



ESTUARIES

OFFSHORE WIND FARM

FIVE ESTUARIES OFFSHORE WIND FARM

10.59 APPLICANT'S COMMENTS ON DEADLINE 6 SUBMISSIONS

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DEFINITION OF ACRONYMS

Term	Definition
AiL	Abnormal Indivisible Load
BNG	Biodiversity Net Gain
CBRA	Cable Burial Risk Assessment
CNP	Critical National Priority
CSIP	Cable Specification and Installation Plan
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
dML	Deemed Marine License
DWR	Deep Water Route
EACN	East Anglia Connection Node
ECC	Essex County Council
EXA	Examining Authority
GI	Green Infrastructure
HEO	Harbour Empowerment Order
HGV	Heavy Goods Vehicle
HHA	Harwich Haven Authority
HRA	Habitat Regulation Assessment
IPMP	Offshore In Principle Monitoring Plan
ISH	Issue Specific Hearing
LEMP	Landscape and Ecological Mitigation Plan
LGPL	London Gateway Port Ltd.
LHA	Local Highways Authority
LIR	Local Impact Report
LPA	Local Planning Authority



Term	Definition
MCA	Maritime and Coastguard Agency
MDS	Maximum Design Scenario
MLS	Margate and Long Sands
MMO	Marine Management Organisation
NE	Natural England
NIP	Navigation and Installation Plans
NPS	National Policy Statement
OCSIP	Outline Cable Specification and Installation Plan
OCTMP	Outline Construction Traffic Management Plan
OLEMP	Outline Landscape and Ecological Management Plan
OWF	Offshore Wind Farm
PATP	Port Access and Transport Plan
PIANC	Permanent International Association of Navigation Congresses
PLA	Port of London Authority
PP	Protective Provisions
PPA	Planning Performance Agreement
PTP	Port Travel Plans
RAM	Restricted Ability to Manoeuvre
SAC	Special Area of Conservation
SCC	Suffolk County Council
SPR	ScottishPower Renewables
SSSI	Site of Special Scientific Interest
STGO	Special Type General Order
TDC	Tendring District Council



Term	Definition
UXO	Unexploded Ordnance
VEOWF	Five Estuaries Offshore Wind Farm
WSI	Written Scheme of Investigation



1. INTRODUCTION

- 1.1.1 As per the Rule 8 Letter [PD-009] published by the Examining Authority on 25 September 2024, comments on any submissions received at Deadline 6 are to be included with submissions for Deadline 7.
- 1.1.2 This document has been prepared to set out the response of Five Estuaries Offshore Wind Farm Limited ('the Applicant') to submissions made at Deadline 6 with regards to the Five Estuaries Offshore Wind Farm Project ('the Project'), application reference: EN010115.
- 1.1.3 The Applicant has responded to the Deadline 6 submissions Natural England and East Anglia TWO Limited in separate documents
 - > 10.59.1 Applicant's Comments on Natural England's Deadline 6 Submissions
 - > 10.59.2 Applicant's Comments on East Anglia TWO Limited's Deadline 6 Submission.
- 1.1.4 The Applicant has only responded to points where it believes it would be helpful to the ExA. Rather than copying across whole documents, the Applicant has presented the relevant text or a summary of the points made in the Deadline 6 submissions and then responded to them (while being mindful of the context of those excerpts and being careful not to lose context in summaries).
- 1.1.5 The absence of commentary on a submission should not be taken as implication that the Applicant supports its content.



2. AFFINITY WATER [REP6-075]

Ref	Summary of Deadline 6 submission OR Excerpt of Deadline 6 submission	Applicant's Response
AW-01	<p>Affinity provided submissions to the Examiner on 10 January 2025 setting out the need for Bespoke Protective Provisions which are not provided for in the standard Protective Provisions, to address Affinity's concerns as raised in its Relevant Representation, as follows:</p> <ul style="list-style-type: none"> • The provision of details of any potential effects on Affinity's assets from electromagnetic or high voltage effects and provides an approval mechanism to allow Affinity to require such modifications to the design for the purpose of protecting its assets. • Protection of and access to its assets during construction and operation – including the requirement to provide Affinity with detailed plans and to obtain approval prior to any works taking place. • Access to Affinity's operational sites during construction to ensure continued and unimpeded access to its assets at all times; and • Agreement re. the reimbursement of Affinity's reasonable costs and the scope of those costs. 	<p>While some progress has been made the Protective Provisions have not been fully agreed. The Applicant has set out the points of difference and its position on those in 10.62 Note on dDCO drafting – Applicant's position on Protective Provisions, submitted at Deadline 7.</p>
AW-02	<p>Affinity's legal representatives have been in discussion with Five Estuaries with regard to proposed Bespoke Protective Provisions. We attach for the Examiner's information, the current draft of these Bespoke Protective Provisions. Please note that these contain some new updates made by Affinity's legal representatives which have yet to be provided to and commented on by Five Estuaries. A copy of this draft will be provided to Five Estuaries for their comment shortly after submission of these representations.</p>	
AW-03	<p>We note that Deadline 7 on 3 March is the deadline for the applicant to produce the final version of the Order. We would hope that with an appropriate level of engagement from Five Estuaries, that agreement will be reached with regard to these Bespoke Protective Provisions by deadline 7.</p>	



