



ESTUARIES

OFFSHORE WIND FARM

# FIVE ESTUARIES OFFSHORE WIND FARM

## 10.58 APPLICANT'S RESPONSES TO EXQ3

Application Reference:	EN010115
Document Number:	10.58
Revision:	A
Pursuant to:	Deadline 7
Eco-Doc Number:	005711025-01
Date:	March 2025



---

**COPYRIGHT © Five Estuaries Wind Farm Ltd**

All pre-existing rights reserved.

In preparation of this document Five Estuaries Wind Farm Ltd has made reasonable efforts to ensure that the content is accurate, up to date and complete for purpose.

Revision	Date	Status/Reason for Issue	Originator	Checked	Approved
A	Mar 25	Deadline 7	VEOWF	VEOWF	VEOWF

---



## CONTENTS

Introduction.....	5
General and cross-topic questions (GC).....	6
Development Consent Order (DCO).....	7
Historic Environment including Marine Archaeology (HE) .....	14
Land Rights (Compulsory Acquisition (CA) and Temporary Possession (TP) etc) (LR) .....	15
Marine Ecology (ME) .....	16
1.2 Aquatic Ecology.....	16
1.3 Protected Species - Bats .....	16
Onshore Ecology (EO).....	17
Navigation and Shipping (NS) .....	20
Socio Economic Effects (SEE) .....	21
Seascape, Landscape and Visual (SLV) .....	22
Terrestrial Transport and Traffic (TT).....	24
Onshore Water, Hydrology and Flood Risk (WE) .....	25



## INTRODUCTION

- 1.1.1 This document has been prepared by Five Estuaries Offshore Wind Farm Limited ('the Applicant') to respond to the Examining Authority's ('ExA') Written Questions (ExQ3) [PD-026].
- 1.1.2 All of the questions raised in ExQ3 have been included in this document, even where questions have been directed to specific Interested Parties and/or Local Authorities. In some cases the Applicant has made comment in relation to these questions where it believes that it would be helpful in understanding the related issues.



## GENERAL AND CROSS-TOPIC QUESTIONS (GC)

Ref	Question to:	Question	Applicant's response
GC.3.01	Applicant, Essex Wildlife Trust, Harwich Harbour Fishermen's Association / Commercial Fisheries Working Group, Historic England, Port of Tilbury London Limited, Suffolk and Essex Coast and Heaths National Landscape Partnership and United Kingdom Chamber of Shipping	<b>Submission of Signed and Final</b> Statements of Common Ground (SoCG) You are reminded that all completed and signed SoCGs were to be submitted by Examination Deadline 5 (10 January 2025). Your completed and signed SoCGs were not submitted at the previously mentioned Examination Deadline and your SoCG MUST now be submitted no later than Deadline 7 (3 March 2025).	Final and signed 10.10.10 Essex Wildlife Trust Statement of Common Ground [REP6-034] and 10.10.3 Suffolk and Essex Coast and Heaths National Landscape Partnership [AS-071] were submitted at/around Deadline 6. Commercial Fisheries Working Group, Port of Tilbury London Limited and United Kingdom Chamber of Shipping SoCGs were submitted at Deadline 7. The Applicant has a meeting with Historic England on 4 March 2025 with aims to submit final version at Deadline 8.



## DEVELOPMENT CONSENT ORDER (DCO)

Ref	Question to:	Question	Applicant's response
DCO.3.01	Applicant	<p><b>Preamble – Page 6</b></p> <p>The dDCO states “The Secretary of State, in exercise of the powers conferred by sections [114, 115, 120, 132, 140 and 149A and schedule 5] to the 2008 Act, makes the following Order:”. Review the sections and schedules cited to ensure that all relevant sections and schedules have been listed.</p> <p>It should be noted that where Compulsory Acquisition forms a part of a DCO section 122 of the 2008 Act is commonly referenced.</p>	<p>The dDCO has been reviewed and was amended in Revision G [REP6-007].</p>
DCO.3.02	Applicant	<p><b>Schedule of Mitigation – Routemap</b></p> <p>Advise as to whether the “Schedule of Mitigation – Routemap” [REP5-041] is fully up to date or whether it requires any updating. Should the Routemap be out of date identify in what respects that is the case and advise on when an updated routemap document will be submitted.</p>	<p>The Schedule of Mitigation – Routemap – Revision C was submitted at Deadline 7 to include minor updates requested by the PLA. The document was developed to assist during the examination and maps out the securing mechanisms in the dDCO for the mitigations committed to in the Environmental Statement. It was never intended to be a complete list of all the mitigations included in the full suite of documents.</p> <p>The Applicant does not plan to provide any further revisions of the document. The Applicant does not propose the document to be a “certified document”.</p>
DCO.3.03	Marine Management Organisation (MMO)	<p><b>Articles 5 (Deemed marine licences) and 7 (Benefit of the Order)</b></p> <p>Further to:</p> <ol style="list-style-type: none"> <li>1) Your response to ExQ2 DCO.02.03 in [REP4-052]; and</li> <li>2) The Applicant’s response to ExQ2 DCO.2.02 in [REP4-039], which cites the provisions of multiple recently made DCOs that include deemed Marine Licences and articles giving the Secretary of State the authority to transfer the benefit of those made orders from one party to another, explain why you consider your continued objection to Article 7’s inclusion of a power for the Secretary of State to transfer the benefit of deemed Marine Licences included in Schedules 10 and 11 remains tenable.</li> </ol>	<p>This question is not directed at the Applicant.</p>
DCO.3.04	Applicant	<p><b>Article 7 (Benefit of the Order) – changes to the benefit of the Order not requiring the Secretary of State’s consent</b></p> <p>Under paragraph 8(a) of Article 7 explain why for any transfer of a made Order’s benefits to “... a holder of a licence under section 6 (licences authorising supply, etc) of the 1989 Act” should not require the prior granting of consent by the Secretary of State. In asking this question the ExA is mindful of the explanation for paragraph 8(a) included in paragraph 4.22 of the Explanatory Memorandum [REP3-008]. However, the Explanatory Memorandum only refers to licence holders having been “... determined to be fit to operate such facilities” and there is no</p>	<p>The issues raised are already regulated under the licensing regime. Being ‘fit to operate’ such facilities includes being assessed as capable of meeting all of the obligations which go with such operation.</p> <p>In order to apply for a licence under the Electricity Act, an applicant must provide the considerable information required under The Electricity (Applications for Licences, Modifications of an Area and Extensions and Restrictions of Licences) Regulations 2019 to demonstrate to the Authority’s satisfaction that it is a ‘fit and proper person’ to hold such a licence. That application includes providing details of:</p>



