropriate for them to control activities in an area of free navigation.</p>



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	<p>carried out prior to the commencement of licensed activities and reference is made to this being set out in the In Principle Monitoring Plan (APP-265). As noted above, the PLA would want to approve any surveys or monitoring that affect the DWRs. The PLA will be seeking protective provisions within Schedule 9 as explained below to secure that approval and would note that the definition of commencement would not be appropriate for that part of Schedule 9.</p>	
PLA-24	<p>Article 2 (Interpretation) definition of maintenance</p> <p>The definition of maintain is broad and includes adjusting and altering. In the context of the export cable works to adjust or alter could result in a change in location and/or depth which would not be acceptable to the PLA for the reasons explained above. The PLA note that the MMO at Deadline 1 (REP1-064) recommend that the definition of maintain is amended to remove references to 'adjust' and 'alter'. The current definition is not in-line with the MMO's interpretation of maintain/maintenance which is as follows; 'upkeep or repair an existing structure or asset wholly within its existing three dimensional boundaries'. The PLA are seeking and negotiating with the Applicant protective provisions within Schedule 9 as explained below. These protective provisions will need to be equally applicable to maintenance.</p>	<p>The Applicant is continuing to engage with the PLA on protective provisions and with the MMO on the wording of the dML.</p>
PLA-25	<p>Article 7 (Benefit of the Order)</p> <p>The PLA would wish to see drafting that where the undertaker has entered into an agreement under sub-paragraph (2) in relation to which any of the benefit of the deemed marine licence or any part of the authorised development is to be transferred to another party, that the undertaker notify the PLA in writing, and the notice includes particulars of the other party to the agreement and details of the extent, nature and scope of the functions to be transferred or otherwise dealt with which relate to the functions of any of those bodies.</p>	<p>The Applicant is continuing to engage with the PLA on protective provisions where any such requirement would be most appropriate. The principle of informing the PLA on transfer of the benefit of the order is agreed.</p>
PLA-26	<p>Article 31 (Temporary use of land for carrying out the Authorised development)</p> <p>Article 31 includes Plots 01-001, 01-002 and 01-003 which are plots of interest to the PLA as they provide access to its radar site. As noted above the PLA are seeking and negotiating with the Applicant protective provisions within Schedule 9 and the protective provisions will need to ensure that the PLA's right of access and services supporting the radar are maintained throughout possession of these plots.</p>	<p>The Applicant continues to engage with the PLA regarding onshore protective provisions.</p>
PLA-27	<p>Schedule 11 Deemed Marine Licence Transmission Assets Whilst the PLA would expect its own approvals, the PLA has the following broad comments:</p> <p>(a) There is no definition of outline cable burial risk assessment which is part of the outline cable specification and installation plan, which is defined; (b) PLA contact details need to be listed at paragraph 1(4);</p> <p>(c) Paragraph 2 allows for disposal of up to 9,214,386 cm² of material within the ECC. This must be couples with checks and balances to make sure that there is no reduction in water depth over the DWRs.</p> <p>(d) Part 2 Condition 4 (maintenance of the authorised development) the PLA comments above regarding maintenance are equally applicable. There needs to be a requirement when undertaking maintenance to protect water depths that would ensure a vessel of 20m draught could enter the Port of London.</p>	<p>(a) See response to PLA-27 regarding the outline CBRA.</p> <p>(b) The organisations listed in Paragraph 1(4) are required as named notaries in the dML.</p> <p>(c) See response to PLA-24</p> <p>(d) Noted</p> <p>(e) Notifications of cable exposures will be publicised via Kingfisher and sent to MMO and MCA and regulator / statutory shipping authority for this area.</p> <p>(f)</p> <p>i. In any pre-construction plan there may be wider consultation in the development of that plan to ensure it is fit for purpose and capable of being approved, however it is not reasonable to list all non-statutory authorities and it</p>



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	<p>(e) Part 2 Condition 7 (Notification and inspections) there is no requirement to notify the PLA of commencement or within subparagraph (12) to notify the PLA if there has been damage to a cable or subparagraph (13) exposure of a cable;</p> <p>(f) Part 2 Condition 13 (Pre construction plans and documents):</p> <p>(i) There are a suite of documents submitted to the MMO but no requirement to consult with the PLA or other port authorities such as Harwich or for the Applicant to demonstrate that they have consulted the PLA on any relevant plans prior to their submission nor a requirement to explain how those comments have been addressed.</p> <p>(ii) In sub-paragraph (1)(iii) of condition 13 the Applicant has to provide details of length and arrangement but no details are required regarding depth nor the crossing of other cables. (iii) Sub-paragraph (g) requires a CSIP– “which accords with the principles of” the oCSIP – this should be substantially in accordance with the oCSIP and there are no provisions regarding critical depths being maintained at the DWRs. As drafted this would potentially allow for exceedance of the 5% reduction of navigable depth. As noted above in section 7 the oCSIP needs to be stronger to make sure the CSIP provides the necessary controls. (iv) Sub-paragraph j requires a NIP that accords with the principles of the outline NIP. As noted above there are deficiencies with the outline NIP which need to be addressed.</p>	<p>is also incumbent on the MMO as regulator to consult, as required, on the approval of conditions.</p> <p>ii. The Applicant will review the wording of this condition.</p>
PLA-28	<p>The PLA has also been provided with draft protective provisions for its benefit in relation to offshore matters. These mirror those provided for London Gateway Port, requiring the Applicant to obtain the approval of the PLA of the CSIP. The PLA's concerns go wider than the matters covered by the CSIP. The form of the Protective Provisions need to cover the following:</p> <p>(a) Stipulate that the CSIP must:</p> <p>(i) include construction methods and measures for management of construction risks;</p> <p>(ii) ensure that the channel depth of the Trinity and Sunk DWRs can be maintained to allow for 20m drafted vessels with 2m under keel clearance to use the Trinity and Sunk DWRs where cables, cable crossings and cable protection is required;</p> <p>(iii) take into account the need to protect the existing and future use of the River Thames, including reasonable mitigation of risks to the River Thames and the functions of the PLA during construction of the cables, cable crossings and cable protection and operation of the authorised development;</p> <p>(iv) include notification arrangements which a minimum notice period of the works taking place at the DWRs such notice to include the period of time that disruption might be experienced at the DWRs;</p> <p>(v) include monitoring arrangements;</p> <p>(vi) include arrangements and timescales for cable re-burial should the cable burial depth not be achieved during installation and should the cable depth be reduced over the lifetime of the development; (vii) address decommissioning.</p> <p>(b) The PLA must approve the CBRA, NIP, CSIP and any amendments or variations to such plans.</p> <p>(c) The PLA need to approve surveys in this DWRs area and works more generally given some of the works descriptions. The “authorised development” includes temporary vessel laydown areas, use of cable anchors, erection of temporary piled</p>	<p>The Applicant is in ongoing discussion with the PLA on the protective provisions.</p>



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	<p>structures during construction and the PLA would want to agree any items like this if they could impact the DWRs. (d) Provisions need to be included to deal with the removal of temporary works given that there are various things that might be done prior to cable installation or during cable installation e.g. the placement of scour protection around jack up barge legs or boulder clearance as a temporary work or generally. The PLA would want to agree relocation of boulders if that relocation involved the DWRs. There is a related point on archaeology; if there are finds and these need to be relocated then the PLA would want to agree any works that involve the DWRs.</p> <p>(e) The PLA would wish to approve maintenance details regarding the buried cable given the definition of maintenance includes works of "execution, placing, altering, replacing, relaying, removal, renewal and works of maintenance".</p> <p>(f) Provisions need to be included that if during construction any action or inaction gives rise to sedimentation, scouring, currents or wave action, or other material change to the sea bed, which would be materially detrimental to traffic in, or the flow or regime of the River Thames/DWRs, then the PLA may by notice in writing require the undertaker (at the undertaker's own expense) to comply with the remedial requirements specified in the notice.</p> <p>(g) A requirement on the Applicant to provide to the PLA with as built drawings</p>	
PLA-29	Importantly it is not appropriate for others such as the MMO or the MCA to be making decisions on matters that are fundamental to the PLA and the operation of the Port of London/River Thames and the DWRs.	The development is outside the Port of London, is outside the PLA's jurisdiction and the legal requirement is for a marine license under which approval must be given by the MMO and which is intended to regulate the Applicant's activities.
PLA-30	The PLA has provided the Applicant with a form of protective provisions which would address its concerns and will keep the ExA apprised of negotiations in respect of the same.	This is noted by the Applicant.
PLA-31	In light of the importance of ports, it is imperative that the existing and future capacity and operation of the Port are not compromised during construction and operation of VE. For the reasons highlighted throughout this document, the PLA is concerned that VE may cause economic disbenefits to the Port.	The Applicant is committed to measures that reduce and minimise impacts on the local ports, including the Port of London.
PLA-32	To accommodate existing and predicted future vessel sizes, the PLA needs to safeguard access via the DWRs for vessels with a draught of 20m. In the event that it is not possible for vessels of this size to enter and exit the port via the DWRs, it will limit the quantum of trade within the Port. The impact of this restriction could be significant, detrimentally impacting the future of the UK's largest port.	The Applicant has committed to maintaining 22m below CD under keel clearance in proximity to the DWRs to maintain vessel access should future vessels reach draughts of 20m. Areas where the 22m apply will be defined in the CSIP [APP-242].
PLA-33	The depth of the VE cables where they cross the DWRs; the approach to cable laying and repair; cable protection and cable crossings are therefore all critical if the DWRs into the Port of London are not going to be impacted by VE. There are areas of the ECC where certainty is required at this stage on cable burial depths, cable protection and cable crossings to ensure that there will be no significant effects on shipping and navigation arising from the ECC, in isolation or cumulatively with other projects, during construction, operation, maintenance and decommissioning.	The Applicant has committed to maintaining 22m below CD under keel clearance in proximity to the DWRs to maintain vessel access should future vessels reach draughts of 20m. Areas where the 22m apply will be defined in the CSIP [APP-242].
PLA-34	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. Currently, the mitigations relating to shipping and navigation place significant weight on documents that are yet to be produced and they do not provide the certainty in	The Applicant notes the PLA submission but again submits that the development is outside the Port of London, is outside the PLA's jurisdiction and the legal requirement is for a marine license under which approval must be given by the MMO and which is intended to regulate the Applicant's activities.



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	<p>relation to the DWRs that is required.</p> <p>The PLA's concerns need to be addressed through protective provisions in favour of the PLA which address the matters in section 10 of this Written Representation. Importantly it is not appropriate for others such as the MMO or the MCA to be making decisions on matters that are fundamental to the PLA and the operation of the Port of London/River Thames and DWRs navigation place significant weight on documents that are yet to be produced and they do not provide the certainty in relation to the DWRs that is required.</p>	
PLA-35	<p>The PLA also has concerns relating to access to its radar site and the placing of structures or plant in excess of 25m from ground level in the construction compound shown on the onshore works plans (APP-010) as Works No. 4B. The PLA and the Applicant continue to discuss protective provisions. Those protective provisions need to require the PLA to approve the placing of structures and any management measures that restrict vehicular access.</p>	<p>The Applicant concurs that PPs to address this point are under discussion understands them to be largely agreed other than one outstanding point around access.</p>
PLA-36	<p>If agreement cannot be reached on the form of the protective provisions that address the PLA's offshore and onshore concerns then the PLA would wish to invite the ExA to include in its proposed schedule of changes to the dDCO amendments which would address the PLA's concerns.</p>	<p>The Applicant has not yet added the draft PPs into the dDCO as detailed discussion was ongoing on those,. The Applicant considered it was better to seek to agree the drafting before introducing it rather than introducing competing versions at a stage where the Applicant is still hopeful that an agreed position can be reached.</p>



2.8 NATIONAL FEDERATION OF FISHERMEN'S ORGANISATION [REP2-088]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
NFFO1.01	<p>Fisheries Liaison and Co-Existence Plan (FLCP)</p> <p>A number of comments have been submitted by the NFFO regarding the FLCP.</p>	<p>The Applicant was in receipt of the NFFO's response ahead of Deadline 1. The Applicant has already updated and submitted a revised version of the FLCP (see [REP1-037] and [REP1-038]).</p>
NFFO1.02	<p>Cable Burial Risk Assessment</p> <p>Fisheries concerns do not form part of any decisions on the cable routing requirements for this development. It has to be acknowledged that the "avoid" component of marine spatial planning has not been applied here.</p>	<p>Whilst Commercial Fisheries do not act as a physical barrier to the laying of the offshore export cable, fisheries impacts from the cable during construction, operation and decommissioning have been considered in detail in 6.2.8 Commercial Fisheries [APP-077]. It should be noted that the Cable Burial Risk Assessment (CBRA) submitted at application [APP-239] is an outline submitted as information only. A full CBRA will be produced to inform the final CSIP during the pre-construction phase.</p> <p>In addition, a Cable Specification Installation Plan (CSIP) will be developed and adhered to, with an outline version submitted at application [APP-242]. The CSIP will set out appropriate cable burial depth in accordance with industry good practice, minimising the risk of cable exposure. The CSIP will also ensure that cable crossings are appropriately designed to mitigate environmental effects, these crossings will be agreed with relevant parties in advance of CSIP submission.</p>
NFFO1.03	<p>Table 2 states that fishing data has been provided from public sources, we would like to see the sources cited (MMO/IFCA sources etc) to ensure all fisheries data has been accurately captured.</p>	<p>Table 2.1 within 6.5.8.1 Commercial Fisheries Technical Baseline Report [APP-127] highlights the data sources that have been used within the assessment and to inform cable burial risk.</p>
NFFO1.04	<p>3.2.29 refers to destructive fishing practices. This is emotive language and needs removing. The facts are that scallop dredging has a greater penetration depth than other fishing types, this is the only information required to understand the risks associated risks.</p>	<p>This is noted by the Applicant, however the potential for deeper penetrating trawling methods to be potentially damaging to shallow buried cables is well established.</p>



2.10 SUFFOLK & ESSEX COAST & HEATHS NATIONAL LANDSCAPE PARTNERSHIP RESPONSE TO EXQS1 [REP2-094]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
SECH1.01	<p>The Partnership recognises the importance of more sustainably produced electricity as the nation seeks to tackle the drivers of climate change and decarbonise electricity production. It considers that more sustainably produced electricity can support the purpose of the Suffolk Coast & Heaths Area of Outstanding Natural Beauty in the medium to long term.</p>	<p>This is welcomed and noted by the Applicant.</p>
SECH1.03	<p>The Partnership notes that the strengthened duty on relevant authorities as set out in Section 245 of the Levelling Up and Regeneration Act (2023) says they must seek to further the purpose of an Area of Outstanding Natural Beauty (known as a National Landscape). The statutory purpose of an Area of Outstanding Natural Beauty is to conserve and enhance natural beauty.</p> <p>The Partnership notes that there is not any current formal guidance on how the new duty should be interpreted. It notes that Natural England, the Government advisor on Areas of Outstanding Natural Beauty, gave an opinion on how the new duty should be interpreted at the Lower Thames Crossing Nationally Significant Infrastructure Project hearing. This opinion is included in Natural England's response to deadline 9A sent on 15 December 2023 in annex 2 of that letter.</p>	<p>The Applicant is aware that the Levelling-up and Regeneration Act 2023 (LURA) places a duty in respect of all 'relevant authorities' to 'seek to further the purpose of conserving and enhancing the natural beauty of the AONB'. The Applicant also highlights that LURA does not say that a project cannot have an impact on natural beauty, or that it cannot result in harm(s) to special qualities. The duty is to 'seek to further the purpose'. The duty is also expressed as applying in the exercise of a function, in this case in making a planning determination. It must be viewed in that context, i.e. that this is part of exercising the planning function.</p> <p>The Applicant notes that this duty was considered by the Secretary of State in determining the Sheringham and Dudgeon Extension Projects DCO (2024). The duty was held to be met because in that case the "the Applicant has taken reasonable precautions to avoid compromising the purpose of the designation". The Applicant would submit that it has also taken reasonable precautions and meets the standard as applied by the SoS. While there is as yet very limited consideration of this duty, the Sheringham and Dudgeon decision did not set the bar for compliance at the level suggested by SCC but rather at the quoted level that the Applicant has taken reasonable precautions to avoid compromising the purpose of the designation.</p> <p>The Applicant submits that it cannot be the intention of the duty to outweigh all other considerations, including the considerable policy support for offshore wind on this single factor. It cannot be the policy objective of the duty to prevent development, however needed or beneficial overall, simply because its main purpose is not to enhance the landscape.</p>
SECH1.04	<p>It is the opinion of the Partnership that offshore infrastructure cannot in itself further the purpose of the designation.</p>	<p>The Applicant considers that it is possible to reasonably conserve the special qualities and features of a designation through siting and design. The Applicant considers that it is more difficult for an offshore wind farm to enhance the natural beauty of a designation, which cannot readily be achieved through the siting and design of an offshore wind turbine array located outside the area of the designated landscape. The Applicant considers that it must be anticipated that any offshore wind farm NSIP will give rise to some degree of friction with the duty to seek to enhance natural beauty and is unlikely to be entirely consistent with objectives that seek to enhance natural beauty.</p>
SECH1.05	<p>Although the offshore infrastructure related to the offshore wind farm is located outside of the Suffolk Coast & Heaths Area of Outstanding Natural Beauty this type of infrastructure will have a negative impact on the defined Natural Beauty Indicators. These indicators are described in the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) Natural Beauty and Special Qualities Indicators v1.8 21 November 20162.</p>	<p>As the proposed development is outside the designated landscape the relevant policy test in NPS EN1 is that "[t]he Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development" (5.10.8).</p>