3. SUFFOLK COUNTY COUNCIL – COMMENTS ON SUBMISSIONS RECEIVED AT DEADLINE 5 [REP6-071]

Ref	Summary of Deadline 6 submission OR Excerpt of Deadline 6 submission	Applicant's Response
SCC.01	<p>9.24 Outline Construction Traffic Management Plan – Revision D</p> <p>2.3.8, 2.3.9, 7.2.10 The Applicant should ensure that the Outline Construction Traffic Management Plan (“OCTMP”) meets (or, preferably, exceeds) the notification requirements of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 statutory instrument. The notification requirements found in schedules 5 and 9 of these regulations are reflected in the Special Types Enforcement Guide appended by the Applicant to its technical note on AILs [REP2-029]. These requirements include 2 days’ notice to roads and bridges authorities for vehicles weighing up to 80 tonnes and 5 days’ notice to roads and bridges authorities for vehicles weighing more than 80 tonnes. Moreover, paragraph 3 of article 3 of part 1 states that: “For the purposes of any provision of this Order requiring a person to do something within a specified number of days, no account is to be taken of any day which is a Saturday, a Sunday or a public holiday in any part of Great Britain”.</p> <p>Currently, paragraph 2.3.9 fails to reflect these regulations on two accounts. First, the 72 hours advance notice fails to meet the threshold of 5 days’ notice for vehicles weighing more than 80 tonnes. Secondly, the paragraph fails to specify that no account should be taken of non-working days in relation to the notification period. The paragraph should be amended to ensure that it satisfies The Road Vehicles (Authorisation of Special Types) (General) Order 2003.</p> <p>SCC also notes that paragraph 2.3.9 refers to the provision of AIL deliveries outside of core working hours. Regarding AILs which require escorts, Suffolk Constabulary do not escort AILs on Suffolk’s local road network outside of daylight hours.</p> <p>SCC recognises that the Applicant is committed to use the ESDAL system to process notifications of AIL deliveries. Typically, ESDAL notifications are made shortly before a planned move which has resulted in delays when weak structures are identified on the highway network. In SCC's opinion, the LHA should be engaged well in advance of any AIL movement to review data for structures it maintains, undertake any additional investigations required to provide up-to-date data or fill in gaps prior to an assessment of the structure for the specific load. None of this forms part of the ESDAL process, the response to which is a binary yes/no for suitability of the route. This all takes time particularly with the demands on the Local Highways Authority (“LHA”) to work across numerous nationally significant infrastructure projects (“NSIPs”) in the region and other commitments. Typically, SCC, due to its limited resources, has to commission its term maintenance partner to assist with this process. If some form of temporary works are identified as necessary, it would be strongly preferential for this to be identified as early as possible so that impacts on road users can be minimised and awareness spread. If the need for works is only identified at the notification stage, then it is more likely for there to be unnecessary disruptions for Suffolk’s road users, and so the Applicant would not be fulfilling the provision of paragraph 2.3.5 of the OCTMP.</p>	<p>The Applicant has updated the Outline Construction Traffic Management Plan to align with schedules 5 and 9 of the Road Vehicles (Authorisation of Special Types) (General) Order 2003 and removed the reference to the stated notification period should AIL deliveries be required outside of the core working hours, as it would be a minimum of 2 or 5 days, as per the regulations.</p> <p>The Applicant notes the comment that Suffolk Constabulary do not escort AILs on Suffolk’s local road network outside of daylight hours.</p> <p>The Applicant notes the comment regarding the timing of the identification of temporary works that may be required and would note that such proposals, if required, would be identified at the earliest opportunity through the AIL route investigations, and would not be at the ESDAL notification stage.</p>
SCC.02	<p>7.2.2 SCC welcomes the commitment to assess and discuss with highway authorities the suitability of a route for the delivery of reactors in advance of notification being issued.</p>	<p>The Applicant notes these comments. The timing of engagement cannot be identified at this stage as it will likely vary between the different AIL deliveries and associated timing of route investigations.</p>



	<p>SCC recommends carrying out engagement and route assessments as early as possible to avoid disruption to the project's timeline as much as possible. With the increasing demand on SCC's limited resources for AIL movements, SCC recommends leaving at least 6 months for engagement and assessment due to the fact that these activities are planned for post-consent unlike applicants for other energy NSIPs in Suffolk. Early engagement and assessment are essential to avoid delays in AIL deliveries to identify and address structural assessment results well before the planned delivery. If the route is structurally unsuitable or in need of further assessment at the point of notification, SCC would have to recommend refusal of the AIL movement through the ESDAL system to fulfil its statutory roads and bridges duties. This recommendation should not be treated as a guarantee as circumstances are liable to change and several factors such as how quickly things progress once the process is started and results of assessments can delay the process. For instance, Sizewell C has taken a similar approach to the Applicant and is currently facing delays in AIL deliveries due to a new Special Type General Order ("STGO") restriction for the A12 Darsham culvert.</p> <p>The concerns raised by SCC on the importance of early engagement and assessment regarding AIL delivery routes also apply to STGO routes since they must also be structurally sound. Therefore, SCC would like to see the Applicant's commitment extended to deliveries of cable drums and construction equipment, such as in section 7.1 of the OCTMP. The provisions of section 2.3 do include stakeholder engagement but omit any commitment to a specific timeframe. SCC would appreciate some clarification on what sort of timeframe the Applicant expects this engagement to occur in relation to the planned timeframe of AIL deliveries. SCC also notes that early engagement with the Suffolk Constabulary would greatly assist with their process of resourcing for escorting AILs and would reduce the likelihood for the Applicant to encounter delays in this respect.</p>	
<p>SCC.03</p>	<p>SCC comments on Port Traffic Management Plan Note</p> <p>SCC appreciates the production of this technical note and agrees with the Applicant that it is likely to be burdensome and ineffective to impose port traffic management controls in projects which utilise a wide array of ports. However, where appreciable numbers of workers use a specific port SCC still considers use of a travel plan would be of benefit to maximise use of sustainable transport, particularly if an existing travel plan for a port has lapsed. The suggested requirement that SCC has already put forward in its submissions at Deadline 4 [REP4-048] already includes the flexibility for the relevant highway authority to dispense with the need for either a port construction traffic management plan or a port travel plan if it concludes, after consultation with the relevant planning authority, that no such plan is required. There is, therefore, already a mechanism to allow the need for such plans to be targeted to those cases where they are required.</p> <p>SCC notes that the Applicant has not yet identified which ports it intends to use for construction and operational activities, nor how many it intends to use. The Applicant has previously implied that it would use a base port for construction and operational activities in its oral summary of Issue Specific Hearing 1 ("ISH1") [REP1-059] : "the preferred base port for the offshore construction and operation and maintenance activities of the project is not known" and has also indicated that a variety of ports could be used for the project for different purposes in its response to Local Impact Reports [REP3- 025, SCC.15]. Additionally, the Applicant stated in its comments on deadline 1 submissions [REP2-026] that it did not assess traffic impacts associated with ports and has not provided clarity on how much traffic it expects to be generated by its</p>	<p>The Applicant has provided considerable detail explaining why the requirement is not necessary including the note referred to.</p> <p>The suggested wording is predicated on the requirement being dispensed with where it is not necessary however a requirement cannot be imposed unless it is demonstrated to be necessary. SCC's logic undermines the request for the requirement. The Applicant maintains that the requested requirement is not necessary, does not meet the tests for imposition and cannot be properly included in DCO.</p>