		reference to licence holders having the ability and/or finance to construct and/or decommission generating and transmission infrastructure.	<ul style="list-style-type: none"> <li>• Details of applicant's directors</li> <li>• Details of ultimate holding company</li> <li>• Details of parent undertaking</li> <li>• Persons in effective control of the applicant</li> <li>• Shareholder details</li> <li>• Details of previous applications made and licences held</li> <li>• Suitability to hold a licence</li> </ul> <p>Applications for licences are also subject to public notification allowing representations to be made.</p> <p>The standard transmission licence conditions also control the disposal of assets, investments and revenue of the undertaking being licensed. OFGEM thereby retains financial oversight of all license holders through these license conditions.</p> <p>Therefore, anyone holding such a licence has been assessed as having the necessary ability and finances to carry out the licensed operation.</p>
DCO.3.05	Applicant	<p><b>Schedule 1 (Authorised Development)</b></p> <p>Work Nos. 13 (Bentley Road) and 13A (junction at Bentley Road and the A120) – why have these works not been allocated a single works number or been numbered 13 and 14, given both sets of works essentially relate to Bentley Road. Would it not be simpler to combine Work Nos. 13 and 13A?</p>	<p>While these works have to work together, the highway authority is different for each section. The detailed design needs to be approved by the appropriate highway authority under the protective provisions. The sub-division reflects the highway authority boundary. The Applicant considers that merging these would be unhelpful when it comes to defining the staging of and obtaining approval of the works. The Applicant notes that they can be defined as a stage, under requirement 4 (stages of the authorised development), and delivered together if considered appropriate at that time.</p>
DCO.3.06	Applicant	<p><b>Requirement 9 (Onshore archaeology)</b></p> <p>In responding to Essex County Council's and Tendring District Council's Deadline 4 submissions reference is made in [REP5-073] to an overarching onshore Archaeological Mitigation Strategy being prepared and submitted at Deadline 6. How does the Applicant intend that compliance with the Archaeological Mitigation Strategy would be secured, ie either incorporation into Requirement 9 or via a standalone Requirement?</p>	<p>Requirement 9 within the Revision G of the dDCO [REP6-007] was amended at deadline 6 to reference the Archaeological Mitigation Strategy.</p>
DCO.3.07	Applicant, Tendring District Council and Essex County Council	<p><b>Onshore collaboration with the Undertaker for the proposed North Falls Offshore Wind Farm</b></p> <p>a) Is there a need for a requirement, along the lines of Requirement 33 of the made DCO for Sheringham Shoal and Dudgeon Offshore Wind Farm extensions [section 8 (e-page1,885) in REP4-044] obliging the undertakers for the Proposed Development and the proposed North Falls Offshore Wind Farm to</p>	<p>The dDCO commits the undertaker to notify which build option is being taken forward before commencement (Requirement 17). Where the projects are collaborating that will be controlled by the commercial agreement between them which includes the process and timings for approval of plans before they are submitted under requirement. When the undertaker submits any plan for approval it will be doing it under its DCO only There is no need for the planning authority to 'police' this process of</p>



		<p>have collaborated with one another prior to their plans or documents being submitted to the relevant local planning authority for approval pursuant to relevant requirements?</p> <p>b) For Applicant – Submit, on a without prejudice basis, appropriate wording for a project collaboration requirement.</p>	<p>engagement between Five Estuaries and North Falls, as far as the planning authority is concerned, any application for discharge under this DCO will be made by Fives Estuaries who will be solely responsible for compliance with the approved details. That is clearly different from SEPDEP where all of the works were authorised under one DCO and both undertakers could submit details under that DCO.</p> <p>The Applicant accordingly declines to submit drafting as it is not agreed to be appropriate to the specific circumstances of this application.</p>
DCO.3.08	Applicant	<p><b>Paragraph numbering throughout Schedule 9 (Protective Provisions)</b></p> <p>In line with paragraph 4.4 of the Planning Inspectorate’s Advice Note Fifteen (Drafting Development Consent Orders) a schedule containing multiple sets of Protective Provisions should use sequential paragraph numbering throughout, rather than restarting at ‘1’ at the beginning of each set of Protective Provisions. The Applicant must therefore redraft Schedule 9 so that consecutive paragraph numbering is applied throughout it.</p>	<p>The Applicant has agreed to make this change in the final version. Consecutive numbering cannot be used while parallel negotiations are ongoing with numerous parties as it is not practical or helpful in agreeing cross references to do so.</p>
DCO.3.09	Affinity Water Limited, Cadent Gas Limited, Environment Agency, Essex County Council, London Gateway Port Limited, National Highways, Network Rail, North Falls Offshore Wind Farm Limited and Port of London Authority	<p><b>Protective Provisions</b></p> <p>With respect to negotiating Protective Provisions, advise on what the current position is with respect to agreeing a set of Protective Provisions in your favour with the Applicant. Where there is disagreement with the Applicant explain why that is the case and where any disagreement relates to matters of detailed drafting submit the version of your preferred text.</p>	<p>The Applicant has provided an update with regards to Protective Provisions in 10.62 Note on dDCO drafting – Applicant’s position on Protective Provisions, submitted at Deadline 7,.</p>
DCO.3.10	Harwich Haven Authority (HHA)	<p><b>Protective Provisions sought by the Harwich Haven Authority</b></p> <p>The ExA notes that in [REP5-073] the Applicant has submitted in response to the HHA’s submissions in [AS-069] that Protective Provisions in favour of the HHA would be unnecessary, with the Applicant contending works within the HHA’s jurisdiction would need to be authorised under licence. Explain why the HHA considers Protective Provisions in its favour would be necessary and provide text for the Protective Provisions that are being sought.</p>	<p>The Applicant notes that the question is not directed to it but wishes to reiterate that the dDCO does not seek to disapply any order controlling Harwich Haven harbour and a works licence is therefore required in the normal manner for any works in HHA jurisdiction. The core purpose of protective provisions is to prevent serious detriment arising to statutory undertakings from exercise of DCO powers. HHA retains its normal control over the VE works through licensing, no power is sought to displace or override that. Accordingly there can be no serious detriment and protective provisions are not necessary and should not be imposed.</p>
DCO.3.11	Applicant	<p><b>Schedule 7 (Land in which only new rights etc. may be acquired)</b></p> <p>The consistency between the extant version of the Land Plans [AS-019] and the provisions of Schedule 7 should be reviewed and any errors must be rectified so that there is no inconsistency between what is stated in Schedule 7 and shown on the Land Plans. For example, in connection with the rights sought for the compensatory works at Orford Ness reference is made to rights</p>	<p>Legal</p> <p>The Applicant is satisfied that the Land Plans updated for Deadline 7 and Schedule 7 of the draft Development Consent Order accord with each other.</p>