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	<p>From the Natural Beauty and Special Qualities Indicators document the Landscape Quality factor notes in the AONB Indicator section that:</p> <p><i>a. Offshore wind turbines...are visible from some stretches of the coastline.</i></p> <p><i>These create a cluttered horizon.</i></p> <p>8. From the Natural Beauty and Special Qualities Indicators document The Scenic Quality factor notes in the AONB Indicator section that:</p> <p><i>a. Large open vistas across heaths and along the coast, out to sea and ...</i></p>	<p>The Applicant considers that the Suffolk and Essex Coast and Heaths National Landscape Partnership has not clearly articulated which special qualities would be affected by the VE array areas and how these qualities might be changed as a result..</p> <p>The natural beauty indicators of the SCHAONB, which inform its special qualities, are set out in the SCHAONB Natural Beauty and Special Qualities Indicators report (the 'Special Qualities Report') (EDF Energy, SCHAONB Partnership, Suffolk County Council, Suffolk Coastal District Council and Waveney District Council, 2016), and in Table 10.14 of 6.2.10 Seascape, Landscape and Visual Assessment [APP-079]. These include landscape qualities such as its intactness, condition and influence of existing influence of 'incongruous' features (such as power stations and offshore wind turbines); scenic qualities such as its distinctive sense of place, striking landform, land cover, memorable views and sensory stimuli; the relative wildness and relative tranquillity of pockets of landscape associated with the coast and estuaries; as well as special qualities relating to natural heritage and cultural heritage.</p> <p>The Applicant's assessment of the special qualities, assessed in detail in the 6.2.10 Seascape, Landscape and Visual Assessment [APP-079] (pages 208-227, Table 10.26 and Table 10.36) finds that the VE array areas will not result in any direct changes to the current pattern of elements that define the landscape character of the closest areas of the coastline. No physical attributes that define special qualities of the SCHAONB will be changed. Many of the landscapes where special qualities are experienced are contained to the narrow strip where the coastal edges of Suffolk meet the sea, between Covehithe in the north, Orford Ness and Felixstowe – either from the shingle coast, occasional low cliffs and 'pockets' of coastal landscape associated with estuaries and marshes. These pockets of estuary and marshland are often very low-lying, situated inland from the coastal edge and visually contained, where open sea views are restricted. The effects of the VE array areas derive from changes to views from the low cliffs and parts of the shingle coast of the SCHAONB out to sea, adding an additional element in the simple composition of shingle, sea and sky - the juxtaposition of elements perceived from the coastal edge. Due to their location at considerable distance outside the SCHAONB and from the Essex coastline, the VE array areas only impact on the perception of character and qualities – which is considered an indirect effect. Changes to the perceived character occur in views from parts of the SCHAONB, rather than 'on' or 'within' the landscape. Some effects on the SCHAONB have been identified including in relation to specific individual 'special qualities'. These are particularly those aspects that relate to the large open vistas across heaths and along the coast, out to sea and from sea to the coastline; and the juxtaposition of elements in these views, as experienced from parts of the coastal edge of the SCHAONB looking out to sea. As is noted by the National Landscape Partnership and the SCHAONB special qualities document, offshore wind turbines are already visible from some stretches of the coastline and form part of the baseline conditions in the large open vistas out to sea. The SLVIA has found that the VE array areas would not give rise to significant effects on these 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), together with the position of the VE arrays subsumed behind operational wind farms and the limited additional lateral spread of the VE WTGs on the sea skyline.</p>



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		<p>The Applicant takes the strong position that the impact of the Project on the special qualities of the SCHAONB is of low magnitude, not significant (moderate/minor) and indirect. To reiterate further, the project is situated 37 km offshore at its closest point, with the majority of turbines beyond that distance (and behind existing projects) which supports the conclusion of no significant effects and the very limited impact on the designated landscape. The Applicant's overall conclusion is that the VE array areas will not have significant adverse impacts on the natural beauty and special qualities of the SCHAONB.</p>
SECH1.06	<p>The Partnership recognises that the onshore elements of the proposals are likely to have been designed to reduce the impacts on Areas of Outstanding Natural Beauty. It notes the cable route avoids the Dedham Vale and Suffolk Coast & Heaths Areas of Outstanding Natural Beauty. It notes the proposed substation is proposed to be outside the Dedham Vale Area of Outstanding Natural Beauty, although the substation is considered to be within the setting of the nationally designated landscape.</p>	<p>The setting of the Dedham Vale AONB is not defined in any documentation relating to the designation. The location of the onshore substation is considered to be outwith the setting of the AONB for the following reasons. As described in the 'Dedham Vale AONB Natural Beauty and Special Qualities and Perceived and Anticipated Risks' "Dedham Vale AONB is not a dramatic expansive landscape but a small, domesticated landscape". Dedham Vale AONB encompasses a valley landscape. As such, the valley landform creates a sense of enclosure which is further accentuated by the substantial extent of woodland, trees and hedgerows in the AONB and surrounding areas. This means that, by the very nature of this lowland wooded valley, there is very little intervisibility with the surrounding landscapes, including the predominantly agricultural landscape to the south where the VE onshore substation would be located. This observation is supported by the absence of references to surrounding landscapes in terms of both setting and views in the following documents; 'The Dedham Vale Landscape', 'Dedham Vale AONB Natural Beauty and Special Qualities and Perceived and Anticipated Risks' and the 'Dedham Vale Management Plans 2016 to 2021 and 2021 to 2026'. This lack of association owing to the introverted character of the AONB, means that the agricultural landscape to the south does not play an important role in terms of setting to the AONB. Furthermore, the intervening area between the closest south-east boundary of the AONB and the onshore substation is already influenced by development. The southern boundary is marked by the busy A137 (Harwich Road) with residential properties along this road and in the built-up area of Lawford to the east. There is also extensive development in the form of market gardening and light industry in the Foxash Estate which is located in this area to the immediate south of the A137 and the southern AONB boundary.</p>
SECH1.07	<p>The Partnership welcomes the fact that the cable route and substation are outside the National Landscape. It considers that these elements comply with policy drivers including National Policy Statement EN1 para 5.10.8 that says:</p> <p>The duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. In these locations, projects should be designed sensitively given the various siting, operational, and other relevant constraints. The Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development.</p>	<p>As agreed with Natural England during the consultation process, the onshore substation will not give rise to significant effects on the Dedham Vale AONB. Notwithstanding this point, the Project landfall, onshore cable route and onshore substation are sited entirely outside the SCHAONB and avoid direct effects on its landscape, therefore conserving its natural beauty with respect to onshore impacts. The Applicant agrees that as the Project is outside the designated SCHAONB landscape, the relevant policy test is that "[t]he Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development" (NPS EN1, para 5.10.8). The Applicant would submit that the measures it has taken are sufficient, appropriate and proportionate.</p>
SECH1.08	<p>It is the opinion of the Partnership that the mitigation hierarchy should be employed where development proposals can have a negative impact. The Partnership considers that this should be:</p> <ul style="list-style-type: none"> > Avoid 	<p>The Applicant considers that it has employed the mitigation hierarchy, avoiding significant effects on the special qualities of the SCHAONB and minimising harms. The Applicant considers that it has sought to conserve the natural beauty of the SCHAONB through the siting of the VE array areas and mitigation embedded in the project design set out in Table 10.18 of 6.2.10 Seascape, Landscape and Visual Assessment of the ES [APP-079]. This has</p>



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	<ul style="list-style-type: none"> > Minimise > Mitigate > Compensate <p>It further considers that if the proposal is granted consent, where the negative impacts on the Area of Outstanding Natural Beauty cannot be avoided or adequately mitigated then the National Landscape should be appropriately compensated, noting that the mitigation must go beyond the like for like replacement. This could be in a similar format to the section 111 agreement agreed by ScottishPower Renewables in relation to the East Anglia One North and East Anglia Two offshore wind farms.</p>	<p>included siting of the VE array areas at long distance from the SCHAONB (over 37 km), largely behind existing wind farms; a reduction in the spatial extent of the array area to limit the northward spread; and a reduction in maximum height of the WTGs. As a result, although there will be residual effects on the special qualities of the SCHAONB, these are likely to be Moderate/Minor at worst, and they are not significantly adverse. The Applicant highlights the further reduction in the maximum height of the WTGs to 370m (above LAT) [AS-014 to AS-061], which further reduces the level of seascape and landscape visual impact.</p> <p>The Applicant submits that the experience of the landscape cannot reasonably be held to be harmed by the addition of a small number of turbines, which are theoretically visible only in ideal conditions, are set in the context of closer and more prominent windfarms, and at a minimum 37km distant. To adopt this position is equating any visibility with harm. Just because something is visible, does not mean that the special qualities of a national landscape are harmed and that this is an impact which requires to be mitigated (by which SCC are understood to mean compensated for in this case as mitigation measures have already been applied through design).</p> <p>It is the Applicant's position that given significant effects have been avoided, the proposed development has minimised harm to the landscape, and has included appropriate mitigation to minimise adverse effects, in line with NPS EN-1 policy (5.10.34 and 5.10.37). The Applicant considers that the project reasonably conserves the special qualities and features of the Suffolk Coast and Heaths AONB (SCHAONB), including the seascape. Reasonable efforts have been made to avoid or minimise significant adverse impacts on the SCHAONB, as far as the scope of the project allows, and that further measures, in the form of compensation, would not be proportionate.</p>
SECH1.09	<p>The Partnership considers that the infrastructure for an offshore wind farm cannot deliver Area of Outstanding Natural Beauty purpose, to conserve and enhance natural beauty. Given the strengthened duty placed on relevant authorities, it considers significant compensation be made to the National Landscape, beyond that which may have been paid by other developers for impacts assessed when the earlier section 85 Countryside and Rights of Way duty was in place (to pay regard to the purposes of the Area of Outstanding Natural Beauty).</p>	<p>The Applicant welcomes further engagement on this matter with the National Landscape Partnership, in conjunction with Suffolk County Council, however as set out above, it considers that it is not proportionate for further measures in the form of 'significant compensation' to be imposed given the low magnitude, non-significant impacts arising on the special qualities of the SCHAONB. The Applicant considers that the project reasonably conserves the special qualities and features of the SCHAONB and that reasonable efforts have been made to avoid or minimise significant adverse impacts on the SCHAONB. The project is situated 37 km from the SCHAONB at its closest point, with the majority of WTGs located well beyond that distance, and largely behind existing WTG arrays, which supports the conclusion of no significant effects and the very limited impact on the designated landscape. The Applicant submits, given there are no significant effects on the SCHAONB, it is not proportionate for further measures to be imposed and that current measures are sufficient and appropriate. The Applicant reiterates that the duty to seek to further the purposes applies in the context of a planning determination, therefore any measures imposed would still have to meet the tests for imposition in that context, including being necessary to achieve a planning purpose. The Applicant submits that no such necessity has or can be demonstrated given the assessed, and agreed, level of potential worst case impact is not significant.</p> <p>The conclusion of the National Landscape Partnership's position appears to be that if a development can be theoretically seen from an AONB on occasion, despite the fact it will be seen at a considerable distance and as part of a seascape already containing the same form</p>



Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
		of built development, that is harmful and the duty to enhance requires the Applicant to 'offset' this unevidenced harm. The suggestion for doing this through 'improvement measures' which are not defined and no case is made of how they offset the alleged harm. The Applicant submits that there is a danger that seeking a financial contribution from the Applicant in the way the National Landscape Partnership appears to be doing, could be seen as inappropriately 'buying' compliance with the duty.



2.11 MINISTRY OF DEFENCE WRITTEN REPRESENTATIONS AND UPDATED POSITION STATEMENT [REP2-055]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
MOD1.01	<p>Ministry of Defence - Deadline 2 Submission Written Representation [REP2-055]</p>	<p>The Ministry of Defence submitted a Written Representations at Deadline 2 [REP2-055]. In summary, this included an objection to the proposed VE project based on the previous wind turbine generator height of 395m above MHWS, and the resulting impact on Air Defence radar deployed at RRH Neatishead.</p> <p>Following this submission, the Applicant has committed to a reduction in turbine height to 370m LAT, which was included in the recent change request submitted to the Examining Authority. Subsequently, the MoD has submitted an update position [AS-008] which has been copied and responded to below, and now supersedes their original written representation.</p>
MOD1.02	<p>Air Defence Radar</p> <p>The applicant addresses the impact of the proposed development on Military and Civil Aviation through Volume 6, Part 2, Chapter 13 of the submitted Environmental Statement (Application Reference No. 6.2.13, Rev. A, dated March 2024). At paragraphs 13.4.15 and 13.4.16 the applicant identifies the potential for the development to be visible to, and detectable by Air Defence (AD) Radars deployed at Remote Radar Head (RRH) Neatishead. It should be noted that the AD Radar previously deployed at RRH Trimmingham has been redeployed at RRH Neatishead, and as such RRH Trimmingham may be omitted from assessments.</p> <p>The MOD has carried out assessments based on Rochdale Envelope boundary co-ordinates provided by the applicant and accounting for a maximum blade tip height of 370m LAT. These assessments concluded that turbines within both the southern and northern array areas will be detectable to the AD Radar at RRH Neatishead but will have no operational impact.</p>	<p>The Applicant has committed to a reduction in turbine height to 370m LAT, which was included in the recent change request submitted to the Examining Authority. Subsequently, the MoD has submitted an update position [AS-008]. The new assessment concluded that the impact of turbines within both the southern and northern array areas will be detectable to the AD Radar at RRH Neatishead, but will have no operational impact. This is welcomed and noted by the Applicant.</p>
MOD1.03	<p>Military Low Flying Training</p> <p>The construction, operation, and decommissioning of a wind farm introduces a physical obstruction to aviation which could limit or otherwise affect military low flying training that may be conducted in this area. The applicant has identified this potential impact through paragraphs 13.10.1 to 13.10.7, 13.11.1 to 13.11.5, and 13.12.1 to 13.12.3 of Volume 6, Part 2, Chapter 13 of the submitted Environmental Statement (Application Reference No. 6.2.13, Rev. A, dated March 2024).</p> <p>The MOD would normally stipulate that this impact is mitigated through requirements within any Development Consent Order that might be produced that required the submission, approval, and implementation of an Aviation Lighting Scheme, and the submission of sufficient data to ensure that the development is accurately charted.</p> <p>With regard to the Aviation Lighting Scheme, it should be noted that, in addition to any requirements under the Air Navigation Order 2016, the use of MOD accredited aviation safety lighting should be necessary.</p>	<p>This is noted by the Applicant.</p> <p>As highlighted within the draft DCO at Schedule 2 Condition 3(1), Schedule 10 Part 2 Condition 9 (1) and Schedule 11 Part 2 Condition 10(1) "The undertaker must exhibit such lights, with such shape, colour and character as are required in writing by Air Navigation Order 2016(a) and determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the Civil Aviation Authority."</p>
MOD1.04	<p>Export cables</p>	<p>The Applicant is engaging with the MOD to understand further the Statutory Safeguarding Zone associated with a technical asset which contributes to Air Traffic</p>



	<p>The applicant has provided details of a cable routeing corridor which runs from the proposed wind farm to make landfall between Holland-on-Sea and Frinton-on-Sea on the Essex coast. Onshore cables would then run to a new substation on land to the east of Ardleigh and north of Great Bromley.</p> <p>The potential presence of unexploded ordnance (UXO) has been identified as being relevant to offshore cable installation and intrusive works in paragraphs 1.4.10 to 1.4.13 of Volume 6, Part 2, Chapter 1: Offshore Project Description of the applicant's Environmental Statement (Application Reference No. 6.2.1, Rev. A, dated March 2024). The applicant has proposed that detailed pre-construction surveys would be employed to identify and then address the potential presence of UXO prior to the installation of cables and other intrusive works that may be undertaken in the maritime environment.</p> <p>With regard to the onshore element, the MOD has identified that the onshore cable route will pass through a Statutory Safeguarding Zone associated with a technical asset which contributes to Air Traffic Management designated East 2 Wide Area Multilateration (WAM) Network.</p> <p>Whilst it is acknowledged that onshore cables are to be routed through underground ducts, the potential exists for works to install the ducts to impact on the operation and capability of the statutorily safeguarded technical asset. As such the MOD should be consulted on the specific implementation method and machinery/equipment/plant that will be used to install the proposed underground ducts. The submission and approval of this information should form the subject of a requirement in any future draft Development Consent Order.</p>	Management designated East 2 Wide Area Multilateration (WAM) Network and whether any additional controls are required in the dDCO or other control documents.
MOD1.05	<p>Summary</p> <p>In summary, the MOD does not object to the proposed development on the basis that requirements relating to MOD accredited aviation safety lighting scheme, charting and onshore works information will form part of any Development Consent Order.</p>	This is welcomed and noted by the Applicant.



2.12 MARITIME AND COASTGUARD AGENCY RESPONSE TO EXQ1 [REP2-056]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
MCA1.01	<p>NS.1.06 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])? If you are not content, what are your concerns and how might they be addressed?</p> <p>MCA Response</p> <p>As per our Written Representation we submitted at Deadline 1, we are content that Five Estuaries Offshore Wind Farm Ltd has undertaken the NRA in accordance with MCA guidance (MGN654) and NRA risk assessment methodology.</p>	This is welcomed and noted by the Applicant.
MCA1.02	<p>NS.1.07 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])? 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> <p>MCA Response</p> <p>As per our Written Representation we submitted at Deadline 1, we are satisfied that appropriate traffic data has been collected in accordance with MGN654.</p>	This is welcomed and noted by the Applicant.