offshore activities. In the face of this uncertainty, SCC requested a requirement for a port traffic management to plan to ensure that unmitigated and uncontrolled impacts did not arise from this project in order to properly fulfil its duties as the highways authority for Suffolk. Whilst SCC still holds the position that there is no guarantee that each port used by the Applicant will have up-to-date traffic management controls in its planning permission, SCC is satisfied that the local planning authorities of the relevant ports will be able to determine whether further permissions are needed depending on the interaction of the Applicant's activity with existing planning permissions of the relevant ports.

SCC agrees that the Applicant's technical note shows that a port traffic management plan would be impractical for projects using a variety of ports spread out geographically. SCC does not believe that Port Travel Plans ("PTPs") necessarily suffer from this same hindrance in these circumstances and that there are environmental benefits to be gained by implementing a PTP which would be of a similar vein to the Applicant's Workforce Travel Plan [REP5-039] for the Applicant's offshore activities. This type of plan would be distinct from a traffic management plan as it would not seek to restrict the routing and movement of heavy goods vehicles ("HGVs") and workforce vehicles. Instead, a PTP would encourage workers to take more sustainable forms of transport such as by incentivising car sharing, controlling car parking and informing workers of public transport routes. If the Applicant's approach is similar to Sofia's in terms of port usage, then a generic PTP would suffice, and monitoring would be unnecessary. If the number of employees expected to travel to a certain port passed a certain threshold where contextual monitoring and strategies would be effective, then a more detailed PTP with context-specific sustainable transport and monitoring strategies for that port would best accord with the sustainability objectives included in EN-1 (see section 7 of table 3). Therefore, SCC believes that some form of PTP would be beneficial for promoting the sustainable travel of workers associated with this project.

The production of a PTP aligns with SCC's previous representations which recommended the introduction of measures aimed to improve the sustainability of the Applicant's transportation methods in relation to its port activities. SCC has stated this point in several documents, including in SCC's comments on Deadline 3 submissions [REP4-048, SCC.15] and Paragraph 8.23 of SCC's Local Impact Report [REP2-046].

SCC notes that the type of plan referred to in requirement 34 of Sofia OWF's DCO (the Dogger Bank Teeside A and B Offshore Wind Farm Order 2015) is a "Port Access and Transport Plan" ("PATP"). The purpose of this type of plan is distinct from that of a travel plan, merely specifying the routes to be taken by traffic associated with the development to ports, mainly relating to HGV traffic, for mitigative purposes. This point is demonstrated by the PATP submitted by Sofia OWF to East Suffolk Council (included as Appendix A of this document) which is wholly comprised of a map of a route for HGVs to the port of Lowestoft. This example is in stark contrast with the final Port Travel Plans produced by East Anglia ONE ("EA1") and East Anglia THREE ("EA3"), which can be found in Appendices B and C, respectively, which set out detailed strategies for promoting and monitoring sustainable travel.

EA1 began offshore construction in 2018 and has been operational since 2020. A PTP for EA1 in relation to the port at Lowestoft was submitted to Waveney District Council (which has since been succeeded as the lower tier local authority by East Suffolk Council) in 2016, well in advance of offshore construction. The text of the PTP explains that it was informed



by early consultation with SCC. As far as SCC is aware, there were no particular difficulties associated with this engagement and the consultation records for the discharge of requirement application¹ show that it was not a particularly controversial decision.

Onshore construction for EA3 began in 2022 and a PTP for that project was submitted to East Suffolk Council in 2024². In a similar vein, this document was informed by consultation with SCC and as a result the discharge process has been smooth and uncontroversial.

SCC (see Item 5 of Table 3) considers paragraph 5.14.7 of EN-1 to show that the rationale for travel plans is not only mitigative but also for the positive environmental effects which can be gained by promoting sustainable transport options. Whilst the example of the PATP submitted to East Suffolk Council may not be wholly representative of PATPs generally, it remains true that PATPs are not travel plans and so are distinct from PTPs. Therefore, the type of plan requested by SCC reflects the ones produced by EA1, EA3 (final), East Anglia ONE North (“EA1N”) and East Anglia TWO (“EA2”) (outline) which aim to promote sustainable transport options and not the PATP submitted by Sofia OWF to East Suffolk Council shown in Appendix A. The requirement for a Port Travel Plan to ensure compliance with EN-1 in relation to the offshore activities of offshore wind farms is well-precedented and has been successfully implemented to promote sustainable development. SCC appends two such examples to this document from the EA1 and EA3 offshore wind farms which promote strategies such as car sharing, public transport and providing a genuine modal choice to its workers. These examples supplement the Outline Port Travel Plans of EA1N and EA2 already submitted by SCC to this examination as appendices N and O of SCC’s Local Impact Report [REP2-046]. Each of these plans refer to national and local policy which promote sustainable travel and pose this objective as a key reason behind the production and implementation of these plans. They also refer to the benefits of reduced highways and environmental impacts through lower trip generation, but do not position this type of mitigation as necessary to ensure impacts do not pass the threshold of significance. Rather, the primary purpose of these plans is to comply with the government’s sustainability goals. These can be found in EN-1 (see item 7 of table 3).