		being sought in respect of Land Plot 20-004, while no Land Plot with that number is shown on extant version of the Land Plans, with it appearing that Land Plot 20-003 (as shown on the extant Land Plans) should have been identified within Schedule 7.	
DCO.3.12	Applicant and MMO	<p><b>Schedule 10 (Deemed marine licence – Generation Assets)</b></p> <p>1) Subparagraph (1) of Condition 14 (Site Integrity Plan) needs to be sense checked and corrected, with the second stating of "... which accords with the principles set out in the ..." in the third line appearing to be superfluous and/or incomplete.</p> <p>2) Are subparagraphs (4) and (5) of Condition 14 sufficiently precise, most particularly is the inclusion of "satisfied" sufficiently precise? Would wording as follows be more appropriate?</p> <p><i>"(4) In approving the SIP the MMO must determine whether the authorised scheme at the preconstruction stage, in combination with other plans and projects, would be in line with the JNCC Guidance."</i></p> <p><i>"(5) The approved SIP may be amended with the prior written approval of the MMO, in consultation with the relevant statutory nature conservation body, where the MMO determines that the authorised development, in combination with other plans or projects at the pre-construction stage, would be in line with the JNCC Guidance."</i></p> <p>3) Is subparagraph (2) of Condition 19 (Marine Mammal condition) sufficiently precise, most particularly is the inclusion of "... reasonable opinion of the MMO ..."? Would wording as follows be more appropriate?</p> <p><i>"... If the MMO, in consultation with the statutory nature conservation body, determines the assessment shows impacts significantly in excess to those assessed in the environmental statement ..."</i></p>	<p>The Applicant has made the following changes in 3.1 Draft Development Consent Order – Revision H, submitted at Deadline 7;</p> <ol style="list-style-type: none"> <li>1) The second reference of 'accords with...' has been removed</li> <li>2) The Applicant would be content with the revised wording</li> <li>3) The Applicant would be content with the revised wording</li> </ol>
DCO.3.13	MMO	<p><b>Condition 6(16) (Notifications and inspections) of Part 2 of Schedule 10 (Deemed marine licence – Generation Assets)</b></p> <p>What type of materially false or misleading information is being referred to in subparagraph (16) of condition of the Deemed Marine Licence for the generation assets?</p>	This question is not directed at the Applicant.
DCO.3.14	Applicant, MMO, Maritime and Coastguard Agency, HHA, London Gateway Port Limited and Port of London Authority	<p><b>Condition 4 (Maintenance of the authorised development) of Schedule 11 (Deemed marine licence – Transmission Assets)</b></p> <p>Further to the ExA's request for further information sought in [PD-024] and in the event of a minimum dredging depth parameter for the Deep Water Routes (DWRs) being incorporated into any made</p>	The Applicant has proposed wording to secure the cable installation levels in the requirements and in the outline CSIP which is already a certified document and controls the detail of the cable installation for the DML. The Applicant has also amended part 2 paragraph 4 to provide that navigable depth cannot be reduced in the deep water routes. These CSIP and



		DCO, comment on any changes for the drafting of Condition 4 of Schedule 11, most particularly in respect of subsection (3), that might be necessary to ensure there would be no inconsistency between the water depths required in the DWRs and the parts of the authorised development that would be outside the DWRs.	standard restriction on reduction of navigable depth applies to the cable route as a whole. The Applicant does not consider there to be any inconsistency.
DCO.3.15	Applicant and MMO	<p><b>Schedule 11 (Deemed marine licence – Transmission Assets)</b></p> <p>1) Subparagraph (1) of Condition 15 (Site Integrity Plan) needs to be sense checked and corrected, with the second stating of "... which accords with the principles set out in the ..." in the third line appearing to be superfluous and/or incomplete.</p> <p>2) Are subparagraphs (4) and (5) of Condition 15 sufficiently precise, most particularly is the inclusion of "satisfied" sufficiently precise? Would wording as follows be more appropriate?</p> <p><i>"(4) In approving the SIP the MMO must determine whether the authorised scheme at the preconstruction stage, in combination with other plans and projects, would be in line with the JNCC Guidance."</i></p> <p><i>"(5) The approved SIP may be amended with the prior written approval of the MMO, in consultation with the relevant statutory nature conservation body, where the MMO determines that the authorised development, in combination with other plans or projects at the preconstruction stage, would be in line with the JNCC Guidance."</i></p> <p>3) Is subparagraph (2) of Condition 20 (Marine Mammal condition) sufficiently precise, most particularly is the inclusion of "... reasonable opinion of the MMO ..."? Would wording as follows be more appropriate?</p> <p><i>"... If the MMO, in consultation with the statutory nature conservation body, determines the assessment shows impacts significantly in excess to those assessed in the environmental statement ..."</i></p>	See response to DCO.3.12.
DCO.3.16	MMO	<p><b>Consultation with the Port of London Authority when discharging conditions of the DML for the Transmission Assets (Schedule 11)</b></p> <p>The Port of London Authority has submitted (including during the course of Issue Specific Hearing 7 held on 23 January 2025) that it wishes to be a consultee of the MMO when relevant conditions of the DML for the Transmission Assets were being discharged. Would the MMO be agreeable to the Port of London being a consultee when relevant conditions in Schedule 11 were being discharged? If the MMO is not be agreeable to that, explain why that is the case.</p>	This question is not directed at the Applicant.



DCO.3.17	Port of London Authority (PLA)	<p><b>Approval of the Navigation and Installation Plan (NIP) as part of the DMLs</b></p> <p>In paragraph 2.5 of REP3-035] you have provided examples of made DCOs for projects on the river Thames where Protective Provisions in favour of the Port of London have been included enabling you, as well as the MMO via DMLs included in those made DCOs, to approve NIPs.</p> <p>a) Is the PLA’s relationship with the made DCOs for projects on the river Thames directly comparable with those for the Proposed Development, given: (1) for the river Thames the PLA is the Statutory Harbour Authority (SHA) and the Order Limits for the made DCOs on the river Thames are wholly within the SHA’s area of jurisdiction; and (2) the PLA’s jurisdiction does not include the Order Limits for the Proposed Development?</p> <p>b) Submit any made DCOs for projects with Order Limits beyond the PLA’s area of jurisdiction that have included mechanisms for the PLA to issue approvals.</p>	This question is not directed at the Applicant.
DCO.3.18	Tendring District Council	<p><b>Schedule 12 Part 1 (Tree Preservation Orders [TPO])</b></p> <p>Section 5 of the Arboricultural Report [APP-255] identifies trees T1, T2 and G2 subject of TPO 23/00005/TPO (between Stones Green Road and operational and maintenance access routes) as requiring mitigation. With no potential impacts for the other trees subject to TPO 23/00005/TPO on or the trees subject to TPO 21/00009/TPO.</p> <p>However, Part 1 of Schedule 12 of the dDCO seeks to extend the potential for impacting on all of the trees subject of TPO 23/00005/TPO and TPO 21/00009/TPO. Advise whether you are content with extending the potential for impacts on all trees subject of both TPO’s cited in Part 1 of Schedule 12?</p>	<p>Noting the question is not directed to the Applicant, the Applicant has reviewed its stated impact to trees within TPO 23/00005/TPO in Section 5 of the Arboricultural Report [APP-255]. The Applicant believes that given the proximity to the proposed off-route haul roads it is prudent to include all trees (including T3 to T6). This is because the haul routes run adjacent to T3 and T6, therefore, powers to lop branches and encroach on the RPA’s for those two trees should be included in particular.</p> <p>The Applicant maintains its position from ExQ2, response to EO.2.01 that although impacts are not anticipated to any of the other TPOs identified in 21/00091/TPO adjacent to Bentley Road, that powers to lop branches and encroach on the RPA’s should be included as the TPOs are adjacent to the AIL route, and may interact with the routing of the AILs at time of delivery.</p> <p>The Applicant proposes to update Arboricultural Report [APP-255] with these amends at Deadline 8.</p>
DCO.3.19	Applicant	<p><b>The “without prejudice” additional parts for Schedule 13 (Compensation) included in [REP5-090]</b></p> <p>a) For both Kittiwake and Guillemot and Razorbill – Paragraph 1 for each interpretation paragraph in defining the Marine recovery Fund refers to Offshore Wind Environmental Improvement Package of the British Energy Security Strategy (April 2022), is the reference to the April 2022 Strategy appropriate as it could be replaced by another strategy or policy document and/or</p>	<p>a) This has been covered in the definition which provides for ‘or any equivalent fund established by a Government body for that purpose’, the purpose being the delivery of strategic compensation as stated.</p> <p>b) the relevant planning authority would be Gateshead Council, however on reflection, given that the structure is already in place there should not be any relevant planning matters, and this reference has been removed</p>