2.13 NATURAL ENGLAND - COVER LETTER AND RESPONSES TO EXQ1 [REP2-057 AND REP2-059]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
NE1.01	<p>Cover Letter</p> <p>Natural England's Risk and Issues Log (including our Principal Areas of Disagreement Summary Statement)</p> <p>Natural England is submitting its Risk and Issues Log including our Principal Areas of Disagreement (PADSS). Please note that the Risk and Issues Log and its RAG status remain unchanged since Deadline 1, similarly, the PADSS also remains unchanged since our Relevant Representations. This is as a result of either issues not being adequately addressed or because we remain in the process of reviewing the Applicant's updated documents provided at and prior to Deadline 1.</p>	<p>The Applicant notes that NE's Risk and Issue Log and PADSS remain unchanged at Deadline 2. The Applicant will respond to the PADSS once a substantive update has been made. In line with the Rule 8 letter this is due by Deadline 4, and the Applicant will subsequently respond to any updates at Deadline 5.</p>
NE1.02	<p>The Applicant's Request for Changes to the Application on 10 October 2024</p> <p>We note from the PINS website that on 10 October 2024 that the Applicant submitted a request for changes to their application and that forty-eight supporting documents have been provided in support of the change request. This follows the Applicant's submission at Procedural Deadline D [PD4-009] of a Notification of Intention to Submit a Change Request.</p> <p>Natural England is unclear on the next steps in regard to the change request. We note that the Examining Authority has yet to make their decision on whether they will consider the Applicant's proposed changes. We are, therefore, unsure whether to proceed with reviewing and, if necessary, responding to these additional documents. We would be grateful if the ExA could please confirmation if and when they wish interested parties to consider these new submissions.</p> <p>However, we kindly request sufficient time be allowed for Natural England to triage, and review these additional change request documents, including assessment of any changes to the HRA/EIA conclusions for the Project. After which, we will respond accordingly at the next appropriate deadline. This is consistent with our proposed approach provided to the ExA for Dogger Bank South NSIP on 16th October 2024.</p>	<p>As highlighted by NE, the Applicant has submitted a change request to the Examining Authority, which has now been accepted. Following the acceptance of the change request it will be formally consulted upon for 28 days.</p> <p>As set out in the 10.18 Report on Proposed Changes [AS-057], the proposed changes to the Order Limits and project elements changes do not significantly change the purpose, intent or impact of the original application and will have no material effect on the assessments and conclusions of the Environmental Statement. The Applicant is therefore only consulting under The Infrastructure Planning (Compulsory Acquisition) Regulations 2010.</p>
NE1.03	<p>Cover Letter Annex 1: Natural England's Response to the Applicant's (and Other Relevant) Documents Submitted at Deadline 1 Relevant to our Remit</p> <p>Natural England submitted a table with an update on documents they have reviewed and/or are planning on reviewing.</p>	<p>The Applicant has reviewed this table and have no further comments to make. The Applicant recognises NE will make any necessary comments at subsequent Deadlines.</p>
NE1.04	<p>Natural England's Comments on Examining Authority's Written Questions</p> <p>ME.1.10 Benthic Ecology Without Prejudice Compensatory Measures</p> <p>a.- c. Natural England is aware that Government (DEFRA) will be providing relevant guidance and assurances in relation to the delivery of strategic benthic compensation (including timings etc.) in the very near future, which can be submitted into the Five Estuary Examination. In the meantime, we advise that all queries on strategic compensation are directed to Mike Rowe, Director of Marine and Fisheries, DEFRA, email address @defra.gov.uk</p>	<p>a. -c. The confirmation that DEFRA guidance will be available in the very near future is welcomed by the Applicant.</p> <p>d. The Applicant agrees with Natural England that the strategic compensation option is the option that is of greatest benefit. However, the Applicant would like to retain the other options should, for any reason, the strategic compensation option not become available in time.</p>



	<p>d. Natural England highlights that the progression of strategic compensation has come about due to the extreme difficulties in delivering project specific benthic compensation. In this context and at this stage, we do not believe that there is merit in progressing and/or placing reliance upon project specific benthic compensation measures.</p>	
NE1.05	<p>ME.1.12 Benthic Mitigation</p> <p>Natural England advises that the most impactful environmental mitigation measure to avoid direct impacts to MLS SAC would be through moving the cable corridor outside of the designated site. However, where this is not possible, we advise that every effort should be made to reduce, avoid mitigate impacts as much as possible, which includes limiting the length of cable route through the site, identifying a route which avoids interest features and reducing lasting impacts. Having discussed this with the Applicant during the pre-application phase we believe that the Applicant has taken into account our advice in selecting their cable route through the site. Therefore, we do not believe that there would be merit in the Applicant considering alternatives routes within the designated site as the environmental impacts will either be equal to, or greater than the proposed route.</p>	<p>The Applicant thanks Natural England for its engagement throughout the project and welcomes its response.</p>
NE1.06	<p>ME1.14 Designated Sites</p> <p>Natural England defers providing our full response until Deadline 3. We draw your attention to our requests for further detailed information and assessments which until we have received and/or reviewed them, we may not be able to agree with the Applicant's conclusions.</p>	<p>This is noted by the Applicant and we await any further comments from NE and their updated PADSS at Deadline 4.</p>



2.14 NATIONAL TRUST WRITTEN REPRESENTATIONS [REP2-063]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
NT1.01	<p>The National Trust has set out its interest in this proposal and position on renewable energy in our Relevant Representation (RR). To avoid repetition, this submission should be read alongside the RR (RR-080). It is understood from the Issue Specific Hearing (ISH1) and a subsequent discussion with the Applicant, that land owned by the National Trust at Orford Ness is no longer being considered for the delivery of compensatory measures for Lesser Black Backed Gulls (LBBG).</p>	<p>This is noted by the Applicant and it reconfirms that land owned by the National Trust is no longer being considered for the delivery of compensatory measures for Lesser Black Backed Gulls (LBBG).</p>
NT1.02	<p>It is noted that the Applicant submitted a 'Change Request' to the Examining Authority on 10th October 2024. This includes changes to the LBBG Compensation Area, including changes to the Order Limits. These changes would exclude National Trust land from the Order Limits and compensation proposals. The Examining Authority has 28 days to decide whether or not to accept this request. If it does, a 6-week consultation will follow.</p> <p>If this Change Request is accepted by the Examining Authority, the National Trust will review the information submitted ,and if necessary, respond to the consultation. We will also update our position on matters raised in our Relevant Representation at a future deadline.</p> <p>At this stage, we have nothing further to add to our Relevant Representation.</p>	<p>This is noted by the Applicant and welcome any further comments from the National Trust with regards to the change request as necessary.</p>



2.15 ROYAL SOCIETY FOR THE PROTECTION OF BIRDS [REP2-068]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
RSPB1.01	<p>The RSPB have submitted a Written Representations which outlines their position in regards to offshore ornithology and the derogations case and compensation measures the Applicant has put forward.</p> <p>It is noted that many of the points the RSPB has raised are the same as originally stated within the RSPB's Relevant Representations [REP1-070].</p>	<p>As noted, the RSPBs Written Representations cover many of the same points as submitted in their Relevant Representations.</p> <p>As a result, the Applicant has just provided a short summary below reemphasising its points it raised in 10.4 Applicant's response to Relevant Representations [REP1-049].</p> <p>The Applicant does not believe there to be an AEoI for red-throated diver at the OTE SPA, gannet, kittiwake or guillemot and razorbill at FFC SPA. However, the Applicant has presented 'without prejudice' compensation documents of kittiwake, guillemot and razorbill. The Applicant has reached agreement with Natural England that no derogation case is required for gannet.</p> <p>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 through Part 11, Condition 12(1)(d)(v) and Part 12, Condition 13(1)(d)(v).</p> <p>The Applicant has held consultations with Natural England over the assessment methodologies used and although there is generally agreement in the methods used, where there is disagreement both the Applicants and Natural England's preferred approach has been presented.</p> <p>The full methodology for the Digital Aerial Surveys (DAS) can be found in 6.5.4.12 Digital Video Aerial Surveys of Seabirds and 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] and 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> <p>The Applicant believes that adequate consideration into the impacts of HPAI has been undertaken. 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. The species with a 'without prejudice' case at FFC SPA have fared well since the outbreak of HPAI with guillemot and razorbill populations increasing while kittiwakes have shown a slight decline. It should also be noted that caution has also been applied when looking at compensation measures.</p> <p>The Applicant has a broad agreement with Natural England over the selected sites for the compensation measures for LBBG, guillemot and razorbill and kittiwake and the Applicant has and will continue to carry out thorough survey work to provide more evidence for each measure.</p>



2.16 TRINITY HOUSE – WRITTEN RESPONSE TO EXQ1 [REP2-069]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
TH1.01	<p>NS.1.06 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])? If you are not content, what are your concerns and how might they be addressed?</p> <p>Trinity House Response:-</p> <p>We confirm that we are content with the methodology and that identified hazards have been addressed within the NRA.</p>	This is welcomed and noted by the Applicant.
TH1.02	<p>NS.1.07 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])? 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> <p>Trinity House Response:-</p> <p>We are content that the sources of data contained within the NRA are suitable for Trinity House's requirements.</p>	This is welcomed and noted by the Applicant.



2.17 CHAMBER OF SHIPPING – WRITTEN RESPONSES TO EXQ1 [REP2-070]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
CH.01	<p>NS.1.06 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])? If you are not content, what are your concerns and how might they be addressed?</p> <p>Chamber of Shipping Response:-</p> <p>Yes the Chamber confirms it is content with the methodology used in the NRA.</p>	This is welcomed and noted by the Applicant.
CH.02	<p>NS.1.07 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])? 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> <p>Chamber of Shipping Response:-</p> <p>Yes the Chamber confirms it is content with the NRA data sources used. The Chamber expects that a SOCG with the applicant will be submitted in due course which will provide further clarity on specific items of discussion. Should you require further information please do not hesitate to contact the Chamber.</p>	This is welcomed and noted by the Applicant.



2.18 COBRA MIST LIMITED – WRITTEN RESPONSES TO EXQ1 [REP2-076]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
CML1.01	<p>b) "Explain why these areas are unsuitable or unacceptable."</p> <p>A host of reasons - The area is considerably larger than the 6ha area required for the proposed LBBG nesting site. Taking such a large area would unnecessarily screw up a significant part of the Cobra Mist business without one iota of benefit to the LBBG nesting site compensation proposal. Half the blue area as drawn, without any consultation, encroaches onto an aerial field containing a number of telecoms masts up to 340 ft high. These masts are potentially extremely hazardous with significant liability issues attached in the event of any personal injury or other damage. They are used 365, commercially sensitive and not suitable to be within predator proof fencing where maintenance and other personnel cannot come and go as and when required - irrespective of any nesting or disturbance issues. A couple are concerned with national security.</p> <p>In addition, as drawn, a strip adjacent to the beach and sea includes an area critical to the whole Cobra Mist site in that it includes an important track with the only land connection to the mainland. In the event of an emergency or when the masts or other sizeable elements of critical infrastructure on the Ness need to be removed, serviced or installed, it would be madness to have destroyed such access. The operational and financial implications, both for Cobra Mist and the Ness as a whole, would be considerable - both in the near and longer term. The ExA can guess as to the implications in an emergency.</p> <p>We believe that the Applicant has seen sense and reduced the area sought to one acceptable to both Cobra Mist and the National Trust.</p>	<p>The Applicant notes this response and, as Cobra Mist have highlighted, the LBBG compensation area has now been reduced, as outlined in the Applicant's change request submitted just after Deadline 2 to the Examining Authority.</p>



2.19 EAST ANGLIA ONE NORTH – WRITTEN REPRESENTATIONS [REP2-078]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
EA1N1.01	<p>Lesser black-backed gull compensation</p> <p>The EA1N DCO includes Schedule 18 which incorporates requirements for EA1N Ltd to implement offshore ornithology compensation. This includes measures in respect of the Alde-Ore Estuary SPA for lesser black-backed gull (Part 2 of Schedule 18). The Secretary of State approved the lesser black-backed gull plan of work on 11 May 2023 and EA1N Ltd has implemented measures. The area for where this compensation has been carried out was originally included within the DCO order limits for this application. It is noted that a recent change request to alter boundaries in this general location and remove this land has been submitted. The Applicant is still proposing to include access rights in close proximity to the EA1N compensation area in order to access this Application's compensation area located to the north.</p> <p>EA1N Ltd suggest that the compensation/mitigation measures associated with this application should establish a post consent framework including a lesser black-backed gull compensation steering group. EA1N Ltd would wish to be a member of such a steering group in order to ensure that there was effective and proper liaison between those entities proposing compensation measures in this vicinity.</p>	<p>The Applicant notes the suggestion of adding EA1N to the LBBG steering group (termed the Offshore Ornithology Engagement Group or OOEG in the outline LBBG Implementation and Monitoring Plan (LIMP) [REP2-012]. It is agreed that communication and potential coordination with the existing LBBG measure at Orford Ness is sensible and the Applicant has already included the following wording in its outline LIMP – 'For the Orford Ness site the OOEG will coordinate with Scottish Power Renewables and Norfolk Boreas (Norfolk Projects)'. However this stops short of including EA1N as a member of the OOEG as it would be inappropriate for a competitor project to have a direct influence on the ability of VE to deliver the proposed compensation measure in a timely and efficient manner. The Applicant considers the wording in the outline LIMP to be sufficient but is willing to engage further with EA1N on this matter should that be required.</p>
EA1N1.02	<p>Mitigation of potential impact on red throated diver within the OTE SPA</p> <p>The EA1N DCO includes Schedule 18 which incorporates requirements for EA1N Ltd to implement offshore ornithology compensation. Included within those measures is Part 3 of Schedule 18 which are compensation measures relating to red throated diver within the OTE SPA. A range of compensation measures are proposed but, importantly, they include provisions regarding vessel routing through the OTE SPA in respect of not only East Anglia One North, but other existing projects as well. The Red Throated Diver Plan for Work was approved by the Secretary of State earlier this month.</p> <p>The Report to Inform Appropriate Assessment (APP-040) reaches a conclusion (paragraph 11.4.73) on the assessment of the potential impact that the Application project could have on red throated diver within the OTE SPA. The negative conclusion is based on mitigation measures being implemented. At paragraph 11.4.71 there are a series of best practice examples which have been included. The conclusion at paragraph 11.4.72 is that, with these mitigation measures in place, the impacts would be highly unlikely to occur.</p> <p>EA1N Ltd have a very real interest in ensuring that disturbance within the OTE SPA is minimised and, in that regard, consider that it would be essential that there is appropriate co-ordination between various interests to seek to try and collectively deliver the mitigation measures identified in 11.4.71. In addition EA1N Ltd consider that mitigation measures should also apply during the operational and maintenance phase of the application project. The assessment to date has focussed on the construction and maintenance phases. The mitigation measures</p>	<p>The Applicant does not accept that an impact from Five Estuaries on the OTE SPA would affect the delivery of compensation measures relating to EA1N, notwithstanding the conclusion of the Applicant's RIAA that with the mitigation measures committed to that an AEoI can be ruled out. The EA1N compensation measures are understood to relate to vessel routing and bycatch reduction, neither of which would be affected by VE.</p> <p>It is also noted that the requirement for compensation for impacts to the red throated diver feature of the OTE SPA for EA1N relates to impacts from the displacement effects of both the wind turbines and project vessels, and therefore the potential impacts are of a different scale and nature to those assessed for VE.</p>



<p>would have to ensure that this project did not undermine or prejudice the implementation of EA1N compensation measures.</p> <p>EA1N Ltd would wish to ensure that there are appropriate provisions to secure the delivery of the mitigation identified in the RIAA as extended to the operation and maintenance phase and would also wish to be a consultee within the structure that would have to be established to ensure that the mitigation was effectively delivered. It is suggested that a red throated diver protocol may well be the appropriate means by which such measures/mitigation can be secured and also which can also provide the structure. EA1N Ltd is confident that if these measures are put in place, appropriate exchanges of information can be made to ensure the successful implementation of both EA1N Ltd's compensation and that of the Applicant's mitigation.</p> <p>EA1N Ltd has already engaged with the Applicant and will continue to seek a resolution of the matters that have been raised.</p>	
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2.20 EAST ANGLIA TWO LIMITED – WRITTEN REPRESENTATIONS [REP2-079]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
EA21.01	<p>Wake loss</p> <p>The East Anglia Two project is located just over 5km north east of the application boundary. The turbines associated with the current application will inevitably cause wake loss in the context of the East Anglia Two project arrays. Given the proximity, it is likely that the losses will be material. It is notable that the Applicant has not sought in the application material to acknowledge this effect. The National Policy Statement for Renewable Energy Infrastructure (EN-3) includes the policy that is relevant to the consideration of this issue. In terms of assessment, the policy section under “Other Offshore Infrastructure and Activities” commencing at 3.8.212 specifically identifies the potential for interaction between offshore wind developments and other offshore infrastructure and activities. There is express provision which advises that assessment of the potential effects on such existing or permitted infrastructure or activities should be undertaken. In terms of the section in mitigation, paragraph 3.8.278 specifically encourages the consideration and application of mitigation of such effects. Finally, in terms of decision making, paragraphs 3.8.359 to 3.8.366 provide a framework for considering the potential for impacts on other offshore infrastructure. The Secretary of State will require assessment in order to reach conclusions. Furthermore, the Applicant is expected to seek to “minimise negative impacts and reduce risks to as low as reasonably practicable” (3.8.362). The policy goes on to identify that the Secretary of State should be satisfied that the site selection and site design has been made with a view to avoiding or minimising disruption or economic loss or adverse effects on safety to other offshore industries.</p> <p>National policy requires the potential for yield loss to be assessed and reported upon. This will be relevant to both the consideration of the overall balance in decision making and may also be relevant in the context of considering any derogation case under the Habitats Regulations. In particular, where there will be loss of energy yield in respect of other wind farms, it will be the net position that is produced by the Application that would have to be considered in the positive. This reinforces the need for assessment. Furthermore, policy is very clear about the obligation on the Applicant to demonstrate how mitigation is going to be considered and provided. The Applicant, in their Offshore Project Design Principles identifies that one of the key design considerations is “wind resource” (see APP-233, 9.3, page 13 of 17). In terms of the current consideration, the Applicant has only considered the issue of wind resource from the perspective of the project. There has been a lack of assessment or even acknowledgement of the impact that this proposal would have on East Anglia Two.</p> <p>In order to model the potential wind yield impact, it will be necessary to have an understanding of the proposed layout of the Application site. In the circumstances, the Applicant is best placed to provide the initial wind yield impact assessment. We would invite the ExA to consider the current submission and invite the Applicant to submit the necessary information.</p>	<p>The Applicant does not agree that it is required to carry out an assessment of wake effects according to the guidance in the National Policy Statements when read as a whole and is not proposing to carry out such an assessment.</p> <p>The Secretary of State is directed by para 2.8.342 of EN-3 to take a pragmatic approach in relation to the potential effects of an offshore wind farm project on other offshore infrastructure. In this regard the Applicant notes that para 2.8.2 of EN-3 urges developers to maximise offshore wind project capacity within the technological, environmental, and other constraints of the project. Further, EN-3 expressly recognises that new offshore wind development will take place in or close to areas where there is other offshore infrastructure (para 2.8.196 and 2.8.197) and that there is potential for adverse impacts on those activities as a result.</p> <p>Whilst paragraph 2.8.197 of EN-3 refers to an assessment of potential effects on existing or permitted infrastructure, paragraph 2.8.198 specifies that such an assessment should be undertaken ‘<i>in accordance with the appropriate policy and guidance for offshore wind farm EIAs.</i>’</p> <p>In the case of wake effects the Applicant is not aware of any policy or guidance which requires such an assessment to be carried out as part of offshore wind farm EIAs, or how an assessment ought to be undertaken.</p> <p>In the case of the Proposed Development, which is an extension to the operational Galloper project, paras 2.3.13-15 of EN-3 recognise that seabed leases for wind farm extensions may be subject to various constraining conditions and that the Applicant will have little or no control over such constraints.</p> <p>As part of the Agreement for Lease process by which The Crown Estate (TCE) leases seabed for offshore wind projects, TCE provides for a 5km buffer area around wind farm sites, within which the consent of any existing project(s) must be sought. TCE confirmed in response to a question from the Examining Authority considering the application for development consent for the Awel y Môr offshore wind farm project that the 5km buffer area accounts, among other matters, for wake effects:-</p> <p><i>“The 5km buffer/“stand-off” between wind farms (unless developers consent to closer proximity) is a commercial arrangement to enable developers to develop, operate and maintain wind farms by allowing for a range of factors including amongst other matters, wake effects, navigation and safety. The location of a wind farm within an area of seabed leased from The Crown Estate is for developers to decide and design for, subject to obtaining the necessary consents and The Crown Estate’s approval.”</i></p> <p>The Proposed Development complies with TCE’s buffer requirement as the Five Estuaries array area is located approximately 5.3km from the boundary of the East Anglia Two site at its closest point.</p>



Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
		<p>In addition to complying with TCE's buffer requirement in the Agreement for Lease, the Applicant refined the northern array boundary during the pre-application consultation phase, which had the effect of increasing the average distance between the Proposed Development and the East Anglia Two development area. This change was made following stakeholder engagement on shipping and navigation impacts and was submitted as part of PEIR consultation, to which East Anglia Two were invited to comment.</p> <p>Accordingly to the extent that the policies in the National Policy Statement with respect to other offshore infrastructure are engaged in this case, the Applicant has complied with them, and an assessment of wake effects is not required to be carried out in order for the Examining Authority and Secretary of State to reach a reasoned conclusion on the matters set out in paras. 2.8.344 – 2.8.346 of EN-3, adopting the pragmatic approach required by para 2.8342.</p> <p>[The Applicant also notes that although East Anglia Two was consulted as part of the pre-application consultation process for the Proposed Development, it did not raise the issue of wake loss until its relevant representation in June 2024, and only then at a high level.</p> <p>The extensions leasing round (which the Proposed Development is part of) was confirmed in August 2019 following the completion of a plan-level habitats regulations assessment process and details of the relevant project sites were made available at that time on TCE's website, prior to the submission of East Anglia Two's development consent application in October 2019. East Anglia Two has therefore been aware of the Proposed Development since that date, but has not sought to engage with the Applicant until this stage.</p> <p>Notwithstanding the Applicant's position above that it has complied with the relevant NPS policies to the extent they are engaged in this case, the Applicant notes that East Anglia Two has not provided any indication of how it has sought to develop the design and layout of its project to mitigate any potential wake effects from the Proposed Development or other existing offshore wind farms in the vicinity, despite being aware of the Proposed Development since August 2019. The Applicant is also not aware that East Anglia Two has sought similar engagement regarding the potential effect of their project on the operational Galloper Wind Farm.</p>
EA21.02	<p>Shipping and navigation risk</p> <p>EA2 Ltd is still evaluating the potential consequences of the navigational risk created by this project. In particular, a relatively narrow corridor would be created between the Application project and East Anglia Two. This has implications for increasing risk to both East Anglia Two as a project and also to vessels associated with the operation and maintenance. EA2 Ltd have yet to complete this analysis but wish to ensure that risks have been fully understood and for appropriate mitigation to be provided.</p>	<p>The Applicant acknowledges that EA2 Ltd are undertaking analysis in relation to the corridor between the northern array of VE and EA2. The Applicant notes that a full safety case has already been carried out in relation to this and can be found within Section 17 of 9.10 Navigational Risk Assessment [APP-240].</p> <p>This assessment has considered the following:</p> <ul style="list-style-type: none"> > Existing and future navigational features including other wind farms; > Potential corridor users; > Relevant guidance and legislation including MGN 654, PIANC guidance, MARIN guidance, and the COLREGs; and



Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
		<p>> Consultation undertaken with relevant stakeholders including Regular Operators.</p> <p>Following this assessment and consultations the Applicant can confirm there were no outstanding points raised from consultees and that the navigation corridor was ALARP.</p>
EA21.03	<p>Lesser black-backed gull compensation</p> <p>The EA2 DCO includes Schedule 18 which incorporates requirements for EA2 Ltd to implement offshore ornithology compensation. This includes measures in respect of the Alde-Ore Estuary SPA for lesser black-backed gull (Part 2 of Schedule 18). The Secretary of State approved the lesser black-backed gull plan of work in May 2023 and EA2 Ltd has implemented measures. The area for where this compensation has been carried out was originally included within the DCO order limits for this application. It is noted that a recent change request to alter boundaries in this general location and remove this land has been submitted. The Applicant is still proposing to include access rights in close proximity to the EA2 compensation area in order to access this Application's compensation area located to the north.</p> <p>EA2 Ltd suggest that the compensation/mitigation measures associated with this application should establish a post consent framework including a lesser black-backed gull compensation steering group. EA2 Ltd would wish to be a member of such a steering group in order to ensure that there was effective and proper liaison between those entities proposing compensation measures in this vicinity.</p>	See response to EA1N1.01 above.
EA21.04	<p>Mitigation of potential impact on red throated diver within the OTE SPA</p> <p>The EA2 DCO includes Schedule 18 which incorporates requirements for EA2 Ltd to implement offshore ornithology compensation. Included within those measures is Part 3 of Schedule 18 which are compensation measures relating to red throated diver within the OTE SPA. A range of compensation measures are proposed but, importantly, they include provisions regarding vessel routing through the OTE SPA in respect of not only East Anglia Two, but other existing projects as well. The Red Throated Diver Plan for Work was approved by the Secretary of State earlier this month.</p> <p>The Report to Inform Appropriate Assessment (APP-040) reaches a conclusion (paragraph 11.4.73) on the assessment of the potential impact that the Application project could have on red throated diver within the OTE SPA. The negative conclusion is based on mitigation measures being implemented. At paragraph 11.4.71 there are a series of best practice examples which have been included. The conclusion at paragraph 11.4.72 is that, with these mitigation measures in place, the impacts would be highly unlikely to occur.</p> <p>EA2 Ltd have a very real interest in ensuring that disturbance within the OTE SPA is minimised and, in that regard, consider that it would be essential that there is appropriate co-ordination between various interests to seek to try and collectively deliver the mitigation measures identified in 11.4.71. In addition EA2 Ltd consider that mitigation measures should also apply during the operational and maintenance phase of the application project. The assessment to date has focussed on the construction and maintenance phases. The mitigation measures would have to ensure that this project did not undermine or prejudice the implementation of EA2 compensation measures.</p>	See response to EA1N1.02 above.



Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
	<p>EA2 Ltd would wish to ensure that there are appropriate provisions to secure the delivery of the mitigation identified in the RIAA as extended to the operation and maintenance phase and would also wish to be a consultee within the structure that would have to be established to ensure that the mitigation was effectively delivered. It is suggested that a red throated diver protocol may well be the appropriate means by which such measures/mitigation can be secured and also which can also provide the structure. EA2 Ltd is confident that if these measures are put in place, appropriate exchanges of information can be made to ensure the successful implementation of both EA2 Ltd's compensation and that of the Applicant's mitigation.</p>	



2.21 DAVID LIFTON [REP2-077 AND PAULINE LIFTON [REP2-090]

2.21.1 The following is provided in response to similar Relevant Representations made by David Lifton and Pauline Lifton.

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
L.01	<p>Access to the construction site The Interested Parties queried the choice of route from the A120 to the proposed substation site and raised safety concerns about any changes to the junction.</p>	<p>A number of options for access to the Substation construction site have been considered, with the proposed route via Bentley Road being the most suitable due to a range of constraints associated with other options. A summary of this work is provided in 6.1.4 Site Selection and Alternatives Chapter [APP-066] 4.14.68 to 4.14.74.</p> <p>The proposed changes to the A120/ Bentley Road junction and the widening of Bentley Road are subject to an independent Stage 1 Road Safety Audit, which will recommend any changes to the design to ensure safety is maintained for the forecast vehicle movement associated with the Project(s). The proposed changes to the junction are relatively minor and will not affect the new central reservation safety barriers.</p>
L.02	<p>Bentley Road Proposal The Interested Parties raised several points of concern relating to the proposed improvement works and use of Bentley Road for access, including concerns about impact to their property, health and quality of life.</p>	<p>The increases in vehicle movements during the construction phase and associated impacts on noise, dust and air pollution are assessed within the Human Health and Major Disasters Chapter [AS-005]. Vibration impacts are scoped out of the human health assessment as no likely significant effects would occur.</p> <p>The Applicant has undertaken an assessment of air quality impacts associated with the project that may occur across the full extent of the project lifecycle within Air Quality [APP-092]. It is informed by a series of worst-case assumptions. The approach has been informed by the EIA consultation process and the following topics relevant to the Interested Party considered were:</p> <ul style="list-style-type: none"> • Construction dust; • Road traffic; • Non-road mobile machinery; and <p>Consideration has been given, where necessary, to the proposed transport infrastructure upgrades along Bentley Road within the assessment. Additionally, a detailed analysis of AQ receptors near Bentley Road has been conducted to provide further assurance.</p> <p>The Applicant assessed the impact of potential changes in road traffic noise should only VE be constructed under Impact 5 of Volume 3, Chapter 9: Airborne Noise and Vibration [APP091]; and the potential cumulative change in road traffic noise under Impact 10 of Airborne Noise and Vibration [APP091]. The assessments concluded residual impacts of 1.9 dB (Impact 5, paragraph 9.10.84) and a maximum of 3 dB (impact 10, paragraph 9.12.26). It is important to understand this assessment shows the increase in road traffic noise along Bentley Road only and does not consider other noise sources such as the A120, for dwellings situated close to other, busier roads, such as the property in question, the overall noise level is less likely to be influenced by any changes in Bentley Road traffic flows. Therefore, this should be considered as a precautionary level and worst case.</p> <p>The predominant noise source from the project at the Interested Parties property would be associated with passing construction traffic. (The noise from passing construction traffic would not be constant and would be within working noise limits for temporary disruption. For these reasons, such changes are not anticipated to change the risk of developing a new health condition or of exacerbating an existing condition.</p> <p>Vibration from passing heavy vehicles is not found to cause structural damage to buildings. Transport Road Research Laboratory conducted a number of studies into this and concluded (Watts 1990) that there was no evidence to support the assertion that traffic vibration has a significant damaging effect on buildings. This study covered a wide selection of building types, including buildings of a similar, or greater, age to the Interest Parties property, referred to as heritage buildings.</p>



		<p>The threshold of perception by a building occupant of vibration levels is much lower than that which would cause even superficial damage (light plaster cracks). A major factor in the amplitude of any ground-borne vibration from passing vehicles is the size of any imperfections in the road surface. The Applicant is proposing to resurface the area immediately adjacent to the property in question, both on the A120 and Bentley Road, which will greatly reduce any vibration levels currently being experienced.</p> <p>Impacts throughout the full extent of the project lifecycle are concluded to not be significant.</p> <p>For the construction of the Bentley Road improvements, measures within the CoCP [REP1-041] promote and ensure best practice construction methods. The CoCP also includes a monitoring framework to continuously evaluate the effectiveness of control measures and a communications strategy to provide information and act as a point of contact within the project team to raise concerns during the works.</p>
L.03	<p>Bentley Road Proposal The Interested Parties suggested a number of potential mitigations and adaptive management solutions. Including the movement of the road junction further away from the property.</p>	<p>The Applicant welcomes the suggestions put forward and is developing a plan to set out additional monitoring, mitigation and adaptive management for the properties along the stretch of Bentley Road between the A120 and the haul road access points. This will be submitted at a future Deadline.</p> <p>The Applicant has revised its outline designs to seek to straighten the road, to improve visibility when exiting the Interested Parties drive way and move the road approximately 2 m further way from the property. This design has been discussed with Essex County Council and National Highways and is subject to the ongoing Stage 1 – Road Safety Audit.</p>
L.04	<p>Stress related to the planning phase The Interested Parties expressed frustration and fatigue with the DCO process.</p>	<p>It is understood that the planning process can be stressful for local communities, however, the purpose of requiring an assessment of likely significant effects as part of the application is to establish the potential impacts of the development through a detailed and robust assessment process to reach evidence-based conclusions.</p> <p>It is often the case that hazards are subjectively perceived as potential risks to human health and wellbeing, whereas the assessment demonstrates that there is no objective risk. A hazard source by itself does not constitute a health risk. It is only when there is a hazard source, a receptor and a pathway of exposure where there is any potential for risk to health. Where a source-pathway-receptor linkage exists, it is then the nature of the specific hazard source, the magnitude of impact via the pathway of exposure, and the sensitivity of the receptor that will determine the severity of health outcome</p> <p>The Human Health and Major Disasters Chapter [AS-005] applies this source-pathway-receptor model to establish any credible risks to health and/or wellbeing. In conclusion, the resultant impacts from air quality and noise have been robustly assessed, meet relevant thresholds which are set to be protective of the environment and health, and are concluded to have no significant effect on population health or wellbeing outcomes.</p> <p>The Applicant recognises the concerns raised by the Interested Party which are outside of the planning process and will engage on these points directly.</p>
L.05	<p>Dealing with multiple parties The Interest Parties raised frustrations at having to deal with multiple parties over the same issues</p>	<p>The Applicant is working closely with North Falls including on aligning engagement as well as collaborative approaches to the build. The Applicant has also worked closely with National Grid. However each project is required by the statutory regime to meet certain requirements, including carrying out specific consultation for that specific project. While the Applicant recognises that this can result in parties having to engage multiple times, it is necessary in order for each project to comply with the legal requirement.</p>



2.22 STRUTT & PARKER (FARMS) LTD & LIANA ENTERPRISES LTD [REP2-085], [REP2-086], [REP2-092] & [REP2-093]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
SPLE.01	<p>Compulsory Acquisition Hearing 1</p> <p>1.1 We believe that the ExA should only consider the Five Estuaries Project and therefore the application boundary which includes land for the North Falls project is too large and excessive for the needs of this project</p> <p>1.2 If the ExA are minded to consider a larger project that is need for this application, then we would request that both projects be built at the same time and so the land only disturbed once</p> <p>1.3 We do not think the applicant has considered alternative routes that would avoid impacting my clients proposed development</p> <p>1.4 Grounds of rejection have been based on cost and we wisht for the ExA to ask the developer to re-consider its route to avoid the potential development</p> <p>1.5 The developer is not committing to location of easement and we request to help mitigate the impact to our land, that the cable easement be located to the north of the easement over our clients land.</p> <p>1.6 WE question the size of the easement and cable corridor; it seems excessive compared to other schemes.</p> <p>1.7 We content that there is a perfectly suitable and viable (if not slightly longer cable) route available that runs within my clients land ownership and was part of the survey area and would be suitable to avoid conflict with our potential development. My client is happy to have this route as the preferred option rather than the current route applied for.</p> <p>1.8 We are concerned that the developer stated that they will not amend the route, this seems contrary to this DCO process and with working with the landowners to find solutions to valid issues arising.</p> <p>1.9 A haul road should be constructed to allow traffic to pass and reduce disturbance and damage to the land and work limited to spring through to autumn months.</p>	<p>1.1 The Applicant notes that it is any seeking consent for the authorised development as set out in schedule 1 and the CA powers to deliver that development. In the circumstances it is required to seek to co-ordinate with North Falls by the terms of the NPS and also to address cumulative impacts, The Applicant addressed this in its post CAH1 written submissions [REP1-059].</p> <p>The Applicant has set out the delivery scenarios for which it is seeking consent in the application.</p> <p>1.3 and 1.4 The alternatives considered are set out in the ES site selection and alternatives chapter [APP-066] and the reasons for selecting the application Order Limits. Site selection involves balancing a number of factors and constraints and the Applicant entirely rejects that its decisions have been made based purely on cost and notes that no evidence is provided for this assertion. The Applicant notes that changes were made to alignment following feedback received at statutory consultation.</p> <p>1.5 and 1.6 The Applicant has adopted a corridor approach as is standard for NSIP applications and explained in previous submissions, including in response to FWQ DCO.1.14 [REP2-039] which also notes the comparable width of the corridor on other projects.</p> <p>1.7 The land interest's appointed land agent first proposed an alternative route to avoid the land earmarked for the proposed housing development during a meeting on the 13 November 2023 post statutory consultation. The Applicant followed up with an email to explain why it would not be possible to accommodate major changes to the draft order limits, and how the two projects had considered the feasibility of moving the cables to the north of the reservoirs.</p> <p>Upon conclusion of the Five Estuaries statutory consultation and assessment of the feedback received, both Five Estuaries and North Falls have revised their project boundaries to mitigate the impact on the proposed development by:</p> <ul style="list-style-type: none"> - Reducing the number of cable circuits for each project from 4 to 2. This has in turn reduced the easement to 20 metres per project where open cut is proposed - Reducing the overall corridor width. Where open cut is proposed a working width of 60 metres for both projects is proposed opposed to an initial 120 metres - Aligning the Five Estuaries & North Falls corridors to promote cooperation with the aim of progressing a joint corridor <p>Locating the corridor as close as feasibly possible to the existing reservoirs, considering other constraints to reduce the impact on the area proposed for housing.</p> <p>1.8 The Applicant has amended the route in response to PEIR. The Applicant has explained its constraints and site selection as noted above, The Applicant cannot amend its route where other constraints do not allow.</p> <p>1.9 The haul road parameters sought at 6m wide would allow this where required.</p>



Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
SPLE.02	<p>Specific Hearing 1</p> <p>2.1 Cable Depth – we request that a minimum depth of 1.2m for the cable across all agricultural land</p> <p>2.2 Drainage – obligation on pre and post construction drainage using the landowners consultants/drainers and having a 10 year liability post construction</p> <p>2.3 Contamination – appropriate measures to prevent soil borne disease contamination between farm units</p> <p>2.4 Soil analysis before construction – request a detailed soil analysis and restoration to that standard, inc top soil depth</p> <p>2.4 Restoration aftercare – there should be at least a 10 year after care programme on replacement of hedgerows and trees.</p> <p>2.5 We wish for the temporary possession and haul road to be amended on land parcels 08-024 and 07-008, 07-010 and 07-009. We have reviewed the ecology data and in particular the dormice recordings and recommendations. We have included further details on our proposed solutions to this which will reduce the impact on the land and other local habitats and farming business significantly.</p>	<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. Proposed mitigation measures are detailed in Code of Construction Practice [REP1-041] which was updated for Deadline 1 and addresses a number of the queries raised here. As set out in the 9.21 Code of Construction Practice [REP1-041] a Soil Management Plan will be developed by the Principal Contractor.</p> <p>The Applicant explained the rationale for the off route haul routes at ISH 1 and again at ISH3. In summary, hedge reference 5EHE_38 shown on Figure 4.11 Potential Impacts: Dormice in the ES ecology chapter [ref APP086] and is equivalent to H22a/H22b in APP015 2.10 Tree Preservation Order and Hedgerow Plan with dormouse presence confirmed may be affected on the ECC.</p> <p>Hedges here have also had barbastelle bat recorded present (i.e. at transect 10, static detector 8, as reporting in APP-140 6.6.4.9 Bat Activity Survey Report - South of A120). The hedgerows here are approximately 2.28km south west of a multispecies roost determined via desk study at Beaumont that supports barbastelle, brown long eared bat, Natterers bat and common pipistrelle bat as shown on Figure 4.8 Potential impacts: bats. The multi-species roost is linked to the OL/ to H22a/b via the hedgerow network, H22a/H22b are within the Core Sustenance Zone of the roost for all four of these species.</p> <p>H32a and H32b in APP015 2.10 Tree Preservation Order and Hedgerow Plan (raised as specific issues at ISH1) are equivalent to 5EHE_72 as shown on Figure 4.11 Potential Impacts: Dormice in the ES ecology chapter [ref APP086], Hedgerow 5EHE_72 has confirmed dormouse presence; many hedges south of the OL at this location also support dormouse.</p> <p>H32a/b also accords with Transect 8/ static 17 in the bat report as reported in APP-140 6.6.4.9 Bat Activity Survey Report - South of A120; barbastelle bat are also confirmed to forage at this location. The hedgerows here are approximately 1.26km south west of a multispecies roost determined via desk study at Beaumont that supports barbastelle, brown long eared bat, Natterers bat and common pipistrelle bat as shown on Figure 4.8 Potential impacts: bats. The multi-species roost is linked to the OL/ to H22a/b via the hedgerow network, H32a/H32b are within the Core Sustenance Zone of the roost for all four of these species.</p> <p>Due to the presence of dormice and/ or barbastelle, the above noted hedgerows have been sought to be avoided, in accordance with the mitigation hierarchy, and in order to address potential European Protected Species (EPS) licence issues in respect of Natural England's "no satisfactory alternative" test. This is considered an appropriate premise since the EIA must work on a "reasonable worst case" scenario and demonstrate that any potential impacts to EPS could be licensed by Natural England.</p> <p>However, it is also true that final scheme design, mitigation and compensation will be informed by the results of pre-construction protected species surveys, details of which are included in the OLEMP [REP2-022]. An on-route haul route (utilising hedgerow gaps, if present) would be considered in the absence of licensable impacts to EPS such as dormouse or bats.</p>



Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
SPLE.03	<p>Specific Hearing 2</p> <p>3.1 the land should only be opened up once and ducts then laid for pull through of cables at a later stage. We also think that this should be done for both projects and not just Five Estuaries.</p> <p>3.2 We believe that the developer should only have the land opened for a maximum time of 18months to minimise the disruption.</p> <p>3.3 We request that the ExA also put a timetable on the development to progress after the DCO has been confirmed of 3 years.</p>	<p>The process is as follows: cutting the trench, putting the ducts in and back-filling. Cable pulling comes after the backfilling once the ducts are in the ground. The topsoil would be re-instated after the cable pulling is done and the haul road reinstated.</p> <p>In the worst-case scenario (which has to be included in the ES), the Applicant will stockpile the topsoil until after the cable is pulled, although in reality this would be on a case by case basis and if there was a reasonable gap between the duct installation and the cable pulling the top soil would be reinstated.</p> <p>The Applicant explained during Agenda Item 3.1a of ISH3 (see 10.24 Applicant's Summaries of Oral Submissions for more detail) that where the top soil was put back in before the cabling, and subsequently it is established that there is an issue (for example, with the manufacturing of the cable or the ducts) the topsoil would then have to be handled a second time, which could potentially cause a more significant impact than the longer storage period. In line with guidance, the Applicant seeks to avoid double-handling of topsoil, where practical, but notes this would need to reflect the timing between the duct installation and the cable pulling, and where areas of haul road needed to be retained to support the ongoing construction.-</p>



2.23 EXECUTORS OF THE ESTATE FOR THE LATE CHARLES TABOR [REP2-080] & [REP2-081]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
ExTB.01	The proposed compulsory acquisition of Estate land for the purpose of the Five Estuaries Scheme alone does not meet the legal tests in s122 Planning Act 2008	The compelling case in the public interest for the powers sought is set out in the Statement of Reasons [REP1-014].
ExTB.02	It is not legitimate to seek the compulsory acquisition of Estate land to cover the uncertain eventuality that both the North Falls and Five Estuaries Schemes receive consent at the same time.	The Applicant not only submits that it is legitimate but in the circumstances it is required to do so by the terms of the NPS and also to address cumulative impacts, The Applicant addressed this in its post CAH1 written submissions [REP1-059].



2.24 BROOKS LENEY ON BEHALF OF CABLE EASEMENT LANDOWNERS

2.24.1 The following is provided in response to multiple similar Relevant Representations made by Brooks Leney on behalf of cable easement landowners:

- > Adam Charles Brown and Joanna Marie Brown [REP2-071]
- > Andrew William Bacon [REP-074]
- > Arthur Philip Wallis and Juliet Wallis [REP-075]
- > Elizabeth Birgitta Harris [REP-097]
- > Elizabeth Birgitta Harris and Peter Leslie Harris [REP-098]
- > J B Fairley & Son Limited [REP-084]
- > James Fairley & Sons (Farms) Limited [REP-083]
- > Mary Ann Cooper [REP-087]
- > Nicholas David Lawrence and Samuel William Lawrence [REP-099]
- > Nicholas David Lawrence and Samuel William Lawrence and Helen Peirson and Janet Philp and Wendy Harwood [REP-089]
- > Robert Fairley Limited [REP-091]
- > T. Fairley & Sons Limited [REP-096]
- > The Executors of The Estate of the Late Charles James Tabor and Rebecca Mason and Michael Hughes [REP-082].

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
BLCE.01	Temporary Access – The Applicant is not paying for temporary access routes across our client's land for the tranche of effected land over 10,000 square meters. This approach results in some landowners being treated differently to neighbouring landowners and is not something we have come across before. We strongly believe clients should be paid more than just crop loss for the right for a third party to take access across their land for the purposes of delivering a construction project. Whilst this is partly reflected in the draft Heads of Terms, it does not apply to the element of land over 10,000 square meters. As a matter of principle, this should be reviewed, and terms should be fair to all landowners where they are treated equally. We therefore request that the 10,000 square meter cap should be lifted, not least as the actual financial implication to Five Estuaries (and North Falls) is minimal as it only concerns J B Fairley, James Fairley & Sons (Farms) Ltd and T Fairley. This request has been rejected thus far.	The Applicant met with Mr Church of Brooks Leney on 1 st November, when this point was discussed and a revised commercial offer made by the Applicant.
BLCE.02	Sterilisation of Land Between Five Estuaries and North Falls - The current Scheme proposal is that the Applicant and North Falls will lay its respective cables subject to a 20-meter 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 respective easement areas. 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 likely 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 and thus mitigating the overall impacts of the two schemes. This request has been rejected thus far.	The Applicant notes that what Mr Church is seeking would pre-empt the detailed design and curtail the reasonable flexibility the Applicant needs to balance all of the applicable factors in reaching that detailed design including (but not limited to) the outcomes of detailed ground investigation, updated ecology surveys, engineering constraints and contractor methodology input as well engagement with landowners and the obligation to act reasonably in seeking accommodations with them. The final impact on landowners can materially impact the compensation payable and it is therefore in the Applicant's interests to work constructively with them.
BLCE.03	Haul Road – The current proposals for the element of haul road west of Bentley Road is for it to be the main access point for the substation equipment and materials. This element of the haul road is therefore subject to abnormal and heavy loads, requiring a substantive road surface (likely to be asphalt) to accommodate the heavy loads. Furthermore, as this haul road is the main access point for Five Estuaries, North Falls	The design of the proposed haul route between Bentley Road and the proposed onshore substation will be addressed by a Technical Note requested by the ExA for submission at Deadline 4. The Applicant met with Mr Church of Brooks Leney on 1 st November, when this point was discussed.



Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
	<p>and National Grid, this haul road will be in situ for considerably longer and subject to much greater traffic movements than elsewhere on the Five Estuaries haul road. To that end, we have requested that where the haul road affects land at Bentley Road, an annual rent is paid to reflect the adverse impacts. We are currently waiting to hear back from the Applicant on this matter. This relates specifically to Mary Ann Cooper and T Fairly & Cons Limited.</p>	
BLCE.04	<p>Business Interruption – Specifically in relation to James Fairley & Sons (Farms) Limited, there has been little empathy shown to the sensitive situation to my client's position. The Applications proposal dissects my clients circa 750-acre farm, and more worryingly, dissects fields as opposed to following headlands. Headlands are the lowest yield part of a field. The Applicants proposal will result in my client needing to establish a considerable number of 'artificial headlands,' resulting in reduced yields and therefore reduced business turnover. This is a loss which is hard to quantify but is a potential loss that concerns my client considerably and would have implications on business viability. We request that a meeting is held with the Applicant and my client to start to commence discussions on severed land and how the unquantifiable losses caused by matters such as 'artificial headlands' are to be compensated.</p>	<p>The Applicant is in the process of scheduling a meeting with Mr Church and his client James Fairley & Sons (Farms) to discuss this point.</p>



2.25 BROOKS LENEY ON BEHALF OF SUBSTATION LANDOWNERS

2.25.1 The following is provided in response to a single Relevant Representation made by Brooks Leney on behalf of substation area landowners:

- > T. Fairley & Sons Limited [REP-096]
- > The Executors of The Estate of the Late Charles James Tabor and Rebecca Mason and Michael Hughes [REP-082].

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
BLS.01	<p>It is imperative that any offer put forward to my clients in relation to the acquisition of the land for the substations and associated use is that it reflects the following: -</p> <ul style="list-style-type: none"> o This is a loss of a generational asset. o This is a of a business asset utilised to generate a livelihood. o The loss of earning potential from the land holding as a whole. To put this into perspective, the proposed Option Areas equate to: - o 13.5% of the total T Fairley ownership o 6.2% of the total Executors ownership o This is a significant reduction in earning potential. o The significant reduction in acreage of the farm as a whole o The loss of land causing surplus grain storage and therefore retained assets being underutilised. o The loss of land resulting in machinery being surplus to requirements o Fixed costs across the business being increased on a per acre basis. o With fixed costs increased on a per acre basis on the retained land, the break-even point for the business has increased. o With an increase in break-even point, the lower the profit margin becomes and thus lower income to the Fairley family. o Given the incredibly rare, almost impossible, opportunity to acquire replacement Grade 1 land, with irrigation, yard, and buildings, within close proximity of the farm holding within three years of disposal, it is likely Roll Over Relief could not be claimed and therefore a significant tax liability arises. o Should my clients manage to acquire replacement land, whether that be in the short or long term, any purchase will be subject to Stamp Duty Land Tax. o Specifically in relation to T Fairley, my client's residential property, yard and buildings are in close proximity to the substations site and adjoins the haul road. Should it be demonstrated that my clients enjoyment of the residential property is detrimentally effected, so much so that they are left with no choice but to dispose of the residential property, yard and buildings with the land as well, there is significant personal tax implications as well due to the dwelling being owned by the farming company. The Applicant and my client are in discussions at this moment about the possible need to dispose of their house, yard, and buildings. With this comes the need to construct a house elsewhere on the farm, bringing rise to costs, uncertainty, and risk, adding to the unbearable stress this is already causing my client. o The ecological improvements being proposed to screen the proposed substations provides such ecological benefits that it mitigates the ecological damage for the whole cable route and associated works. o The land subject to the substation proposal is used as collateral for mortgage and/or overdraft security. 	<p>The Applicant met with Mr Church and his clients T Fairley & Sons for a follow up meeting on 18th October where a number of issues were discussed between the parties.</p> <p>The Applicant is in the process of co-ordinating answers to a number of queries resulting from that meeting, and hopes to provide a consolidated response to Mr Church and his clients in the near future to address the points raised in that meeting an in Mr Church's Representation, including the commercial offer.</p>



2.26 T FAIRLEY & SONS LTD, ROBERT FAIRLEY LIMITED AND T & R FAIRLEY FARMING PARTNERSHIPS [REP-096], [REP-091] & [REP-095]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
TRF.01	<p>Project Co-Ordination / Cumulative Impact Whilst the ExA has stated that they are only considering the Five Estuaries application, the Projects are requesting the Affected Parties to sign a single set of Heads of Terms with both Five Estuaries and North Falls. In order to therefore come to a Voluntary Agreement, we need to have sufficient understanding of both Projects and how they will interact with each other. The cumulative effect of the two Projects and the National Grid Project, upon which they both rely is significant and therefore we still believe that the Projects should be being assessed as a whole.</p>	<p>The Applicant has assessed the potential cumulative effects of Five Estuaries in combination with other known projects throughout the ES. Relevant chapters include the following:</p> <ul style="list-style-type: none"> > 6.3.2 Landscape and Visual Impact Assessment [APP-079] > 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] > 6.3.8 Traffic and Transport [APP-090] > 6.3.5 Ground conditions and Land Use [APP-087] > 6.3.7 Archaeology and Cultural Heritage [APP-089]
TRF.02	<p>Extent of Acquisition at the Substation Site / Environmental Mitigation & Landscaping We understand the land acquisition as part of the DCO at the substation site is sufficient for the environmental mitigation required for both Projects. We have been advised that the land take for environmental mitigation would be less if only the FE Project goes ahead. We have therefore requested the Applicant to provide further information as to what the land take is likely to look like if only their Project goes ahead or vice versa which we have not yet received. At present, without being able to understand what the potential outcomes are, should only Five Estuaries project go ahead in terms of what land may subsequently be taken/given back, it is not possible to determine if the Applicants current offer is acceptable. Each Project is also currently providing very different indicative landscaping mitigation works at the substation site with varying land takes – again the lack of clarity and certainty at this stage makes it very difficult to come to a Voluntary Agreement as we cannot properly assess the impact on our Property against the terms of the agreement. We understand that this is as a result of different consultants being employed for each Project, however this lack of coordination is confusing as a land owner. Given the timelines of the two Projects Applications, one would assume if Five Estuaries are given consent and proceed with the landscaping as per their indicative layout, North Falls would not then be able to follow their indicative layout. We have provided overleaf copies of the two differing indicative layouts which we were shown at our most recent meeting (18/10/2024) by each Project. Given North Falls have indicated it is possible to provide the landscaping/environmental mitigation in a way that does not require the introduction of a tree belt enclosing the Normans Farm Yard and along the frontage of Ardleigh Road – we are requesting that this area of land be removed from the Applicants application.</p>	<p>The Applicant is aware of the requests by the affected landowners to revisit the currently proposed land take and screening plan. The land take as set out is sufficient to allow the most appropriate screening plan to be implemented while reducing impact on farmland and allowing the maximum amount to be retained by the farming business.</p> <p>Following recent meetings with the landowners, the Applicant is drawing up illustrative plans that it hopes can accommodate, in so far as is practicable, the needs of the landowners whilst also providing the required screening and limiting impact and ensuring the Applicant's land take is kept to a minimum. As part of this, the Applicant will take into the account the specific points raised by the landowners relating to the access to land and ability to maintain the property and buildings as they currently do.</p>
TRF.03	<p>Environmental Mitigation / BNG We understand the Project at the current time is not subject to BNG requirements under existing legislation. The Applicant stated both during the previous hearings and again in a meeting on 18/10/2024 that the landscaping does not include any land for the purposes of BNG. Five Estuaries landscaping consultant who attended the meeting also said that if BNG was to become required, additional land may be needed to provide this. However, in Appendix J to the Relevant Representation of Natural England Onshore Ecology it states that the Applicant has committed to the delivery of a minimum of 10% BNG (section 1.2.2 pg2) and Natural England have advised that this should be secured by requirement in the DCO. Whilst we understand that the environmental mitigation works would contribute to an overall BNG calculation, the information here is not clear and we request clarification from the Applicant in order to understand whether or not it is essential for all the land being used for either landscaping / environmental mitigation or BNG at the substation site to be located here or if it could be located elsewhere on less productive arable land. This land is Grade I. We highlight the existence of the Tendring Farm Cluster who work with Essex County Council amongst other organisations and provide advice locally on Natural Capital opportunities such</p>	<p>Whilst NSIPs are not subject to the requirements of the Statutory Metric, there is an unequivocal requirement to deliver biodiversity enhancement at scale in order to meet existing legislation and policy, summarised below.</p> <p>An amendment to Section 40 of the original Natural Environment and Rural Communities Act 2006 (NERC Act), provided for in the Environment Act 2021, and which came into force in 2023 extends the biodiversity duty on public authorities to include the enhancement of biodiversity alongside its conservation.</p> <p>The National Planning Policy Framework (England) 2023 includes policies specific to habitats and biodiversity which have guided the scheme design. Of relevance is paragraph 174 which states that <i>Planning policies and decisions should contribute to and enhance the natural and local environment</i></p>



Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
	<p>as BNG, for land owners in Tendring and who therefore may be able to facilitate the introduction of alternative locations.</p>	<p>And this should be by a number of methods, including in section d) <i>minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.</i></p> <p>Paragraph 185 also includes reference to biodiversity enhancements stating that plans should (amongst several other things) <i>promote the conservation restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.</i></p> <p>The above NPPF requirements are reflected through Policies SP7, HP3, PPL4 within Tendring District local Plan.</p> <p>An update to the OLEMP Revision C, [REP2-022] has been provided at Deadline 2, in order to more clearly present the development of the landscape and ecological mitigation, compensation and enhancement at the OnSS.</p> <p>It explains that that the extent of land required at the OnSS has primarily been engineering and landscape led, with the requirement for the project to deliver ecological mitigation, compensation and enhancements (in line with the mitigation hierarchy, current policy and legislation, and best practice) developed within those bounds, <u>as this minimises the overall land take for the project.</u></p> <p>The project seeks to deliver biodiversity enhancement required under current legislation and planning policy (which does not include the Statutory Metric) within the Order Limits. The Metric calculator will be applied to the final scheme design, as set out in the BNG Report [APP-149]. If the final design fails to deliver 10% net gain within the Order Limits, then the remainder will be sought through off site measures.</p>
TRF.04	<p>Haul Road immediately south of Ardleigh Road opposite Norman's Farm Five estuaries have identified an area of land, which in recent years has been laid to grass, opposite Norman's Farm which they have decided to avoid for ecological reasons. As such, they have varied their haul road to avoid this resulting in additional land take. North Falls ecologists have drawn a different conclusion and do not avoid this piece of grass, therefore their haul road continues alongside the cable corridor. The grass is not under any stewardship/subject to any restrictions. The inclusion of this additional haul road seems entirely unnecessary and as the two Proposals stand, would result in Five Estuaries taking additional land to avoid the area if they go first, with North Falls only to then remove it afterwards anyway. We are therefore requesting this land to be removed. We have provided a snippet of the relevant area below being plot numbers 17-004/17-005. This would also remove the need for plot 16-022, although this is not in our ownership.</p>	<p>This issue was also addressed in response to ExA Q1 [REP2-039].</p> <p>The area of land referred to comprises lowland meadow - a Section 41 habitat of principal importance in England. It has been avoided by the scheme via careful design including trenchless crossing (refer to 6.3.4 Onshore Biodiversity and Nature Conservation [APP-086] Figure 4.4 Sheet 20).</p> <p>This area of lowland meadow is long-established and of very high distinctiveness (full description is contained in the Habitat Survey at [APP-156] PEIR Habitat and Hedgerow and Great Crested Newt Reports). Google Earth identifies that the area has been grassland as far back as photographs are available. The Land Utilisation Survey Plans from 1931-1938 (available online via the National Library of Scotland map viewer website) also show it to be "meadowland and permanent grass", at the time of that survey, in an area otherwise dominated by arable land.</p> <p>Avoiding the meadow results in the requirement for an off route haul route to the west, which results in larger Order Limits, since the haul route minimises impacts by following existing agricultural access routes/ points where present, and avoids bat roost trees.</p>



Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
TRF.05	<p>Cable Corridor Reinstatement We have concerns about the ability of the Applicant to ensure that contractors reinstate the soil in the manner in which they claim they will. Shown below are aerial photographs taken 26 September 2024 of the Land north of Ardleigh Road, Little Bromley where archaeological trenches were dug and reinstated. These are much smaller volumes of soil than the cable corridor trenches will be and yet they have not been reinstated correctly. These fields have been ploughed since the reinstatement and the visible orange stripes are subsoils that are now on the surface, mixed with the topsoil's. Subsoil is infertile, and not capable of growing crops. Whilst we appreciate the Applicants Agent has requested us to provide evidence of the loss so that they can compensate for this, compensation does not resolve what will be an ongoing issue and this could become a problem along the whole length of the cable corridor.</p>	<p>The Applicant is not in a position to explain North Falls scheme design.</p> <p>Surveys and soil management practices that will be carried out post-consent will be carried out in accordance with the measures set out in the CoCP [REP1-041]. The measures set out in the CoCP and the commitment to develop a Soil Management Plan (SMP) post consent will ensure that measures are put into place to avoid the mixing of topsoil's and subsoils, and the successful reinstatement of soils on a site-specific basis.</p> <p>The Applicant has committed to pre-commencement ALC surveys following the MAFF (1988) guidelines, so that soil profiles are recorded and can be reinstated to their previous conditions. A Soil Management Plan, which accords with the principles in the CoCP, will be prepared post consent and will set out the good practice for surveys and soil management practices to avoid significant adverse effects on soil resources. The successful reinstatement of the soils will be primarily achieved by ensuring that the full soil profile is reinstated in the correct sequence of horizons and as close to the pre-construction condition as possible, as well as ensuring good soil profile drainage and plant root development are achieved. The Principal Contractor must adhere to the measures set out in the CoCP and SMP.</p> <p>An Agricultural Liaison Officer (ALO) will be appointed to provide a point of contact for landowners and occupiers during construction. The ALO will be available to discuss any practical issues that might arise.</p>
TRF.06	<p>Transport - Barlon Road Traffic Controls Timing of works that involve the closure or installation of traffic lights along public highways will affect farming operations, particularly at peak times such as during Harvest when any increases in journey times to/from fields to yards/grain stores affects the number of tractors/trailers/drivers required or results in delays. Only a few minutes per journey can make significant increases to the total operation time if the combine / harvester has to stop. If roads are not accessible and farmers have to therefore increase traffic on the fields, i.e. because they cannot use a road around the edge of the field as they usually would, this will result in additional compaction, increasing subsequent cultivation costs and reducing future yields. Timing of works should be co-ordinated to mitigate against this at the busiest/most important farming times</p>	<p>Any temporary road closure on Barlon Road, for the installation of the export cable under the road using open trenching, or to construct the haul road crossing points (if required, as the method of traffic management required for this would be discussed and agreed with Essex County Council), would be more a maximum of seven days and likely to much less. The busiest farming times would be avoided where possible or any temporary road closure of Barlon Road as far as practicable, this aim can be added to the oCTMP at its next revision.</p> <p>Haul road crossings would give priority to traffic on the road that is being crossed and vehicles crossing between one side of the haul road to the other side would only cross when no vehicles are approaching the crossing.</p> <p>With regards to impact on farming operations, the appointed ALO would work with those landowners to understand those impact and ensure appropriate mitigation is worked into operations where possible. However, any justified and mitigated losses incurred would form part of a disturbance claim that the landowners is entitled to submit to the applicant.</p>
TRF.07	<p>Response To ExAS Written Questions: WE.1.02. The ExA has requested maps indicating the location of drainage and irrigation infrastructure. These maps, where we have them, are not digitised in order to submit as part of this response. Much of this information has been provided to the best of our knowledge to the Applicants Agent, both via our land agent and during meetings with Dalcour Maclaren. This information and any cross referencing required should therefore be provided by the Applicants</p>	<p>The Applicant notes that the Applicant has been requested by the ExA to submit copies of the plans showing the location of drainage and irrigation infrastructure it has been provided with by T Fairley and Sons Limited, Robert Fairley Limited and T and R Fairley Farming Partnerships for Deadline 3. These have been appended to 10.25 Applicant's Responses to Action Points - ISH3, CAH2, ISH4 submitted at Deadline 3.</p>



Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
	<p>Agent. We feel it is unreasonable to request Farmers to prepare, produce and provide this information, which will take considerable time, all at their own expense, at such a busy time of year.</p>	
TRF.08	<p>Response To ExAS Written Questions: LU.1.06 CROP ROTATION AND CROPS It is difficult to provide a definitive crop rotation for the next 5 years, given the variation and flexibility that is often required as result of environmental conditions, fluctuations in markets and regulation / agri-environmental schemes. That being said, our typical crop rotation consists broadly of: 1st Wheat, 2nd Wheat, Winter Barley/Spring barley, Break Crop (Onions, Potatoes, Peas, Flax or Linseed) – maps provided in full response Whilst every crop has variations, and flexibility is required as a result of weather conditions, we provide below the typical operations throughout a 12 month period for cereal crops (winter wheats and winter barley) and break/root crops. Cereals Autumn: Drilling followed by Spraying Winter: Spraying Spring: Spray and fertilise Summer: Fertilise, Spray & Harvest Autumn: Cultivations Break/Root Crop Autumn: Spray. Plough (if peas, flax, onions) Winter: Plough (onions) Spring: Plough (potatoes). Drill/plant. Spray. Fertilise. Irrigate. Summer: Irrigate (6-10x depending on weather). Spray. Harvest. Autumn: Continue harvesting (onions, potatoes, linseed). Cultivations (subsoiling preferred over ploughing if conditions allow)</p>	<p>The Applicant notes the information provided. Due to farm specific rotations, and potential changes in crop rotations due to market and environmental conditions, it is not possible at this stage to agree or assess any effects to a crop rotation, which may change between now, post consent and site works. The Applicant is committed to discussing this with landowners / farmers on an ongoing individual basis, reflecting specific rotations on the land concerned at the time.</p>
TRF.09	<p>Response To ExAS Written Questions LU.1.08 AGRICULTURAL EQUIPMENT MANOUEVERING Every farm, depending on their acreage and existing field sizes/shapes has machinery suited to their own needs. Every field is also different and therefore it is difficult to specify an exact width in metres required for turning. We have tried to give generalities for our farm to provide some indication of widths required. If the reference to “margins” is in relation to the distance between a cropped area and a physical boundary i.e. hedge/ditch/fence, the minimum requirement is 2m. However, if the question relates to headlands, which is the working perimeter around a field this is determined by the width of the sprayer. In our case this is usually 24m (other than onions circa. 40m). For combining, our headland is 30 metres - this is three times round the headland of the field so that we have room to turn and drop back in efficiently. Most fields are not perfectly rectangular and therefore this does vary where there are turns/irregularities in field shapes. In smaller fields, where headlands therefore make up a greater percentage of the overall field, yields will be reduced and operations are less efficient. As such, although fields that are severed by the Project may be physically capable of being cropped, there will still be a reduction in yields on cropped areas which will affect profitability</p>	<p>The Applicant notes the information provided.</p>



2.27 AFFINITY WATER [REP-072]

Ref	Summary of Deadline 2 submission	Applicant's comments
AW2.01	Noted that Affinity Water Limited (Affinity) in response to Examiner's Written Question DCO.1.20 submitted a copy of Affinity's preferred Protective Provisions for inclusion in the Applicant's draft DCO.	The Applicant does not accept the protective provisions are balanced. The Applicant sets out these are disproportionate to the specifics of this application and are seeking to engage further with Affinity Water. The Applicant has agreed to provide an undertaking to cover Affinity's costs and provided its draft protective provisions to Affinity Water in August 2024 and but have to date had no feedback.



2.28 SUFFOLK COUNTY COUNCIL'S RESPONSE TO EXQ1 [REP-047]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
SCC.1.01	<p>When it comes to the Applicant's visual assessment of the onshore substation, there are several local policies, such as Policy LP17 and Policy LP18 (Babergh and Mid Suffolk Joint Local Plan, Appendix F) which require the Applicant to assess cumulative impacts from a landscape and visual perspective. The Applicant has not yet assessed the cumulative impact of the scheme with the pylons from the Norwich to Tilbury project on the Dedham Vale Area of Outstanding Natural Beauty (DVAONB), so completing that should be a priority for the Applicant.</p> <p>In paragraphs 7.9 and 7.22 of its LIR, SCC mentions some possible impacts to Orford Ness because of the Applicant's construction activities for the compensatory area. The mitigation and clarification SCC is asking for on the issue of parking is supported by Policy SCLP7.2 of East Suffolk Council's Suffolk Coastal Local Plan (Appendix G). This policy promotes suitable off-road parking to mitigate impacts of projects on local communities and prospective visitors. Therefore, as in its LIR, SCC requests clarification on the logistical details of these works to ensure that they comply with this policy.</p> <p>As highlighted in SCC's LIR in paragraphs 8.39 and 8.40, there is an absence of reference to Suffolk policy in the Outline Skills and Employment Strategy (OSES). Such policies include Policy SCLP3.4 (Appendix G) , and Policies LP09 and SP05 (Appendix F). The policies in Suffolk's Development Plans relating to economic development, skills and employment should be explored by the Applicant so that SCC can be satisfied that the Applicant has adequately considered them and intends on carrying out an adequate level of relevant activities in Suffolk. SCC argues that this is an important point because the OSES is currently vague on substantive details, especially concerning the locations of the suggested activities. Therefore, SCC wants to be assured that Suffolk will be treated as a priority, rather than an afterthought, when it comes to skills and employment. More detail on SCC's current opinion of the OSES , and what it expects in terms of skills and employment , can be found in section 8 of its LIR.</p> <p>As detailed in its response to question GC .1.12, SCC does not believe that the Applicant has adequately considered other Nationally Significant Infrastructure Projects (NSIPs) in some of its cumulative assessments. This point is not only supported by national policy, but also by Policy LP29 (Appendix F), Policy SCLP7.1 (Appendix G) and Policy SCLP3.4 (Appendix G) for other impacts.</p>	<p>The Norwich to Tilbury overhead electricity transmission line did not form part of the detailed cumulative assessment as insufficient information was available at the time or writing the LVIA to enable a meaningful assessment. A comment was included at paragraph 2.14.23 that the NGET overhead transmission line would not be expected to change the findings of the assessment owing to its location on the opposite side of the EACN to the location of the onshore substation. The focus of the cumulative assessment is the interaction between the VE and NF onshore substations owing to their large size and close proximity. The EACN also contributes to the cumulative interactions, as assessed in the LVIA, albeit to a lesser degree owing to its separation to the west of Grange Road and the screening effect of existing vegetation in this local area. The addition of the NGET overhead transmission line will not alter the findings of the cumulative assessment because of the following reasons.</p> <p>Firstly, its location on the western side of the EACN means that it will be mostly screened by this large development when seen from many of the viewpoints for VE. Secondly, there is substantial tree cover along Grange Road and around the fields to the west where the transmission line will be located which will further reduce visibility. Thirdly, the NGET overhead transmission line extends west then north-west such that it's separation distance from the VE onshore substation and the viewpoints will be increasing and therefore, the NGET transmission towers will become gradually smaller in scale. Fourthly, there are operational closer range transmission towers to the VE onshore substation and viewpoints which establish these structures as a baseline feature and create a context in which the effects of the additional transmission line would be modified. While it is accepted that the NGET overhead transmission line will have some influence on the cumulative assessment, this influence will be very limited and will not change the original assessment.</p> <p>The OSES, whilst not explicitly acknowledging Policy SCLP3.4: Proposals for Major Infrastructure Projects, embodies its principles (parts j) and k)), and Policies LP09 – Supporting a Prosperous Economy and SP05 – Employment Land through provision of an overarching set of measures to support the creation of construction and operational phase jobs, committing to engaging with councils and other local organisations through the supply chain and the production of the SES. Section 5.2 of the OSES sets out how discussions with stakeholders have focused on the potential for maximising impact in the community through the SES. Table 3 then sets out the commitments the Applicant is making to maximise opportunities for the local region to provide employment and support a long-term pipeline of talent, both of which comply with the aims of Policy SCLP3.4 and Policies LP09 and SP05.</p>
SCC.1.02	<p>As a general point about the weight to be given to neighbourhood plans, SCC would note that they are part of the local development plan framework in much the same way as a district council's local plan is, or indeed a county council's minerals and waste local plan. However, as the ExA will be aware, the local development plan does not have direct application to the Planning Act 2008 ("PA 2008") regime. Section 38 of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004"), which imposes the requirement for determinations to be made in accordance with</p>	<p>The Applicant notes that whilst these Neighbourhood Plans form part of the Development Plan, the areas to which they apply are jurisdictions that lie outside of the Order Limits and they therefore do not apply to VE.</p>



Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
	<p>the development plan, only applies to determinations made under 'the planning Acts', which as defined in section 117, does not include the Planning Act 2008. The Planning Act 2008 does not directly refer to the development plan (except in relation to amendments to the PCPA 2004, which are irrelevant to NSIPs).</p> <p>However, the development plan could be considered to be matters which are both important and relevant for the purposes of section 104 of the Planning Act 2004. The extent to which the development plan, including neighbourhood plans, will be important and relevant will be a matter of planning judgement. The decision-maker is likely to have to consider (among other issues) the degree to which the specific policy addresses the issues of the present case, the extent to which they are in conflict with the National Policy Statements, and how up-to-date they are.</p> <p>Below is a summary of relevant neighbourhood plans in Suffolk:</p> <p>Southwold Neighbourhood Plan 2020 - 2039, made 23rd February 2022 The relevant parts of Southwold's neighbourhood plan are attached in Appendix A to this document. These parts include Policy SWD6 and supporting text which focuses on the protection of the national landscape and the distinctive character the surrounding landscape gives to Southwold. These policies and objectives may be impacted by the offshore part of this project. As demonstrated by the Applicant's viewpoints from Southwold – Gun Hill [APP -204] and Southwold Pier [APP -219], turbines from this project, and those of other projects, will be visible from Southwold at certain levels of visibility.</p> <p>Reydon Neighbourhood Plan 2019 -2036, made 26th May 2021 The relevant parts of Reydon's neighbourhood plan are attached to this document in Appendix B. These parts cover Key Issue 2: Protecting the Countryside Around the Village, including Policy RNP 5 and the supporting text. This policy also promotes protecting the natural beauty and special qualities of the national landscape and encourages projects to enhance these features. This policy is deemed to apply to the project due to the fact that this project's offshore activities</p> <p>Aldringham cum Thorpe Neighbourhood Plan 2018 -2036, Pre -Submission Version, October 2024 The status of this neighbourhood plan is currently emerging and in the pre - submission phase, with a referendum expected in the winter of 2025/26. A diagram of the projected timescale for this plan to be made is included in Appendix C, which also includes the parts of the draft plan relevant to this project. Policy ACT4 requires mitigation and compensatory actions where relevant to deal with the impacts of major energy infrastructure. Policy ACT5 aims to protect the character of landscape in the area, including the national landscape</p> <p>East Bergholt Neighbourhood Plan 2015 - 2030, made July 2016 This Neighbourhood Plan is approved and lasts until 2030, and relevant parts are attached as Appendix D to this document. These parts include maps of the DVAONB and policies with supporting text which promote the protection of the AONB, its setting and associated views from East Bergholt into the AONB. Policy</p>	



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	<p>EB6 and Policy EB9 provide standards and guidance on how developers should approach projects which are directly in, or in the setting of, the DVAONB . The promotion of biodiversity is also a key policy of East Bergholt, covered in Policy EB8 . SCC understands that the measures proposed by the Applicant to mitigate the visual impact of the onshore substation will take 5 -15 years to grow, and SCC is unsure to what extent the Applicant will commit to ensuring this mitigation will negate the visual and landscape impact for the entirety of the project's lifespan. So, there will be negative visual impacts on East Bergholt to some extent.</p> <p>Stutton Neighbourhood Plan 2022 -2037, made July 2023 This Neighbourhood Plan is approved and lasts until 2037, and relevant parts are attached as Appendix E to this document. The parts of this plan deemed relevant are similar to those of East Bergholt's plan, including relevant maps, views and respective assessments, and policies regarding the protection of the AONB, and views from Stutton onto it. Specifically, Policy SN9, Policy SN10 and Policy SN13 are included due to their relevance to the DVAONB, with maps referenced within the policies also appended. Assessments of "Fringe Character Areas" 3,4 and 5 are also included, since these areas are within the AONB and are within the zone of theoretical visibility of the onshore substation, as identified by the Applicant [APP180].</p>	
SCC.1.03	<p>In [APP-232], the Applicant claims compliance with paragraph 4.1.5 of EN-1 in terms of adequately assessing cumulative impacts in the ES. However, there are notable omissions in some of the Applicant's cumulative assessments of NSIPs which are spatially, and temporally in terms of construction timeframes, proximate to this project. Such NSIPs include EA1N, Sealink, Lionlink, Nautilus and Bramford to Twinstead. Whilst these projects may not have been submitted since the submission of the Application for the Proposed Development, SCC argues that this point is relevant due to the scale and spatial-temporal proximity of these projects, which also warrants their inclusion in assessments of cumulative impacts. In relation to Suffolk, their inclusion could affect conclusions reached in Traffic and Transport assessments. Other assessments may also be affected., Regarding the Socio-Economic, Tourism and Recreation assessments [APP085, section 3.11], the Bramford to Twinstead Grid Reinforcement project is omitted from the assessments of cumulative impacts.</p> <p>In fact, no upcoming NSIPs are considered in the Applicant's Outline Skills and Employment Strategy (OSES), which SCC views as problematic due to the large impacts these projects are expected to have on the workforce in Suffolk, especially from Sizewell C . Specifically, SCC wishes for the Applicant to clarify how it will adapt and coordinate its activities in relation to those of proximate NSIPs. Further details on SCC's position on this issue can be found in paragraphs 8.26, 8.31 and 8.41 of its LIR.</p> <p>It is also possible that other NSIPs in Suffolk will contribute to cumulative impacts of this project in terms of port activities, since several offshore windfarms are already using, or intending to use, Suffolk ports, or ports bordering Suffolk such as that of Great Yarmouth, during construction and/or operations and maintenance. Examples include EA1N, EA2, EA3, EA1, Greater Gabbard, Galloper and London</p>	<p>The Applicant notes that the projects listed (and many others) have been considered in the cumulative assessments as outlined the Cumulative Effects Assessment Methodology [APP-064]. This included all publicly available information at the time of the assessments.</p> <p>Whilst the OSES does not identify the regional pipeline of upcoming NSIPs, one of its key underpinning principles (Section 2.2) is that of collaboration both with initiatives and other developing renewable energy projects. The Outline Skills and Employment Strategy[APP-260] sets out at paragraph 1.2.3 that it has been prepared in close collaboration with North Falls Offshore Wind Farm and makes a commitment in Section 5.3 to "continue to work in a 'joined up' or collaborative approach with other major developments and initiatives in the area, particularly North Falls.</p> <p>The OSES does not exclude engagement with other NSIPs, rather retains flexibility to ensure appropriate consideration and engagement in development of the SES following the grant of Development Consent. Paragraph 2.1.3 of the OSES states: "<i>The Applicant intends to feed into existing local and regional structures and workstreams rather than duplicating them and ensure coordination with other NSIP projects in the area, such as North Falls and the National Grid Norwich to Tilbury project</i>"</p> <p>The SES will provide details on the adaptation and collaboration with other projects and will be supported by further engagement with local stakeholders and other developers.</p>



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	<p>Array, as well as other types of projects which may also use such ports, including Sea Link, Lion Link and Nautilus Interconnector. Whilst SCC does not expect the Applicant's cumulative impact to be significant, it is nevertheless valuable to ensure that no unforeseen complications regarding the Applicant's use of ports arise through the creation of an outline port construction traffic management lan.</p>	



2.29 TENDRING DISTRICT COUNCIL'S RESPONSE TO EXQ1 [REP-048]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
GC.1.01	Tendring District Council are content with the Applicants Policy analysis. The TDC Local Plan Section is currently under review, this will not be completed by 17th March 2025. We would like to see an acknowledgement of the recently published Water Strategy for Essex and an awareness of the Local Nature Recovery Strategy, the Local Cycling Walking and Infrastructure plans – both of which are currently out for public consultation.	<p>The Applicant is aware of the emerging Tendring Local Plan Review and will continue to monitor its progress.</p> <p>The Water Strategy for Essex sets out the issues faced around water shortage vulnerability by Essex, a consideration of consumption against national targets and key steps for addressing issues raised. The Planning Statement [APP-231] sets out in Table 6.1 the consideration of impacts on water resources, noting that no residual impacts in relation to water quality and resources have been identified.</p> <p>Consideration of the Water Strategy for Essex, the Local Nature Recover Strategy and the Local Cycling, Walking and Infrastructure Plan can be given in any updates to associated management plans. E.g. the Local Cycling Walking and Infrastructure plans within the Outline Public Access Management Plan [APP-258]</p>
GC.1.02	On 12th September 2024 both Elmstead and Ardleigh Neighbourhood Plans were voted in favour of at referendum, as such they should be given significant weight. These will be going to cabinet on 21st October 2024 to be formally adopted, at which point they will have full weight.	The Applicant notes the imminent adoption of these Neighbourhood Plans; however they lie outside of the Order Limits and therefore are not applicable to VE.
GC.1.03	Known proposals include the acceptance of the DCO for North Falls Offshore Windfarm anticipated DCO application for the East Anglian Connection Node by National Grid. The existing application for construction and operation of a 50MW Battery Energy Storage System adjacent to the existing substation. This may be a consideration for landscaping / BNG requirements. Work has not yet commenced on this and permission is valid until 15/12/2024, the application is 21/02070/FUL and can be accessed via the TDC planning portal.	<p>The Applicant notes that the project listed (and many others) have been considered in the cumulative assessments as outlined the Cumulative Effects Assessment Methodology [APP-064]. This included all publicly available information at the time of the assessments.</p> <p>The Applicant will monitor for any updates as part of its monitoring for planning applications.</p>



2.30 ESSEX COUNTY COUNCIL RESPONSE TO EXQ1 [REP-045]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
ECC1.01	<p>TT.1.03 Assessment of onshore traffic and transport impacts</p> <p>ECC Response</p> <p>The Council's Local Impact Report outlines all of the concerns we have raised with the assessment method (some of which have been addressed by the Applicant in the most recent iteration [REP1-018], which is appreciated). Generally the assessment method includes most of the information we might expect, and is comparable to other similar projects, albeit with the following concerns.</p> <ul style="list-style-type: none"> > The absence of controls and management processes that would result in the assessed impacts being those that are actually experienced (the most obvious example here is the assessment of the vast majority of workforce traffic travelling at off peak times, which results in the order of 1,200 workers being reduced to 95 peak hour car movements). If these movements were not to impact the highway network in the manner that has been calculated, it would require more thorough assessment of impacts, such as junction modelling. > The absence of assessment of the hour of greatest change (however, for clarity, other similar projects have also omitted this assessment). It is not envisaged that an assessment of the hour of greatest change would necessarily result in alternative conclusions, but would give a better sense of the scale of change during these hours, which may or may not result in the need for stronger management measures. > No details were included in the reports on AIL movements associated with the cable drums (nor reference to these movements). This should have been included. 	<p>The Applicant is engaging with Essex County Council on the points raised in relation to the traffic and transport assessment.</p> <p>The Applicant is updating the Outline Workforce Travel Plan [APP-259] and the Outline Construction Traffic Management Plan [AS-055] with a number of further measures, controls and monitoring regimes and plans. These are to be submitted at Deadline 4 or 5.</p>
EEC1.02	<p>TT.1.04 Routing for Abnormal Indivisible Loads (AIL)</p> <p>ECC Response</p> <p>As per the Council's Local Impact Report, there are concerns around the access for AILs for cable drums associated with all of the accesses on the route, particularly the number and frequency of AIL movements. As well as what assessment has been undertaken of the routes, including whether a structural assessment has been undertaken to ensure the deliverability of their routes i.e. can the local road network accommodate these movements. If an assessment has not been undertaken of the routes, it may be that they are not deliverable, and so would have to use alternative routes with different impacts.</p> <p>The AIL route investigations and swept path drawings at Appendix Y of the Transport Assessment are unclear, and further clarity is sought on the swept path that has been undertaken, and the movement being proposed.</p>	<p>The Applicant submitted an Abnormal Indivisible Load Technical Note [REP2-029] to the Examining Authority at Deadline 2 in response to the actions at Issue Specific Hearing 1. This provided swept path analyses of the largest cable drum delivery vehicle between the A120 and each proposed construction access route, which did not identify any issues with the vehicle manoeuvres.</p>



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	<p>The AIL route from the east for cable drums is likely to require some form of U-turn movements on the Strategic Road Network; depending on the frequency of these AILs, there are additional impacts on the users of the road network as a result of repeated increases in delays. They will also have impacts on users of the local road network such as through Clon.</p>	
ECC1.03	<p>TT.1.07 Transport impacts at ports</p> <p>ECC Response</p> <p>It appears reasonable that a Port Construction Management Plan would not be required for construction; however, it does not appear unreasonable to have a Plan in place for maintenance and operation, given that the port is unknown, and its existing permissions are unknown. Such a plan would just require the Applicant to review the localised impacts of traffic, as well as implement some site-specific travel planning, which does not appear to be particularly onerous and would accord with the principles of EN-1 i.e. managing impacts and achieving sustainable travel behaviours.</p>	<p>This was addressed by the Applicant under Agenda item 3.7 of ISH1 and in [REP1-059]. It is not clear to the Applicant why a management plan would be required. These documents are forms of mitigation for the development for which consent is sought; the Applicant is not proposing any development at a port which would increase port capacity and therefore the traffic flows to and from that port over what already exists, and therefore has not assessed impacts and accordingly has no need for mitigation. The same would apply to any other ancillary facility, factory or other location (e.g. a waste disposal site) where vehicles that may support the project would use, but which would be managed under consents and any required traffic management plans associated with those sites. Such sites, including any port, will have assessed traffic impacts associated with the use of their facility as part of their consent, and there is no reason why project-related traffic should be considered any differently or cumulatively to any other user of an existing port. .EIA assessment must be proportionate and – ,focused on likely significant effects of that project. It is not proportionate, or required by the methodology used, to assess all traffic movements down to an insignificant degree.</p> <p>The Applicant also refers to its response to SCC's LIR on this point which notes: As an example only (referenced because it is an operational, local port within Essex which can handle abnormal loads and for which traffic numbers are publicly available as part of the recent Tilbury 2 DCO process), the Port of Tilbury generates approximately 16,500 movements a day (3,000 of which were for the Tilbury 2 expansion and 13,500 of which are for the original port). The Applicant's traffic numbers, even at the worst case assessed peak and with every movement using that Port (which is entirely unrealistic), would not make any material difference in the traffic flows in and out of the Port or on the route to the Port in that context.</p> <p>This is significant as SCC appear to assume that a single construction port is identified and then used, however it reality a number of ports are likely to be used for different activities and requiring the Applicant to submit a port traffic management plan for mobilising a site survey (for example), which is routinely undertaken from operational ports, is wholly disproportionate.</p> <p>Furthermore this requirement has the effect of reducing flexibility of the project which actually limits the potential benefits to local ports. The Applicant is aware of at least one example of a contractor wishing to change from a European port to using a local UK port but that this could not be accommodated given the time it would take to have a traffic management plan in place for the minor activities proposed.</p> <p>The Applicant notes the submission made that some of the East Anglia OWF DCOs have such a condition. That does not mean it is necessary in this case or even of any meaningful use in those cases. The Applicant has no direct experience of the East Anglia OWF projects, but one its shareholders is developing the Sofia OWF which has a similar requirement. The experience on that project is that this is entirely unnecessarily catching every port used by the project and requiring plans to be submitted to local authorities far from the development site in relation to use of operational ports, which authorities do not see any need for such plans given the context is in use of an operational port as part of existing traffic flows. LPAs with stretched resources are being</p>



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		<p>asked to approve plans for traffic to an operational port for a development they have no knowledge of or interest in and which in some cases is hundreds of miles away, with ports being used including for example Fraserburgh in North-east Scotland for that English OWF development. In no case has this process resulted in change to the plans submitted in terms of the HGV or other vehicles movements for that project. This requirement is serving no useful purpose but is causing delay for the project and unnecessary work for LPAs.</p> <p>Simply because an authority that does not have to prepare these plans does not consider that task to be 'onerous' does not mean that they are necessary or justified and can therefore be imposed by requirement, The requested plan is not necessary, serves no useful purpose, is proving to be a purely administrative burden in practice (as it leads to no meaningful changes in travel planning) and therefore does not, as claimed, assist in achieving any management of impacts. It is accordingly is not required or supported by EN1.</p>