4. PORT OF LONDON AUTHORITY

4.1 RESPONSE TO RULE 17 REQUEST – 27 JANUARY 2025 [REP6-059]

Ref	Summary of Deadline 6 submission OR Excerpt of Deadline 6 submission	Applicant's Response
PLA-01	<p>THE PLA'S RESPONSE TO THE EXA SUGGESTED DWR PARAMETER</p> <p>Regarding the suggested wording for a Requirement in the Rule 17 Information Request the PLA is grateful to the ExA for the suggested wording and the acknowledgment that the wording of any Requirement needs to go beyond cable installation and include operation and decommissioning. The PLA also welcome the use of "authorised development" as this captures associated and ancillary development.</p>	This is noted by the Applicant.
PLA-02	<p>The PLA and London Gateway Port Limited have discussed the above. The PLA's preferred wording, which represents a variation on the wording put forward by the ExA, is as follows:</p> <p>"The undertaker must ensure that in the design, implementation, operation and maintenance of the authorised development and ancillary works, a dredged depth of the Deep Water Routes to a depth of:</p> <p style="padding-left: 40px;">a) 22 metres below Chart Datum within the area shown shaded in yellow and outlined in a bold black line (and labelled Sunk Area A (22m CD)) on [works plan [6]];</p> <p style="padding-left: 40px;">b) 22 metres below Chart Datum within the area shown shaded in yellow and outlined in a blue dotted line (and labelled Trinity (22m CD)) on [works plan [6]]; and</p> <p style="padding-left: 40px;">c) 19 metres below Chart Datum within the area shown shaded in yellow and cross hatched in orange (and labelled Sunk Area B (19m CD)) on [works plan [6]];"</p> <p style="padding-left: 40px;"><i>is not precluded or impeded.</i>"</p> <p>We understand that London Gateway Port Limited is aligned with the above suggestion.</p>	<p>The Applicant provided suggested wording at Deadline 6 which was largely in line with the proposal from the PLA. The reference to design is not required or appropriate in this context, however the Applicant would be content to add 'and maintained' to its preferred wording, to read:</p> <p>'Any part of Work No.2(c), any associated development or ancillary works located within the Sunk and Trinity Deep Water Routes, as shown shaded yellow on the Deep Water Route Cable Installation Area (Future Dredging depths) plan must be installed <i>and maintained</i> at a level which would not impede the dredging of those parts of the Sunk and Trinity Deep Water Routes...'</p>
PLA-03	<p>The PLA, London Gateway Port Limited and the Applicant have also corresponded regarding the wording put forward by the ExA for the DWRs parameter. The PLA understands that the Applicant would accept a Requirement imposing a level parameter and the Applicant's preferred wording is as follows:</p> <p style="padding-left: 40px;"><i>"Any part of Work No.2(c), any associated development or ancillary works located within the Sunk and Trinity Deep Water Routes, as shown shaded yellow on the Deep Water Route Cable Installation Area (Future Dredging depths) plan must be installed at a level which would not impede the dredging of those parts of the Sunk and Trinity Deep Water Routes:</i></p> <p style="padding-left: 40px;"><i>d) shown shaded in yellow and outlined in a bold black line (and labelled Sunk Area A (22m CD)) to a level of 22 metres below Chart Datum;</i></p> <p style="padding-left: 40px;"><i>e) shown shaded in yellow and outlined in a blue dotted line (and labelled Trinity (22m CD)) to a level of 22 metres below Chart Datum; and</i></p> <p style="padding-left: 40px;"><i>f) shown shaded in yellow and cross hatched in orange (and labelled Sunk Area B (19m CD)) to a level of 19 metres below Chart Datum."</i></p>	See above response. The Applicant accepts the need for the commitment to apply to maintenance, however the reference to operated is not required as the operation of the cable has no bearing on compliance with this condition. Similarly the reference to decommissioning is not required in this context.
PLA-04	If the ExA were minded to adopt the Applicant's drafting then the PLA would wish to see the parameter wording go further as amended in red:	



	<p>"Work No.2(c), any associated development or ancillary works located within the Sunk and Trinity Deep Water Routes, as shown shaded yellow on the Deep Water Route Cable Installation Area (Future Dredging depths) plan must be installed or placed and thereafter maintained, operated and decommissioned to a level which would not impede the dredging of those parts of the Sunk and Trinity Deep Water Routes:</p> <p>a) shown shaded in yellow and outlined in a bold black line (and labelled Sunk Area A (22m CD)) to a level of 22 metres below Chart Datum;</p> <p>b) shown shaded in yellow and outlined in a blue dotted line (and labelled Trinity (22m CD)) to a level of 22 metres below Chart Datum; and</p> <p>c) shown shaded in yellow and cross hatched in orange (and labelled Sunk Area B (19m CD)) to a level of 19 metres below Chart Datum;</p>	
PLA-05	<p>The PLA have reviewed the Applicant's Deep Water Route Cable Installation Area (Future Dredging depths) plan and agrees that the levels referenced to the various areas of the DWR are correct. Having discussed with London Gateway Port Limited we do suggest that the areas are included on the relevant Works Plan (Works Plan 6) rather than creating a further drawing. If the Applicant's Deep Water Route Cable Installation Area (Future Dredging depths) plan is instead to be adopted then this should be included amongst the documents to be certified under Schedule 15 of the dDCO).</p>	<p>The Applicant provided this plan at Deadline 6 [REP6-055] and in line with the PLA's response, considers these areas agreed.</p>
PLA-06	<p>THE PLA'S RESPONSE AS TO HOW A DWR PARAMETER MAY BE INCORPORATED INTO A MADE DCO</p> <p>The ExA have asked the PLA to advise on how the wording of a DWRs parameter could be incorporated into the provisions of a made DCO, ie as an additional parameter incorporated into Table 1 of Requirement 2 in Schedule 2, a new standalone requirement in Schedule 2 or as an additional condition with the DML for the Transmission Assets (Schedule 11) or a combination of changes to both Schedules 2 and 11.</p> <p>The PLA understands that the Applicant will accept a Requirement imposing a level parameter but do not agree that needs to be duplicated in the DML as for that purpose it is already secured in the Outline Cable Specification and Installation Plan ("oCSIP"). However, the Applicant is suggesting an amendment to the 5% depth condition as below:</p> <p>Transmission DML, part 2 condition 4</p> <p><i>"In undertaking activities under condition 4(2)(f), other than within the areas shown shaded yellow on the Deep Water Route Cable Installation Area (Future Dredging depths) plan where navigable depth may not be reduced to any extent, the undertaker must not reduce water depth by more than 5% referenced to Chart Datum unless agreed with the MMO in writing following consultation with the MCA."</i></p> <p>The PLA do request that the DWR parameter is incorporated into the provisions of a made DCO through it becoming an offshore design parameter and we suggest as a new Requirement 2(3). The PLA did consider whether the parameters could be included in Table 1 but the parameters in terms of the installation depth to meet the required dredge</p>	<p>The Applicant, in line with the PLA's suggestion, included the condition as Requirement 2(3) in the dDCO. The dDCO has been updated as Deadline 7 to refer to maintenance as well as installation.</p>