		<p>legislation? Should wording be included to cover the eventuality of the April 2022 Strategy being replaced?</p> <p>b) For Kittiwake, which authority would be the “<i>relevant planning authority</i>” to be consulted and why would it be necessary to consult that authority?</p> <p>c) For Guillemot and Razorbill, which authority would be the “<i>relevant planning authority</i>” to be consulted and why would it be necessary to consult that authority? With respect to formatting within paragraph 4, should there be subparagraph (1)</p>	<p>c) the relevant planning authority would be [ ] for the Applicant’s proposed sites, however given the geographical spread of the sites (particularly in the case of a wider collaborative measure) it may not be suitable to identify or consult with a single relevant planning authority. The measures are not proposed to involve development and would likely not require planning permission (and if they did the relevant LPA would be involved in any case). On that basis the Applicant has amended this requirement.</p>
--	--	--	--



## HISTORIC ENVIRONMENT INCLUDING MARINE ARCHAEOLOGY (HE)

Ref	Question to:	Question	Applicant's response
HE.3.01	Historic England	<p><b>Impacts on Sediments and Geoarchaeological Potential</b></p> <p>Item HE04 in the 'draft/unsigned' Statement of Common (SoCG) between yourself and the Applicant [REP5-058] indicates that you consider there is potential for significant impacts on preserved paleochannels and deposits with high geoarchaeological potential? During Issue Specific Hearing 6 (ISH6) the Applicant advised that the surveys done to date are engineering investigations and not pre-construction surveys. With this in mind, what further investigations and evaluation do you consider necessary and proportionate at this stage?</p>	<p>The collection of archaeologically specific cores is currently planned prior to any construction works. The cores collected during this campaign will be subject to an overall archaeological review and will include additional cores recommended at locations specified by the archaeologists impact beneficially by building a more coherent understanding of the palaeoenvironment within the development area. The final number and locations of these archaeologically specific cores will be chosen based on desk based research and the geoarchaeological potential identified in the sub bottom data, as detailed in the Technical Report [APP-128] and Chapter [APP-080]. These cores will then undergo a phased assessment as outlined in the WSI [REP4-025].</p> <p>The details of this work, including specific research questions, will be contained within a work specific method statement which will be submitted to and agreed with Historic England prior to any work commencing.</p>
HE.3.02	Historic England	<p><b>Geoarchaeological Cores</b></p> <p>Item HE05 in the 'draft/unsigned' SoCG [REP5-058] indicates that you consider nine geoarchaeological cores are insufficient in relation to the size and complexity of the project. Similarly, as above the Applicant, in ISH6, indicated that these were engineering surveys rather than wider archaeological surveys. What further information/investigation do you consider is required and at what stage?</p>	<p>The cores collected for the engineering surveys are part of a separate survey campaign and are separate from those referred in the Marine Archaeology Chapter.</p> <p>The geoarchaeological cores referred to in the Chapter [APP-080] will be included in a future campaign (currently planned pre-construction should consent be obtained). The cores collected during this campaign will be subject to an overall archaeological assessment, as well as include a number of cores specifically collected for archaeological assessment. The locations and number of these archaeologically specific cores have not yet been finalised and will be submitted in a works specific method statement to Historic England for agreement prior to any works commencing.</p> <p>This method statement will reflect the most current understanding of the palaeoenvironment, where the core locations will most benefit expanding this understanding and specific research questions to contribute to the research frameworks.</p> <p>The figures currently included show indicative locations for where these cores may be collected based on what is currently known about the palaeoenvironment as seen in the sub bottom data and previous investigations in the surrounding region but may not represent the final numbers or locations of cores.</p>
HE.3.03	Applicant and Historic England	<p><b>Draft Development Consent Order</b></p> <p>Items HE02 and HE09 of the 'draft/unsigned' SoCG [REP5-058] indicate ongoing discussions between the Applicant and Historic England in relation to the wording for Condition 13(2) of Part 2 of Schedule 11 and Requirement 9(1) of the draft Development Consent Order. Advise on whether any progress is being made to agree wording within the dDCO and the likelihood of the matters that were unresolved at Deadline 5 being resolved before the Examination's close.</p>	<p>The Applicant has been actively engaging with Historic England and Essex County Council on the drafting of Requirement 9, including a meeting on 27 February 2025. The Applicant has updated the requirement wording to incorporate a number of the requested changes in the dDCO submitted Deadline 7. The Applicant does not intend to amend Condition 13 in the DML to add Essex County Council as a named consultee. The Applicant notes Essex County Council (ECC) is the discharging authority for the onshore works and their interest ends at low water and they have no remit for the considerable majority of the licenced works. Any impact to the intertidal area is already covered by Requirement 9 and the associated control documents, should there be any intrusive works there. The Applicant does not consider it necessary to add that the MMO can consult the ECC under this DML condition.</p>