2.31 ESSEX COUNTY COUNCIL ADDITIONAL COMMENTS ON DEADLINE 1 SUBMISSIONS [REP-044]

Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
ECC2.01	<p>Draft Development Consent Order [REP1-008]</p> <p>ECC has requested either a phasing requirement be attached to the Requirements to this DCO to conjoin the proposals, or the potential be explored for a “Grampian” style Requirement to be added to the current set of Requirements. ECC is of the view that such would properly control the development as may be Consented. This would minimise the risk that the proposal which is the subject of this DCO starts, then potentially remains incomplete and in situ in perpetuity as a result of the linked DCOs not being approved. ECC is of the strongly held opinion that the proposal set out in the DCO, if carried out and not completed with no connection to pick up the power generated by Five Estuaries, could be permanently injurious to the local environment and represent a significant impact on the amenity of those adjacent to the DCO route, and for farming practices currently undertaken within the red lined DCO boundary. Given the overall size and impact of the project as a whole, ECC’s proposals require that the overall scheme does not proceed until approval is provided for the connections to pick up the power generates from Five Estuaries and North Falls. It is ECC’s view that the introduction of such condition would have a realistic prospect of being complied with and is necessary.</p>	<p>The Applicant believes that such a “phasing requirement” or “Grampian condition” would fail the tests for planning conditions as applicable to DCO requirements pursuant to the MHCLG guidance ‘Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects’ (April 2024). First, it is not necessary. As discussed at ISH1 and ISH2 the Applicant would not construct turbines as part of a £multi-billion project unless it was confident that the project would be connected to the grid pursuant to its grid connection agreement with NGET. Second, precision and enforceability. ECC refers to a control by reference to when “approval is provided for the connections to pick up the power generate[d]”. This test is extremely vague and would be unenforceable. At what point would it be clear that Norwich to Tilbury has been approved? On grant of a DCO or some other stage? Would obtaining other consents or discharge of requirements be necessary? Third, reasonableness. The uncertainty just referred to is clearly unreasonable, why does the ECC require to be satisfied that another project which is before the SoS is approved?. What would happen where National Grid determine to provide the connection under another scheme that is not the current Norwich to Tilbury scheme? The Applicant has a legally binding connection agreement, which is all it is required to demonstrate for this process.– The Applicant has multiple decisions to make when preparing its Contract for Difference bid, engaging with the supply chain, potentially placing orders for long lead times etc. It needs to know that it has an unfettered DCO in the usual way, otherwise it has the potential to adversely impact delivery and slow the entire project down. It is not justifiable to impose the kind of fetter proposed., and as set out in the response to SCC on this matter, the Sheringham and Dudgeon Extension Project did require substantial works by NGET to connect the project (namely a major extension to the Norwich Main substation, as part of the Norwich to Tilbury scheme) which did not have planning permission at the time of the ExA’s report or the Secretary of State’s decision. This was referenced in paragraph 5.4.20 of the ExA’s report:</p> <p>“5.4.20. The ExA is satisfied from the information provided by the Applicant that the signed grid connection contract does not depend on the delivery of the Norwich to Tilbury project. The ExA does acknowledge that additional NGET infrastructure will be needed to accommodate future energy generation in the East Anglia area. However, the ExA is of the view that this is a matter for NGET to address and not the Applicant given the signed grid connection contract that is in place. It is also evident that National Grid are actively seeking to address the issue. Further, as set out in NPS EN5 (Paragraph 2.3.5), NGET has a statutory duty to provide a connection whenever and wherever one is required.”</p> <p>Accordingly, the Secretary of State could, in theory, have imposed a Grampian condition of the kind suggested by ECC, but did not do so.</p>
ECC2.02	<p>Article 8</p> <p>Article 8(f) – removal of ‘Essex County Council Act 1987’ and replacement with ‘Essex Act 1987</p>	<p>The Applicant has made this change in Revision D of the dDCO.</p>
ECC2.03	<p>Article 9</p> <p>Addition of: (10) Prior to any transfer or grant under this article taking effect the undertaker must give notice in writing to the Secretary of State, and if such transfer</p>	<p>This change had already been made to the dDCO.</p>



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	or grant relates to the exercise of powers in their area, to the MMO and the relevant planning authority.	
ECC2.04	Article 10 to be amended to include the following provisions: 3) If a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 56 days (or such other period as agreed by the street authority and the undertaker) beginning with the date on which the application was received, that authority will be deemed to have granted consent. (4) Any application for consent under paragraph (2) must include a statement that the provisions of paragraph (3) apply to that application. (5) If an application for consent under paragraph (2) does not include the statement required under paragraph (4), then the provisions of paragraph (3) will not apply to that application.	The Applicant notes that it does not think that this comment has been applied to the correct article. Article 10 simply provides that the DCO provides statutory authority for the purposes of the 1991 Act for the street works consented therein. There is no provision in article 10 that requires any application to or decision from the street authority. The Applicant understands that Essex CC will advise if the reference is incorrect and if so where this comment should be considered.
ECC2.05	A drafting point – Article 16 (14)(iii) should not be numbered as sub-paragraph (iii) as the provision applies to both Article 16(14)(a)(i) and Article 16(14)(a)(ii).	The Applicant has made this change in revision D of the dDCO.
ECC2.06	Clarity is sought on the timeframes for response by the street authority for Article 17.	The Applicant has made a change in revision D of the dDCO to amend this to 56 days.
ECC2.07	Article 22 Schedule 2 Requirement 16 Amend article as follows: Any land landward of Mean Low Water Springs (MLWS) within the Order limits which is used temporarily for construction of the onshore works and not ultimately incorporated in permanent works or approved landscaping must be reinstated to its former condition, or such condition as the relevant planning authority may approve, as soon as reasonably practicable and in any event within twelve months of completion of the relevant stage of the onshore works, or such other period as the relevant planning authority may approve.	The Applicant has not made this change. The Applicant notes that this point is inconsistent with the request in ECC's LIR [REP2-042] for a different restoration requirement A requirement relating to restoration is already included in the dDCO [Requirement 14). The Applicant considers that the wording sought by the Council is inappropriate in that it either duplicates matter already covered other requirements, eg the CoCP and SMP which cover pe-construction survey and reinstatement requirements, or introduce impreciseness through 'such condition' contrary to other control documents and potentially the landowner agreements.
ECC2.08	Schedule 9 ECC as Highway Authority requires protective provisions to be included in the DCO and, in addition to the Protective Provisions, an agreement to be entered into between the applicant and ECC as Highway Authority (a Framework Highway Agreement)	The Applicant has already provided draft protective provisions to ECC and discussion on those is ongoing. The Applicant does not currently accept that a framework highway agreement is necessary or justified given that all points will be covered in the dDCO (once the PPs are inserted). The Applicant has requested that Essex CC advise what they think such agreement would need to cover as the Applicant has no visibility as to the justification for that request or the scope envisaged for such an agreement.
ECC2.09	Approval of matters specified in requirements Under Further Information, it is understood that the highway authority would have 14 days of receipt of consultation to request further information on details provided for discharge of Requirement 14 relating to the design of a permanent access. The Council request this is increased to 28 days to give sufficient time to review the material.	The Applicant is seeking to engage further with ECC on this point and a related point under the draft PPs which may affect this position. No change has been made to the dDCO at this time.
ECC2.10	Approval of matters specified in requirements Under Provision of Information by Consultees, this gives the Highway Authority 28 days to respond to the planning authority, or 10 days when requesting additional information. This should be increased to 56 days and 28 days to give sufficient time to review the material appropriately.	The Applicant is seeking to engage further with ECC on this point and a related point under the draft PPs which may affect this position. No change has been made to the dDCO at this time.



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ECC2.11	<p>Chapter 8: Traffic and Transport</p> <p>One point of note, it may be that on review we are not comparing the correct documents, but there appear to be some changes that might not have been tracked between APP-090 and R.. As an example, it is worth comparing Table 44 in both documents, which shows a noticeable change, but there are not any tracked changes shown within REP1-019. As a result, the Council have concerns that other tracked changes may have been missed, which would impact our review</p>	<p>No changes were made to Table 8-44: Description of Tiers of other developments considered for cumulative effect assessment).</p> <p>The numbers were changed in Table 8.46: Cumulative daily two-way vehicle movements – NSIPs between APP-090 and REP1-018, which are shown in the tracked changes version REP1-019. Please note that unfortunately due to the large size of the documents with embedded figures MS Word does not always capture formatting changes. For example, the table number change from Table 8.44 to Table 8.46 has not been captured as a change and reordering column order within a table is not captured as a change, however, where the text (or numbers) have been updated this is shown as a change.</p>
ECC2.12	<p>Table 8.26 and 8.53</p> <p>Throughout the document there is now reference to Little Bromley Road and Ardleigh Road. Clarity is sought on why there are HGV movements along Little Bromley Road/Ardleigh Road within the assessment and, also why they are not shown on Waterhouse Lane. The assumption is they are movements coming from the east, but if so, why are they using the road and not the haul route to access the substation? Further detail is requested on this. Table 8.53 refers to specific measures for managing HGV impacts along Little Bromley Road / Ardleigh Road. It is unclear what these movements are, and what realistic management measures could be put in place. Any measures should be included in the CTMP during examination.</p>	<p>As clarified at ISH2, the vehicles associated with the unlicensed works to the proposed NGET substation construction access and the new AC-13 for the operational drainage connection works would originate from AC-12 at the end of the haul road.</p> <p>The Applicant is updating the Outline Construction Traffic Management Plan [AS-055] with a number of further measures, controls and monitoring regimes and plans and will consider whether any additional controls or detail is required for Little Bromley Road / Ardleigh Road.</p>
ECC2.13	<p>Appendix P 'Construction Accesses – General Arrangement Drawings'</p> <p>The highway boundary depicted green is questioned. Does this have regard to the ditch clause insofar that, as a rule, the extent of the highway boundary is limited to the roadside brow of any ditches adjacent to the highway, furthermore boundary hedges would generally be in the control of the adjacent landowner. This is important to ensure that visibility splays shown are deliverable within the highway or within the DCO. It is recommended that further investigation takes place of all access and crossing locations. Generally, it will not be acceptable for the swept paths of HGVs to overrun the centre of the carriageway into the opposite lane. It is noted that on the drawing for access AC7 reference is made to PROW 183, this is incorrect as it is actually Public Footpath 37 Wix (the 183 refers to the ECC Parish number allocated to Wix) hence the reference FP 37 183, as shown below. It is recommended that a consistent system for numbering of Public Rights of Way is agreed across the DCO with the PROW team. It may be clearer to use the PROW number followed by the Parish name rather than a number.</p>	<p>The Applicant will liaise with the designers of the construction accesses to undertake a review of the highway boundary and PROW comments and discuss with ECC.</p>
ECC2.14	<p>Appendix Q 'Haul Road Crossings – General Arrangement Drawings'</p> <p>CR1: ECC Highways do not agree that 59 metre visibility splays are acceptable for an 85th percentile speed of 39mph. This is above 37 mph and DMRB principles set out in MFS2 would apply and therefore visibility distance required is 100 metres.</p> <p>CR12: This access is referred to within the audit, but ECC Highways cannot locate a drawing.</p>	<p>In terms of the visibility splay comment, Paragraph 1.3.7 of Manual for Streets 2 states that Manual for Streets should be used to determine visibility splays for speeds under 40mph, which is the method used by the Applicant. The Applicant will liaise with the designers to investigate if the splay can be increased at all and discuss with ECC.</p> <p>The Stage 1 Road Safety Audit Report incorrectly refers to CR-12 and should be CR-7.</p>



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	<p>Only one site CR5a has an option for traffic signal control, this should be considered for all road crossing locations.</p> <p>Generally, ECC Highways will require a comprehensive package of signage to warn highway users of the presence of a haul road crossing, locations for appropriate signage should be identified as many routes are narrow rural roads and space will be limited.</p> <p>Generally, haul road crossings will require full reconstruction of the highway to accommodate HGV traffic.</p> <p>On other schemes ECC Highways have experienced road safety issues with failure for haul road traffic giving way to the highway. Further consideration should be given to the design of the crossing to ensure this cannot occur, one way working priority control has been deployed in other projects, signal control may be an option where space allows.</p>	<p>In terms of the other comments, the Applicant suggests these are considerations for detailed design and final CTMPs. The Applicant will review the Outline Construction Traffic Management Plan [AS-055] to see if any more outline detail is required on these points.</p>
ECC2.15	<p>Appendix R 'Construction Accesses and Haul Road Crossings – Stage 1 RSA'</p> <p>This has been reviewed by ECC Highways but as indicated below the designer's response is incomplete.</p>	<p>There are two Designer's Response reports included in 6.6.8.2 Traffic and Transport Baseline Report Part 5 - Revision B [REP1-031] one prepared by Mott MacDonald for the Bentley Road and Ardleigh Road access designs and one by Royal Haskoning DHV for all other designs. These comments are addressed in the one prepared by Royal Haskoning DHV on pages 161 and 162.</p>
ECC2.16	<p>Appendix S Construction Accesses and Haul Road Crossings – Designer's Response This document is titled Construction Accesses and Hail Road Crossings Designers Response but does not appear to be complete as it does not address road safety audit comments concerning the following accesses/crossings: AC3,4,5,7 (GA), CR1, 3,4,5,6a,6b,7,8 P1, CR9 P1 & P2, CR10 P1&P2, CR11 P1&P2, CR12 P1&P2, and CR8 P2.</p> <p>Table 2.1: Road Safety Audit Decision Log (For Ardleigh Road): In relation to 2.3 for location: Site Haul Road Access (Temporary Access Junction with Ardleigh Rd), the designers response highlights that: 'HGV access and egress movements from/to either to the West or East of Ardleigh Road are expected to occur on the odd occasion'. The width of Ardleigh Road in either direction is narrow, only wide enough for single file traffic with very few passing places:</p> <p>ECC Highways are unclear why access from the haul road onto Ardleigh Road is necessary.</p> <p>It is noted that the visibility splay for the permanent access at Ardleigh Road is reliant on the vegetation being cropped, how will this be secured for the life of the development?</p>	<p>The comment related to the designer's response report is clarified above.</p> <p>The Outline Construction Traffic Management Plan [AS-055] is being updated to include specific measures that could be implemented when vehicle movements are required on this section of Ardleigh Road, prior to the road being widened as part of the National Grid Norwich to Tilbury EACN substation project.</p> <p>Access to Ardleigh Road from the end of the haul road is required for vehicles accessing the drainage works at AC-13 and the proposed National Grid Norwich to Tilbury EACN substation construction site for the unlicensed w</p> <p>The Applicant notes that this visibility splay for the permanent access point (AC-12) is within ECCs verge (land parcel 17-022). ECC could either maintain it as with all other verges along the local highway network and / or grant rights to the Applicant to maintain the verge.</p>
ECC2.17	<p>Appendix W 'Section 4 Traffic Management'</p> <p>Under section 4 Traffic Management it highlights a requirement to close Bentley Road to undertake the widening works and it refers to a diversion route highlighted below:</p>	<p>The Applicant is updating the Outline Construction Traffic Management Plan [AS-055] an alternative potential diversion route(s) (if required) has been identified and this will be updated in the next revision.</p>



Ref	Summary of Deadline 2 submission Or Excerpt of Deadline 2 submission	Applicant's comments
	<p>However, only the northern section of Payne's Lane is adopted the rest is a single lane private farm track. The only alternative is to use Church Road, Spratt's Lane, Hilliards Road and Park Road.</p>	
ECC2.18	<p>Appendix Y 'Abnormal Indivisible Load Investigations</p> <p>The swept path for the abnormal load only shows a vehicle travelling in a single direction. It is unclear what the arrangements are here for the movement. Appendix W Section 3.1 refers to Drawing 104560-MMD-00XXDR-CE1026, but the swept path provided at Appendix Y is a different drawing. Clarity should be provided on the swept path for AILs at Bentley Road.</p>	<p>The swept path analysis drawing has been updated since the preparation of the Mott MacDonald report. This can be updated if additional updates to 6.6.8.2 Traffic and Transport Baseline Report - Part 6 - Revision [REP1-032] are required or picked up through errata.</p> <p>Further detail has been provided in the Abnormal Indivisible Load Technical Note [REP2-029] to the Examining Authority at Deadline 2 which set out more detail on the AIL routing.</p>
ECC2.19	<p>Outline Construction Traffic Management Plan</p> <p>Section 2.3 The inclusion of details on the Cable Drums at Section 2.3 is welcomed, as there is no reference to routeing or impacts within Chapter 8: Traffic and Transport. However, there is very limited detail, with no information on routeing or numbers.</p> <p>As per the Council's Local Impact Report, there are concerns around the access for AILs for cable drums associated with all of the accesses on the route, particularly the number and frequency, what assessment has been undertaken of the routes, including whether a structural assessment has been undertaken to ensure the deliverability of their routes i.e. can the local road network accommodate these movements. If an assessment has not been undertaken of the routes, it may be that they are not deliverable, and so would have to use alternative routes with different impacts.</p>	<p>The Applicant submitted an Abnormal Indivisible Load Technical Note [REP2-029] to the Examining Authority at Deadline 2 in response to the actions at Issue Specific Hearing 1. This provided swept path analyses of the largest cable drum delivery vehicle between the A120 and each proposed construction access route, which did not identify any issues with the vehicle manoeuvres.</p>
ECC2.20	<p>Paragraph 2.3.2 and 2.3.8</p> <p>It is welcomed that construction access routes for AILs will be agreed with the Council. It is worth noting that routes will not necessarily accord with the route restrictions within the CTMP, and although flexibility is sensible, this may result in impacts on routes not assessed within Chapter 8: Traffic and Transport.</p>	<p>See response to the above ECC2.19 comment.</p>
ECC2.21	<p>Paragraph 2.3.4</p> <p>It is welcomed that temporary works, such as removal of street furniture will be subject to discussions with the Council. However, any temporary works on the highway network need to be approved by the highway authority. The Applicant must be required to reinstate any works to a standard no worse than their condition prior to removal.</p>	<p>The Applicant notes this comment.</p>
ECC2.22	<p>Table 3.1</p> <p>Refers to specific measures for managing HGV impacts along Ardleigh Road. It is unclear what these movements are, and what realistic management measures could be put in place. Any measures should be included in the CTMP during examination, so as to understand their efficacy.</p>	<p>The Outline Construction Traffic Management Plan [AS-055] is being updated to include specific measures that could be implemented when vehicle movements are required on this section of Ardleigh Road.</p>
ECC2.23	<p>4.1.12</p> <p>Refers to the AIL route investigations and swept path drawings at Appendix Y of the Transport Assessment, as above further clarity is sought on the arrangement being proposed here.</p>	<p>The AIL vehicle would cross over to the eastbound carriageway for a length of around 200m before turning right into Bentley Road. The Applicant submitted an Abnormal Indivisible Load Technical Note [REP2-029] to the Examining Authority at Deadline 2 in response to the actions at Issue Specific Hearing 1 which provides additional detail.</p>



2.32 CADENT GAS [REP2-049]

Summary of Deadline 2 submission		Applicant's comments
CG.01	<p>Cadent provided their preferred form of protective provisions as part of their Deadline 3 submission. Cadent noted that that the Applicant and the promoter of the North Falls scheme are in discussions over Cadent's bespoke form of protective provisions and that there had been some delays in providing a response.</p> <p>Cadent has sought to engage with the Applicant during the pre-application and pre-examination period. Given the lack of substantive response, Cadent's position is that the draft DCO must include its bespoke protective provisions in its standard form and without amendment.</p>	<p>The Applicant does not accept that all of the 'standard' protective provisions are necessary and justified in the particular circumstances of this development. The Applicant notes that negotiation protective provisions with Cadent Gas are PPs in ongoing.</p>





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