	depths are unknown at this stage and as previously indicated the DWR parameter needs to be wider than cable installation.	
PLA-07	Should the parameter not be included in Requirement 2 then the relevant requirement needs to be referenced in Article 2(3)(a) of the dDCO as Article 2(3) provides as follows: <i>"(3) All distances, directions, capacities, volumes and lengths referred to in this Order are approximate save in respect of the parameters referred to in— (a) requirements 2 (offshore design parameters) and 5 (onshore substation works, design and landscaping) in Part Schedule 2 (requirements); (b) the conditions in Part 2 (conditions) of Schedule 10 (deemed marine licence – generation assets); and (c) the conditions in Part 2 (conditions) of Schedule 11 (deemed marine licence – transmission assets).</i>	See response to PLA-06.
PLA-08	The PLA would also request that the parameter is an express condition within the Deemed Marine Licence ("DML") for the Transmission Assets (Schedule 11), updated to reference the corresponding works in the DML. This ensures the Marine Management Organisation ("MMO") has direct oversight during the licensing process and in relation to ongoing compliance, the suggested parameter being more than a design parameter. Alternatively the DWR parameter at least needs to be signed posted within the DML so it is not overlooked.	The Applicant, for the reasons set out in its response to the rule 17 request, considers that including this condition in the DCO, dML and the outline CSIP is unnecessary and that the commitment is already secured to the dML through the outline CSIP. It is not necessary to secure in multiple places solely for the purpose of it not being overlooked. It is very clearly set out in the parameters in the requirements.
PLA-09	The PLA agrees with Harwich Haven Authority that the dual approach ensures enforceability across both the overarching project framework and the more detailed marine licensing process, providing clarity for all stakeholders, including harbour authorities, the applicant, and the MMO.	See response to PLA-08.
PLA-10	There are changes required to the DML as suggested by the Applicant but there are also other instances where the 5% is referenced that would also require the same amendment namely paragraph 13(g)(ii).	The Applicant does not agree that these amends are necessary. The two other references to 5% in this context in schedule 11 are in paragraph 13(g)(ii) and relate to the identification of any cable protection that exceeds a reduction 5% of navigable depth referenced to Chart Datum. Within the deep water areas, the depth cannot be reduced, therefore it cannot be reduced in excess of 5%, and reference to that makes no sense. Attempting to add the drafting to this paragraph reduces clarity and adds no additional restriction.

4.2 COMMENTS ON DEADLINE 5 SUBMISSIONS [REP6-062]

Ref	Summary of Deadline 6 submission OR Excerpt of Deadline 6 submission	Applicant's Response
PLA-11	APPLICANT'S COMMENTS ON DEADLINE 4 SUBMISSIONS (REP5-073) The PLA can confirm, following its oral comments at ISH6, that the PLA and the Applicant have reached agreement in relation to the area over which deeper cable burial needs to occur. This area is shown on figure 2.1 of the outline Cable Specification and Installation Plan ("oCSIP") [REP4-019]. At the Trinity it is the area shown by the blue pecked lines to allow future dredging to 22m below chart datum ("CD") over a 1 km width. At the Sunk it is the area shown in black and titled "Sunk Area A" to allow future dredging to 22m below CD over a 1 km width. An area either side of this is shown in yellow hatch and titled "Sunk Area B" and would allow future dredging to 19m below CD 200m either side of Sunk Area A.	This is noted by the Applicant.
PLA-12	The PLA consider that based on PIANC guidance 1km is a sufficient width for a 2 way channel for now and in the future based on the agreed expectation for future vessel sizes.	Noted. The reference to the 1:5 slope was included in the updated 9.12 Outline Cable Specification and Installation Plan – Revision C [REP6-20].