## LAND RIGHTS (COMPULSORY ACQUISITION (CA) AND TEMPORARY POSSESSION (TP) ETC) (LR)

Ref	Question to:	Question	Applicant's response
LR.3.01	Applicant and TC Gunfleet Sands OFTO Limited	<p><b>Effects for the operation of the Gunfleet Sands offshore wind farm</b></p> <p>Further to the written submission made by TC Gunfleet Sands OFTO Limited [REP5-109] and the question the ExA raised with the Applicant during the course of Compulsory Acquisition Hearing 3, has there been any discussion between the parties concerning any implications the Proposed Development may have for the operation of the Gunfleet Sands offshore wind farm? If so, what was the outcome of those discussions and if not when are discussions likely to take place and when can the ExA expect to be updated?</p>	<p>The Applicant has had discussions with representatives of TC Gunfleet Sands OFTO Limited and is pleased to confirm that:</p> <ul style="list-style-type: none"> <li>&gt; Gunfleet Sands OFTO assets will be covered by the protective provisions in the Applicant's draft Development Consent Order (part 1 of schedule 9) [REP6-007] as an electricity undertaker by virtue of their transmission licence.</li> <li>&gt; Title investigation by the Applicant's land agents, Dalcour Maclaren, indicated that Gunfleet Sands OFTO have electricity apparatus within plots 01-001 and 01-002 of the onshore land plans [REP6-004].</li> <li>&gt; Plans recently received from Gunfleet Sands by the Applicant confirm that Gunfleet Sands assets are located within plot 01-002, under the Manor Way access to the Applicant's proposed landfall works.</li> <li>&gt; The Applicant's use of the access route would be limited to the duration of construction in this section of the proposed works. Due to the nature of the Applicant's access over the sealed roadway, in common with other users, and the advised depth of the Gunfleet Sands assets, the Applicant is satisfied that additional protection to the access route for the benefit of the Gunfleet Sands export cables is not required.</li> <li>&gt; The Applicant does not envisage crossing Gunfleet Sands' export cables with the Applicant's export cables at all, either onshore or offshore.</li> </ul>



## MARINE ECOLOGY (ME)

### 1.2 AQUATIC ECOLOGY

Ref	Question to:	Question	Applicant's response
ME.3.01	Applicant	<p><b>MMO – Additional submission</b></p> <p>The MMO submitted a letter supplementing its Deadline 5 submissions, which the ExA has accepted as an additional submission [AS-074]. In response to the receipt of [AS-074] can the Applicant signpost the MMO to any of its own Deadline 5 submissions that address the matters raised by the MMO.</p>	<p>The Applicant has responded in detail to the MMO comments in 10.40 Applicant's Comments on Deadline 5 submissions [REP6-043]. As the Applicant received these comments in time for Deadline 6, any updates would have been made to Deadline 6 documents primarily. However, the Applicant has listed relevant documents below which may be of relevant to the MMO's remit and comments:</p> <p>Deadline 5 Documents:</p> <ul style="list-style-type: none"> <li>&gt; 3.1 Draft Development Consent Order - Revision F [REP5-007]</li> <li>&gt; 9.20 Outline Navigation and Installation Plan - Revision C [REP5-031]</li> <li>&gt; 10.12 Marine Plan Policy Assessment - Revision C [REP5-068]</li> <li>&gt; 10.34 Applicant's Comments on Deadline 4 Submissions [REP5-074].</li> </ul> <p>Deadline 6 Documents:</p> <ul style="list-style-type: none"> <li>&gt; 3.1 Draft Development Consent Order - Revision G [REP6-007]</li> <li>&gt; 6.5.6.2.1 Landfall Impact Piling Modelling - Revision B [REP6-011]</li> <li>&gt; 6.5.6.4 Herring Seasonal Restriction Note - Revision D [REP6-013]</li> <li>&gt; 9.15 Outline Southern North Sea Special Area of Conservation Site Integrity Plan - Revision B [REP6-002]</li> <li>&gt; 10.12 Marine Plan Policy Assessment - Revision D [REP6-035]</li> <li>&gt; 0.20.1 Technical Note - Methodology for Determining MDS (Offshore) - Revision C [REP6-037]</li> <li>&gt; 10.20.11 Technical Note - Five Estuaries Relevant Navigational Features for Accessing Local Ports [REP6-040]</li> <li>&gt; 10.30 Outline Sediment Disposal Management Plan - Revision B (Clean) [REP6-041].</li> </ul>
ME.3.02	Applicant and MMO	<p><b>On-going discussions</b></p> <p>Can the parties advise the ExA when they expect to conclude their discussions with respect to the drafting of Schedules 10 and 11 (the DMLs) within the dDCO?</p>	<p>The Applicant has sought a meeting with the MMO on dML drafting for some time without success, as such the final positions on the draft DCO will likely be those submitted at Deadline 7, unless further comments are submitted by the MMO.</p>

### 1.3 PROTECTED SPECIES - BATS

Ref	Question to:	Question	Applicant's response
ME.3.0.3	Natural England (NE)	<p><b>Migratory bats</b></p> <p>Can you advise as to whether or not a license would be required in relation to any disturbance or harm to migratory bats that might be associated with the Proposed Development. If a licence would be required, would such a license be likely to be issue?</p>	<p>An EPS licence for operational impacts to bats has never been requested for offshore wind in the UK, and there is no evidence that Five Estuaries should be treated any differently in this regard. As previously submitted [REP5-074], the Applicant considers that the available evidence does not support the conclusion that the project is located in an important area for migratory bats.</p>