	The PLA has discussed with the Applicant the profile of the cables where this deeper cable burial was to occur and had been advised that the commitment to install to allow dredging to 22m below CD applies to the whole of Sunk Area A – cables will then rise to the surrounding installation depth outside the deep water route (“DWR”) area but will not be less than 19m below CD within the Sunk Area B and that the gradient at which the cables will be installed with Sunk Area B will be a maximum of 1:5. As discussed at ISH6 the PLA expects and the applicant confirmed that an update will be made to the oCSIP to secure this point.	
PLA-13	The PLA expects following a productive meeting with the Applicant on 5 February 2025 and post meeting correspondence changes to the deemed Marine Licence to make it clear where water depths could be reduced by 5% and where the requirements set out in paragraph 2.2 will apply.	The DCO has been amended to reflect that the 5% allowable reduction does not apply in the DWRs.
PLA-14	Regarding approvals of the PLA as set out in ISH7 there is precedent for protective provisions recognising the need and permitting the PLA to approve activities outside of its area and we have included as part of the Deadline 6 submissions (see the PLA's Representations made to the ISH6 and ISH7) a copy of the London Gateway Harbour Empowerment Order. As set out at ISH 7 it is not uncommon for there to be more than one approving body for a document and in the PLA's experience it has been possible to meet all consenting bodies requirements in one plan. Moreover, the various Ports have a common goal as recognised by the ExA in its questioning.	<p>The PLA have provided the London Gateway Harbour Empowerment Order (HEO) as the sole example of protective provisions for approvals to support its request for approval outside its area of jurisdiction, however it has not provided the context for these approvals nor examples of approvals given outside its jurisdiction.</p> <p>London Gateway port is wholly within the PLAs statutory harbour limits, therefore any works affecting the works within the river would necessarily be within PLAs jurisdiction, and works outside (i.e. works onshore adjacent to the river and outside the PLAs jurisdiction) could directly impact the river which is within the PLAs jurisdiction. Crucially the part of the HEO which extends out from the area around London Gateway port and outside of the PLAs jurisdiction (and overlaps with the ECC) is the line permitting maintenance dredging. Maintenance dredging is excluded from the PLAs right of approval.</p> <p>The Applicant therefore does not consider that these protective provisions provide a relevant comparison or precedent for its own works.</p>
PLA-15	Regarding the Applicant's reference to there being nothing in the Applicant's proposals which could, in any way, prevent the PLA from complying with the Port Marine Safety Code – For all UK Harbour Authorities and other marine facilities berths and terminals (November 2016). The point the PLA is making is that the PLA's responsibility extends beyond its jurisdictional limits and does extend to the seaward approaches (see the PLA's response to the Action Points arising from ISH7) and it is over simplistic to suggest that the responsibility for safety of navigation in the area in which the project is proposed sits with the MCA. Hence why there is precedent of the PLA approving activities through protective provisions outside of its jurisdictional limits.	The Applicant does not agree that the precedent PLA is citing is of relevance to the ECC (see response to PLA-14). It is agreed that the Port Marine Safety Code puts duties (not responsibilities) on ports which may extend to an extent outside of their statutory harbour limits, but that does not mean they have regulatory responsibility or liability for what happens in those waters. In the area around the Deep Water Routes and the Sunk pilot boarding station many ports would also have those duties, and there are clear procedural reasons for not having multiple approvers of documents, particularly where there is a clear regulator.
PLA-16	Regarding PLA approvals as explained at ISH7 the PLA is looking to approve certain plans that are to submitted to the MMO (the CSIP and the Navigation and Installation Plan ("NiP") prior to submission.	This is noted but not agreed by the Applicant.
PLA-17	<p>DRAFT DEVELOPMENT CONSENT ORDER (REP5-007)</p> <p>The PLA has no comments to make on the amendments that were made to the dDCO at deadline 5.</p>	This is noted by the Applicant.
PLA-18	Following ISH7, the PLA and the Applicant met on 5 February 2025 to discuss offshore protective provisions for the benefit of the PLA. Following a productive meeting the PLA and the Applicant are intending to update the draft protective provisions and to meet again prior to deadline 7 with a view to making further progress. Whilst it is unlikely that full agreement will be reached on the protective provisions, the parties have been able to narrow the scope of the areas of disagreement and it is anticipated that further progress can be made prior to deadline 7. It is currently the intention to submit a joint	<p>The Applicant has set out is position in detail in 10.62 Note on dDCO drafting – Applicant's position on Protective Provisions, submitted at Deadline 7.</p> <p>The protective provisions remain not agreed between the parties on 3 points, the PLA request to approve the CSIP and NIP and the PLA request for an indemnity.</p>



	set of protective provisions at deadline 7 which will clearly identify the agreed drafting and the areas which are not agreed.	
PLA-19	The PLA and the MMO have arranged to meet on 17 February 2025 and an update will be provided on this meeting at Deadline 7.	This noted by the Applicant.
PLA-20	<p>OUTLINE NAVIGATION AND INSTALLATION PLAN (REP5-031)</p> <p>The PLA welcomes the updates that were made to the outline Navigation and Installation Plan (“oNiP”) [RE5-031] at Deadline 5 including the clarification that the document will continue to be updated as necessary until the end of the operation and maintenance phase. Decommissioning works will then be considered as part of the Decommissioning Plan.</p>	This noted by the Applicant.
PLA-21	<p>The PLA considers that the following amendments are still required to the document:</p> <p>a) Restricted Ability to Manoeuvre (“RAM”) vessels are the only ones being deconflicted/restricted from working concurrently but other vessels listed in the indicative operations summary, which were previously considered as RAM, are now removed from the list in the project vessel activities tables and therefore could be used concurrently with other operations. It is not clear now which project vessels will fall under the concurrent working with other projects rule. For example, at paragraph 2.4.3 it states UXO clearance is RAM but in Table 3.2 they no longer are. RAM vessels have prescribed rules which other vessels understand and comply with. There is concern that the various other operations/activities will be harder to manage as these vessels may consider themselves restricted without actually being so. For example, a boulder clearance vessel travelling at 1 knot may say it cannot move out of the way of a deep draft vessel due to its slow speed. The Hazard and Operability (“HAZOP”) workshop therefore should not just be for RAM vessels but should include all project vessels operations.</p>	The Applicant has agreed suitable wording with the PLA on this matter which confirms that non-RAM vessels will follow COLREGs and the advice of Sunk VTS.
PLA-22	<p>b) Paragraph 2.6.3 of the oNiP allows for the document to be submitted to the MMO even though IP’s may not have provided their agreement to the document. As set out in the PLA’s deadline 5 response this creates the risk that the document could be approved by the MMO despite the concerns of the Port. Through protective provisions, if the PLA considered it necessary, it could refuse consent which provides for a much more robust approach to this critical issue and ensures that there is joined up consideration and effective communication between all stakeholders.</p>	The Applicant considers this point is not agreed.
PLA-23	<p>c) Paragraph 2.6.5 allows for updates to the NiP, which is welcomed, however these updates do not require approval. It is understood that the Applicant is currently considering this point and therefore the PLA does not intend to provide any further comments on this matter at Deadline 6.</p>	This has been clarified to make clear that only details of vessel activities can be updated without further approval from the MMO, and if updates are not agreed with the IPs, this will be submitted to the MMO in any case, see the latest version of 9.20 Outline NIP – Revision D, submitted at Deadline 7. This wording is considered agreed with the PLA.
PLA-24	<p>d) Paragraph 3.1.8 refers to a 22m under keel clearance from CD being maintained. For consistency the wording should also refer to the 19m under keel clearance (see paragraph 3.1.7).</p>	This has been amended in the latest version of 9.20 Outline NIP – Revision D, submitted at Deadline 7.



PLA-25	<p>e) Paragraph 4.2.5 refers to 'other designated person' in place of a Pilot. The PLA has concerns about this. If it is determined a Pilot is needed on board to assist in the RAM operations then it does not make sense to replace that person with someone who is unlikely to have the navigational decision making abilities. It would be preferential here to just leave it at Pilot. It is also recommended that this should be an option available for all project vessels, considering the now more limited list of vessels which are RAM.</p>	<p>The Applicant has agreed amended wording with the PLA on this matter.</p> <p>The description of vessels considered as RAM has not been altered.</p>
PLA-26	<p>The PLA has also previously commented regarding paragraph 2.4.1 and when the NiP will apply from. The PLA and the Applicant have discussed this matter during their meeting on 5 February 2025 and it is understood that drafting will be included in the PLA protective provisions relating to activities such as pre construction surveys.</p>	<p>This is noted by the Applicant.</p>
PLA-27	<p>SCHEDULE OF MITIGATION – ROUTEMAP – REV B (REP5-041)</p> <p>The Schedule of Mitigation Routemap “summarises, all mitigation proposed in the Environmental Statement.” Paragraph 1.2.7 sets out the offshore ES chapters and supporting documents which Section 2 relates to. It is noted that this now includes the oCSiP and the outline Sediment Disposal Management Plan. However, it does not include the oNiP. The PLA would question why the oNiP has not been included.</p> <p>Additionally, given the discussions regarding the ECC and the DWR's it is questioned whether there should be a specific mitigation measure commitment relating to this point in the Schedule of Mitigation. At the moment there are references to being compliant with MGN 654 and its annexes including in relation to reductions of no more than 5% in under keel clearance and the SAR Checklist but nothing about the need to ensure that where the ECC crosses the DWR the cables are installed and maintained at the depths specified in the oCSIP.</p>	<p>The Applicant has included the oNIP into the list of supporting documents at Deadline 7.</p> <p>As stated in the response to ExQ3 DCO.3.02, the Schedule of Mitigation – Routemap is intended to map out the mitigations committed to in the Environmental Statement, and not a full list of all mitigations present in all documents. The DWR commitments will be included in the oCSIP and the DCO.</p>



5. EAST ANGLIA ONE NORTH LIMITED [REP6-078]

Ref	Summary of Deadline 6 submission OR Excerpt of Deadline 6 submission	Applicant's Response
EA1-01	Since requesting at Deadline 4 that a Statement of Common Ground ("SoCG") be entered into with regards to lesser black backed gull (REP4-071), East Anglia ONE North Limited have not had any engagement from the Applicant on these despite East Anglia ONE North Limited trying to commence negotiations.	<p>The Applicant contacted Scottish Power renewables on 17 January 2025, reconfirming that the request for a SoCG came too late but that ongoing engagement would be welcomed.</p> <p>Given the matters to which EA1N wish to progress a SoCG on are, as per previous submissions, ostensibly agreed, the Applicant sees little value in progressing a SoCG.</p>
EA1-02	We note that the deadline for final SoCGs as per the Examination timetable was at Deadline 5, which the Applicant referred to in their response to our requests at Deadline 5 (REP5-073); however we note from the Statement of Commonality (REP5-047) that a number of SoCGs are still being negotiated and that the ExA has asked for any updates on SoCGs at this Deadline 6 and at Deadline 7. We therefore do not think that it is too late to be able to negotiate and agree a SoCG with the Applicant on this narrow point, particularly if both parties engage efficiently in the negotiations.	See response to EA1-01.