## ONSHORE ECOLOGY (EO)

Ref	Question to:	Question	Applicant's response
EO.3.01	Applicant and Natural England	<p><b>Habitat Classification</b></p> <p>“Obstacle OOX-31” has been classified as a “<i>Lowland Meadow Habitat</i>”, a Section 41 habitat of “<i>principal importance</i>” in the Technical Note [REP4-036] and during ISH6 the ExA’s attention was drawn to section 3.1.2 of the PEIR [APP-156] which identifies the habitat of Obstacle OOX-31 as “<i>The second lowland meadow (Photograph 3.9) species included: ... fairy flax <i>Linum catharticum</i> ..... and oxeye daisy</i>”. However, the ExA notes that the “<i>Aerial Photography and Limited Ground Truthing</i>” appears to be a superficial survey methodology. In section 5.1.1 of [APP-156] a link is provided to the lowland meadow habitat description in the “<i>UK Biodiversity Action Plan Priority Habitat Descriptions</i>” (UKBAP). The ExA, however, notes that the species identified as being present for obstacle OOX-31 do not appear to reflect the UKBAP description for a Section 41 habitat insofar as it does not “... <i>have a specialist group of scarce and declining plant species</i>”. The UKBAP descriptions also include an entry for “<i>Lolium perenne</i>” and “<i>Lolium – Cynosurus</i>” grasslands, which appear to more accurately reflect the habitat/species identified for Obstacle OOX-31, with the latter grassland type being described as having “... few uncommon species and is generally of low botanical value”.</p> <p>a) <b>For Applicant</b> - Has any empirical data been obtained to support the statement that Obstacle OOX-31 is “a Section 41 habitat of principal importance”?</p> <p>b) <b>For Natural England</b> – Based on the information provided by the Applicant are you satisfied that sufficient evidence has been obtained to identify Obstacle OOX-31 as “a Section 41 habitat of principal importance”?</p>	<p>The Section 41 habitat description for Lowland Meadow is not reductive to species, as the Examining Authority potentially suggest. We would direct attention to the second paragraph of the Section 41 habitat description which states “<i>A wide ranging approach is adopted in this plan to lowland grasslands treated as lowland meadows. They are taken to include most forms of unimproved neutral grassland across the enclosed lowland landscapes of the UK.</i>”</p> <p>The baseline data used to classify and identify the Lowland Meadow is</p> <ul style="list-style-type: none"> <li>the partial species list presented in section 3.1.2 of [APP-156], noting that, as stated in section 3.1.2 [App-156] “<i>a comprehensive species list was not gathered</i>” and</li> <li>the historical information previously provided, which demonstrates the area has been grassland since the 1930s (refer to REP2-039 which states “<i>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</i>”)</li> </ul> <p>We consider that additional detailed survey of the area – such as using the National Vegetation Classification (NVC) (Rodwell, J. S. (ed.) 1992. British Plant Communities. Volume 3) would confirm that the grassland is a best fit for MG4 <i>Alopecurus pratensis- Sanguisorba officinalis</i> grassland, or MG5 <i>Cynosurus cristatus-Centaurea nigra</i> grassland which are also listed in the Section 41 habitat description as one of the NVC communities present at Lowland Meadow.</p> <p>The habitat is not dominated by perennial ryegrass <i>Lolium perenne</i> and/or crested dogstail <i>Cynosurus cristatus</i> (i.e. NVC types MG6 and NVC MG7). Both these types of grassland are readily identifiable due to the relative paucity of species and level of agricultural improvement; they are not reflective of the habitat present at Obstacle OOX-31.</p> <p>The Applicant therefore remains certain of its assessment of this grassland area, and that it represents “Lowland Meadow” the Section 41 habitat of principal importance.</p> <p>It would not be in the Applicant’s interests to classify land as a section 41 habitat if it did not consider it to be so given that such habitats then become an obstacle which should be avoided, and which therefore add complexity and cost to the project. The Applicant has not adopted this classification without investigation, including instructing suitably qualified site survey.</p>
EO.3.02	Essex County Council And Tendring District Council	<p><b>Essex Green Infrastructure (GI) Strategy and Essex GI Standards</b></p> <p>Have the proposals as set out in the outline Landscape and Ecological Management Plan (OLEMP) [REP2-022] sufficiently demonstrated that the</p>	<p>This question is not directed at the Applicant.</p>





		<p>guiding principles set out in the Green Infrastructure Delivery Plan have been applied?</p> <p>In section 10.5 of your Local Impact Report [REP2-043] reference is made to the emerging Greater Essex Local Nature Recovery Strategy (GELNRS).</p> <p>a) When is it expected that the GELNRS will be adopted?  b) Provide extracts of the strategic opportunity maps that are relevant to the onshore elements of the Proposed Development.</p>	
EO.3.03	Applicant	<p><b>National Habitat Networks</b></p> <p>The route of the onshore export cable corridor bisects or passes in close proximity to a number of “Network Enhancement Zones and Network Expansion Zones,” as illustrated on Drawing 6 in [APP-153].</p> <p>Given that the OLEMP focus for habitat creation in the vicinity of the onshore substation site, in a location that does not appear to provide an opportunity for enhanced connectivity to existing networks, provide an explanation as to why habitat creation in and around the network enhancement and expansion zones has not been considered.</p>	<p>The substation location and onshore cable route has been carefully chosen for several reasons, as detailed in the Site Selection and Alternatives Chapter [APP-066], including adherence to National Grid’s Guidelines on Substation Siting and Design, known as ‘The Horlock Rules’.</p> <p>It would be a disproportionate interference with landowners to create habitat along the buried cable route as the land would not be able to be returned to its current (largely agricultural) use and permanent acquisition or permanent rights would then have to be taken to ensure the retention and maintenance affecting the ongoing management of agricultural land.</p> <p>“Habitat creation” at the OnSS is required as compensation for permanent habitat loss associated with the construction of the substation, and, in accordance with best practice, has been located close to the source of impact. It is also required as enhancement in order to comply with existing planning policy related to biodiversity enhancement and the Natural Environment and Rural Communities Act s20 duty to conserve and enhance biodiversity.</p> <p>The process for the development of landscape and ecological mitigation, compensation and enhancement is set out in [REP6-026]. Section 1.2.3 of the document explains that the “<i>The provision of permanent landscape and ecological mitigation, compensation and enhancement in the same location represents a more efficient mitigation proposal that reduces the overall long-term land-take of the project.</i>”</p> <p>Section 1.2.4 goes on to state “<i>Ecological enhancements have been located in areas where they will bring the most ecological benefit. In general, that means linking into existing habitat networks and, joining together or expanding important species populations, to create a larger, more resilient system.</i>”</p> <p>The habitat networks referenced in section 1.2.4 are the hedgerow and ditch networks present at and adjacent to the OnSS location. Therefore, whilst Natural England has identified no “Network Enhancement or Network Expansion Zones” in the vicinity of the OnSS, the proposal aligns with the National Habitat Network Maps User Guidance v2 (May 2020, Natural England), which states <i>the habitat network maps are intended to be used to help identify areas for future habitat creation and restoration at a landscape scale but need to be considered alongside other local datasets and knowledge.</i></p> <p>This is further amplified in section 2.4.1 of the OLEMP which sets out that proposals are “<i>in line with the strategy and standards set out in Essex County</i></p>



			<p><i>Council's 'Essex Green Infrastructure Strategy 2020' (2020) and 'Essex Green Infrastructure Standards 2022' (2022) (hereafter referred to as 'Essex GI Strategy' and 'Essex GI Standards' respectively)</i>. It is worth highlighting that the Essex GI documents are more current than the Natural England Natural Enhancement or Expansion Zones.</p>
--	--	--	---



## NAVIGATION AND SHIPPING (NS)

Ref	Question to:	Question	Applicant's response
NS.3.01	Applicant	<p><b>Figure 2.1 in the Outline Cable Specification and Installation Plan (OCSIP)</b></p> <p>The amended version of the OCSIP submitted at Deadline 4 [REP4-019] at various points refers to Figure 2.1. That figure is included as page 16 of the OCSIP but has not been titled as such. Commitments included in the OCSIP rely on what is shown on Figure 2.1, accordingly for the avoidance of doubt and for ease of use when the OCSIP is next updated the figure included on page 16 should be clearly titled as Figure 2.1.</p>	<p>The Applicant has amended the Outline Cable Specification and Installation Plan (OCSIP) [REP6-020] with Figure 2.1 clearly titled in Revision C, which was submitted at Deadline 6.</p>
NS.3.02	Applicant	<p><b>Pre-construction activities within the Deep Water Routes (DWR)</b></p> <p>During Issue Specific Hearing 6, you advised that the Outline Navigation and Installation Plan [REP5-031] was not the appropriate mechanism to control pre-construction activities within DWRs, as had been requested previously by the PLA. Please explain how you intend to provide comfort to the Ports and Port Authorities that any pre-construction activities could be carried out safely and without delaying scheduled commercial vessels using the DWRs.</p>	<p>The Applicant has provided this commitment in the draft protective provisions for the benefit of the PLA. These require early engagement and consultation on the planning of such surveys.</p>



## SOCIO ECONOMIC EFFECTS (SEE)

Ref	Question to:	Question	Applicant's response
SEE.3.01	Applicant	<p><b>Section 4 of the outline Fisheries Liaison and Co-existence Plan (FLCP)</b></p> <p>[REP1-037] Explain what, in practice, the mitigation referred to in second bullet point in paragraph 4.1.2 of the FLCP (<i>"The Applicant will implement measures to minimise and mitigate as far as practicable, potential impacts to commercial fishers during the lifetime of VE"</i>) would be likely to include.</p>	<p>As set out within Section 4 of 9.16 Outline Fisheries Liaison and Co-existence Plan (FLCP) [REP6-024], the Applicant has identified a list of mitigations. The second bullet point identified, 4.1.2, is a commitment that the Applicant will ensure those measures set out in that bullet point list and other sections set out within the Outline FLCP will be implemented which will help minimise impact to Commercial Fishers.</p> <p>Some of these mitigations which the Applicant will ensure are implemented are listed below as seen in paragraph 4.1.2:</p> <ul style="list-style-type: none"> <li>&gt; The Applicant will follow the fisheries management and liaison strategy, based on best, practice, which is outlined in Section 3 of this document;</li> <li>&gt; The Applicant will minimise the size and duration of advisory safety distances and/or fishing clearance areas during periods offshore work during construction and operation where safe and practicable to do so.</li> <li>&gt; The Applicant will encourage early dialogue between the VE and the affected fisheries stakeholders in order to understand the importance of the fishing ground;</li> <li>&gt; The Applicant will ensure regular and routine communications to provide reasonable time to enable decisions around operating practices to be made;</li> <li>&gt; The Applicant will endeavour to provide timely construction and cable laying plans, including location and methods for cable protection, if required;</li> <li>&gt; The Applicant expect that all vessels undertaking operations related to VE affiliated vessels will undertake safe working practices, underpinned by appropriate safety management systems. Vessels employed by the Applicant will only undertake activities prescribed in their line of work;</li> <li>&gt; The Applicant will provide local fisheries stakeholders with procedures for registering claims for loss of/damage to fishing gear in association with surveys, construction activities and during the operational phase of VE;</li> <li>&gt; The Applicant will ensure consideration of the use of guard vessels and OFLOs, where appropriate during the construction phase, to ensure good communication is maintained between Project vessels and fishing vessels offshore during periods of offshore activities. Wherever possible, these guard vessels and OFLOs will use local expertise;</li> <li>&gt; The Applicant will ensure appointment of a NFLR during the operations phase to ensure a single point of contact for fishers;</li> <li>&gt; The Applicant will provide a Code of Good Practice for all vessels involved in the construction, and operation and maintenance of VE, including guard vessels and all vessels will also be provided with the relevant lines of communication (as outlined within the FLCP) to minimise disruption to fishing vessels undertaking their normal activities;</li> <li>&gt; The Applicant will develop a summarised fisheries guidance document to reduce interactions with fishing activity and provide easy reference to response and communication procedures; and</li> <li>&gt; The Applicant will ensure appropriate communication with the fishing industry in the event that cables become unburied during the operational phase (i.e. through the CFLO and appropriate channels such as the Kingfisher Information Service).</li> </ul> <p>Further commitments can be seen in Section 4.2 and additional measures that the project are considering can be seen in Section 4.5 of the Outline FLCP [REP6-024]</p>



## SEASCAPE, LANDSCAPE AND VISUAL (SLV)

Ref	Question to:	Question	Applicant's response
SLV.3.01	Applicant, Tendring District Council, Essex County Council, North Falls Offshore Windfarm Limited (NFOWL) and National Grid Electricity Transmission (NGET)	<p><b>Detailed design within the onshore substation zone</b></p> <p>The ExA notes that under sub-paragraph 5(b) of Requirement 10 of the made DCO for the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm the detailed design for the onshore substations for that project must be subject to a design review to be undertaken by an independent design review panel prior to seeking detailed design approval from the relevant planning authority's approval [e-page 1,876 in REP4-044]. Having regard to the Applicant's, NFOWL's and NGET's intention that there would be three onshore substations in close proximity with one another:</p> <p>a) Should the detailed design for the substations within the onshore substation zone be subject to review by an independent design review panel? In answering this question if you consider there should not be an independent design review process explain why that is the case.</p> <p><b>b) For the Applicant</b> – submit wording for an independent design review mechanism, for incorporation into Requirement 5 (Onshore substation works etc) of the dDCO (on a without prejudice basis should you not be agreeable to there being a design review by an independent panel).</p>	<p>a) The Applicant does not believe an additional independent design review would add any additional benefit to the processes already set out and committed to in the project documents and has the potential to provide delay, uncertainty and increase costs significantly in progressing detailed designs.</p> <p>The Applicant notes that Five Estuaries, North Falls and National Grid are three independent projects on their own timescales. Seeking to potentially link the programmes through an independent design review process would mean the projects are only able to proceed at the pace of the slowest project. This would act to delay the delivery of this project contrary to its status as Critical National Priority infrastructure under the NPS (section 4.2 of EN-1). The Applicant is committed to continuing to engage and coordinate with North Falls and National Grid throughout the design process, as detailed in section 2.2 of 9.4 Onshore Design Principles Document [REP6-018].</p> <p>The Applicant notes that the substations are electrical infrastructure and safety considerations are required to be given the highest priority and it is important that this is undertaken by the appropriate designers to ensure that any design meets the required safety standards. The layout and design arrangement for substations is dictated by safety and circuit design practicalities. As a result, there is very limited opportunity for the layout arrangement to be modified for design reasons.</p> <p>The Applicant has already participated in an independent design review process with the Design Council and North Falls and the recommendations, where appropriate, have been incorporated within the project design and control documents. Further detail on this is set out in 10.53 Response to Rule 17 Request - 17 February 2025 [REP6A-003].</p> <p>The Applicant notes that Sheringham Shoal and Dudgeon Extensions Offshore Wind Farms did not undertake pre-consent independent design review, and part of the explanation for including a DCO Requirement to secure a post-consent Design Review was to account for the absence of an independent review process, when seeking to ensure compliance with NPS EN-1.</p> <p>The Applicant notes a number of design processes and commitments are set out in the 9.4 Onshore Design Principles Document [REP6-018] which accords with the Design Principles for National Infrastructure. The Applicant has also committed to appointing a Design Champion to oversee the review process. As detailed in para 2.3.9 <i>"They will be selected based on design experience, adherence to design commitments, and seniority to hold the project team to account and challenge decisions when appropriate. Their role is to retain overarching responsibility for design quality throughout the Project."</i></p> <p>This response has been agreed with North Falls OWF.</p> <p>b) Therefore the Applicant does not propose submit any without prejudice drafting.</p>



SLV.3.02	Tendring District Council and Essex County Council	<p><b>Visual mitigation within the substation zone</b></p> <p>With respect to the visual mitigation within the substation zone, most particularly the northern elevations of the proposed substations for the Proposed Development and the North Falls Offshore Wind Farm. How effective do you consider orchard planting combined with hedgerows and hedgerows with trees (shown on Drawings 2 and 3 in the OLEMP [REP2-022]) would be, having regard to the likely height of the proposed substations and their proximity to Grange Road? Would planting other than orchard planting be more effective?</p>	<p>Although this question was not addressed to the Applicant. The Applicant notes that cross sections showing the effectiveness of the orchard planting as part of the landscape proposals are included at Figure 1.6 in Revision D of the Outline Landscape and Ecological Plan (OLEMP) [REP6-026] submitted at Deadline 6. The visual receptors experiencing the northern aspect of the onshore substations will mostly be road-users on Grange Road. The presence of existing tree planting along the section of Grange Road approaching the onshore substations from the north, means that visibility will be partly or fully screened. In the closer range section, to the immediate north of the onshore substations, the proximity of the orchard planting to the road-side means that it will create an effective screen, similar to how the 3m roadside hedgerow on the opposite side of Grange Road creates an effective screen to road-users in this direction. The landscape proposals are indicative, and detailed design will look to incorporate larger trees in areas where restrictions associated with underground and overhead cables do not apply, thus further enhancing the effectiveness of the proposed screen. This will be set out in the update to the OLEMP proposed to be submitted at Deadline 8.</p>
----------	--	---	---





## TERRESTRIAL TRANSPORT AND TRAFFIC (TT)

Ref	Question to:	Question	Applicant's response
TT.3.01	Tendring District Council and Essex County Council	<p><b>Outline Public Access Management Plan</b></p> <p>The Applicant has submitted a revised Outline Public Access Management Plan (Revision B) [REP5-037] at Deadline 5. Does this address any concerns you might have regarding the interaction with Public Rights of Way during the construction of the onshore cable corridor, or are there any outstanding matters of concern?</p> <p>If there are any outstanding concerns, how might they be addressed by the Applicant?</p>	<p>The Applicant notes that the PAMP has been revised at Deadline 7 to include changes advised by ECC to the PRoW network within Tendring Parish, near to Tendring Brook. This includes renaming a section of realigned FP3 179 to FP25 179 and the realignment of FP8 179. These changes have also been included in the updated dDCO and 2.9 Temporary Closure Public Rights of Way Plan submitted at Deadline 7.</p>
TT.3.02	National Highways, Essex County Council and Suffolk County Council  Applicant	<p><b>Projects considered within cumulative assessment of traffic effects</b></p> <p>As agreed during ISH3, please confirm that the projects set out in Section 8.12 of the Traffic and Transport Chapter of the Environmental Statement (ES) (current draft version of which is found at Appendix 3 of the Applicant's response to ISH3 Action Points [REP3-023]) can be treated as a finalised list of projects scoped in or out of assessment at the close of this Examination.</p> <p>If there are any new projects not currently captured in the above, please provide sufficient detail of the project(s) such that the Applicant can consider whether or not they should be added into a finalised version of the cumulative assessment of traffic effects.</p> <p><b>For the Applicant</b> – please confirm that you will be submitting a final version of the ES Traffic and Transport Chapter, and any supporting documents into the Examination incorporating the changes in [REP3-023] and any further necessary amendments by no later than Deadline 8.</p>	<p>The Applicant can confirm it has provided the following updated transport documents incorporating the relevant updates at Deadline 7:</p> <ul style="list-style-type: none"> <li>&gt; 6.3.8 Traffic and Transport – Revision D</li> <li>&gt; 6.6.8.1 Traffic and Transport Baseline Report - Part 1 – Revision D</li> <li>&gt; 6.6.8.2 Traffic and Transport Baseline Report - Part 6 – Revision C</li> <li>&gt; 9.24 Outline Construction Traffic Management Plan – Revision E</li> <li>&gt; 9.25 Outline Public Access Management Plan – Revision C</li> <li>&gt; 9.26 Outline Workforce Travel Plan – Revision C.</li> </ul>



## ONSHORE WATER, HYDROLOGY AND FLOOD RISK (WE)

Ref	Question to:	Question	Applicant's response
WE.3.01	Essex County Council (Local Lead Flood Authority)	<p><b>Flood Evacuation Plan</b></p> <p>Would the provisions within Section 4.8 of the Code of Construction Practice (CoCP) [REP5-033] accord with the provisions of Policy PPL 1 (Development and Flood Risk) of Section 2 of the Tendering District Local Plan 2013-2033 (adopted January 2022)? If you consider there would be conflict with Policy PPL 1, how might the CoCP be amended to achieve accordance with Policy PPL 1?</p>	<p>Although the question was not addressed to the Applicant, the Applicant has reviewed Policy PPL 1 (Development and Flood Risk) of Section 2 of the Tendering District Local Plan 2013-2033 (adopted January 2022) and believe it to be in accordance with the policy.</p> <p>It does note that in relation to the policy wording <i>“The FRA should demonstrate that in the event of a breach or failure of flood defence infrastructure, refuge will be available above flood levels and that a means of escape is possible from first floor level.”</i></p> <p>the Code of Construction Practice (CoCP) [REP5-033] seeks to address the commitment in para 4.8.3. <i>'Flood response awareness and procedures will be included in the principal contractors ERP where there are works near to a flood zone or residual risk existing from coastal flood defence failure and the risk of tidal flooding to any landfall activities on the seaward side of coastal defences during the construction phase. In the unlikely event of a flood emergency the Principal Contractor will follow its specific flood warning and evacuation plans.'</i></p> <p>The Applicant has reviewed section 4 of the CoCP against 5.3.1 Flood Risk Assessment Export Cable Corridor [APP-038] and added additional text. The Applicant notes that the commitment on flood emergency response procedures should have been carried through to section 6 of the Code of Construction Practice (CoCP). These updates have been included in revision D of the CoCP submitted at this deadline.</p>





F I V E   
ESTUARIES  
OFFSHORE WIND FARM

PHONE  
EMAIL  
WEBSITE  
ADDRESS

COMPANY NO

0333 880 5306

[fiveestuaries@rwe.com](mailto:fiveestuaries@rwe.com)

[www.fiveestuaries.co.uk](http://www.fiveestuaries.co.uk)

Five Estuaries Offshore Wind Farm Ltd  
Windmill Hill Business Park  
Whitehill Way, Swindon, SN5 6PB  
Registered in England and Wales  
company number 12292474