6. NATIONAL HIGHWAYS – POST HEARING SUBMISSION [REP6-065]

Ref	Summary of Deadline 6 submission OR Excerpt of Deadline 6 submission	Applicant's Response
NH-01	<p>The RSA1, undertaken by SLR on behalf of the Applicant, was signed off by National Highways on 29 January 2025. National Highways confirms that the current outline design for the junction is compliant with its safety requirements and is therefore acceptable from this perspective.</p> <p>National Highways' view on the acceptability of the proposal will depend also on the results of the junction modelling, which will be reported at Deadline 7.</p>	<p>The Applicant notes this comment and is awaiting feedback on the results of the junction modelling submitted to National Highways (NH) on the 17th February 2025.</p>
NH-02	<p>The Applicant provided National Highways on 7 February 2025 with an excerpt of the report describing the assessment of the loading calculation. National Highways will review this document and the rest of the report containing the proposed mitigation measures when this is provided.</p> <p>National Highways is working with the Applicant to reach a position before the end of the Examination whereby National Highways is assured that the risk to the A120 can be managed safely.</p>	<p>The Applicant remains in ongoing discussions with National Highways on this. The Applicant has at the request of National Highways included additional text within section 7.2 of the updated version of Outline Construction Traffic Management Plan (Revision E) which has been submitted at Deadline 7.</p>
NH-03	<p>Excellent progress has been made on the outstanding matters in the draft Protective Provisions and National Highways and the Applicant will provide a full update on the position for the ExA for D7. The Applicant has agreed to the Protective Provisions being included on the face of the DCO and to enter into side agreement to deal with commercial issues.</p>	<p>The Applicant agrees with National Highways on this. The Applicant has set out the remaining point of difference and its position on it in 10.62 Note on dDCO drafting – Applicant's position on Protective Provisions, submitted at Deadline 7</p>
NH-04	<p>National Highways requires that the OCTMP paragraph 4.2.4 is updated to reflect that the 30 vehicle movements applies to a combination of HGVs and workforce movements.</p>	<p>The Applicant has made this amend in the updated outline Construction Traffic Management Plan, submitted at this deadline.</p>
NH-05	<p>National Highways requires that the OCTMP is updated to include a swept path drawing of the A120/Bentley Road Junction.</p>	<p>The Applicant has included this swept path drawing within Appendix 3 of the updated version of the Outline Construction Traffic Management Plan (Revision E), which has been submitted at Deadline 7.</p>
NH-06	<p>National Highways requires that paragraph 6.2.4 of the OCTMP is updated to reflect National Highways' status as the Highway Authority responsible for part of the Bentley Road Junction with the A120.</p>	<p>The Applicant has updated the Outline Construction Traffic Management Plan (Revision D) [REP5-035] to include this.</p>
NH-07	<p>Monitoring Reporting and Enforcement are described in paragraphs 8.2.8 to 8.3.4. In National Highways' view, the term "exceedance" in paragraph 8.3.1 needs to be more clearly defined. There needs to be clarity on what is meant by an "exceedance" so that it is not open to interpretation by different parties</p>	<p>The Applicant has updated the Outline Construction Traffic Management Plan (Revision D) [REP5-035] to clarify this, following a meeting with NH on Monday 24th February 2025 and discussions with ECC.</p>
NH-08	<p>In addition, the OCTMP should provide the following commitments:</p> <ul style="list-style-type: none"> • Prior to construction beginning: to undertake further junction capacity assessments if, once the Principal Contractor has been appointed, the peak hour traffic flows (both HGV and worker traffic) are in excess of what has been assessed to date (and in excess of 30 additional vehicles at each SRN junction) – and a commitment that effective mitigation measures will be put in place prior to start of construction. • Once construction has begun: to monitor peak hour HGV and workforce traffic flows and if the assessed/ agreed flows are exceeded, put mitigation in place within 24 hours. 	<p>The Applicant has discussed this with National Highways and included additional commitments in paragraph 4.2.4 in the updated outline Construction Traffic Management Plan, submitted at this deadline, to address this point. The wording has been agreed with National Highways.</p> <p>The Applicant has updated the Outline Construction Traffic Management Plan (Revision D) [REP5-035] to clarify this, following a meeting with NH on Monday 24th February 2025.</p>



<p>NH-09</p>	<p>Two additional measures aimed at reducing the car (driver) mode share were included within the package of measures since the previous version of the OWTP, that being the inclusion of an information pack that emphasises that scooters are illegal to use on the public highway and an accommodation register that would be set up by the Principal Contractor to encourage employees working at the same location who live near each other to car share.</p> <p>The OWTP states that the Principal Contractor will also seek to encourage the workforce to travel outside of the network peak hours, with staff requiring to arrive to each site before 07:00 and depart before 16:15 or after 18:15, where possible. This is welcomed by National Highways</p> <p>Notwithstanding this, it is now noted within the OWTP that the list of measures included within the OWTP is not an exhaustive list and that new measures may be included by the Principal Contractor. We reiterate our previous comment that further details of potential additional measures should be included at this stage</p>	<p>The Applicant has added further text to refer to the potential investigation of additional measures by the Principal Contractor(s) in an updated version of the Outline Workforce Travel Plan (Revision B) [REP5-039], which has been submitted at Deadline 7.</p>
<p>NH-10</p>	<p>The OWTP also contains a number of paragraphs concerning enforcement. National Highways general view is that the commitments as described are insufficiently strong to enforce compliance with the agreed capped level of traffic and that this presents a risk that the SRN could be adversely affected by the amount of traffic accessing the site.</p>	<p>The Applicant has added a definition of exceedance in an updated version of the Outline Construction Traffic Management Plan (Revision D) [REP5-035], which strengthens the enforcement mechanism in the scenario when assessed construction traffic vehicle movements are breached.</p>
<p>NH-11</p>	<p>Paragraph 3.3.2, for example, explains that there is a possibility that the Principal Contractor may request that more workforce vehicles are permitted on the highway network during the peak periods. Whilst National Highways welcomes the suggested approach for dealing with such an issue, we wish see mechanism put in place whereby the relevant highway authority is consulted should the Principal Contractor require staff to travel during the peak hours, and the scope of assessments agreed.</p> <p>National Highways requires that this should be covered by Requirement in the DCO ensuring the assessments are undertaken and concluded (i.e. mitigation measures in place) prior to the start of construction.</p>	<p>The Applicant has discussed this with National Highways and included additional commitments in paragraph 4.2.4 in the updated outline Construction Traffic Management Plan, submitted at this deadline, to address this point. The wording has been agreed with National Highways.</p>



7. ESSEX COUNTY COUNCIL – COMMENTS ON DEADLINE 5 AND 5A [REP6-058]

Ref	Summary of Deadline 6 submission OR Excerpt of Deadline 6 submission	Applicant's Response
ECC.01	TDC have responded to the Applicant indicating the offer received is unacceptable, awaiting Applicant's response.	The Applicant responded to TDC on 17 February 2025, and further updated the commercial offer on 24 February 2025. The Applicant is awaiting feedback from TDC.
ECC.02	As indicated at ISHs 6 & 7, ECC will be the "relevant Planning Authority" for discharging the relevant requirements should this DCO is granted, on behalf of TDC. Arrangements will be put in place between the two Councils.	The dDCO [REP6-007] was amended at Deadline 6 to provide for this
ECC.03	The Councils welcomes and supports the Applicant's response. For the confirmation that the Applicant will manage landscape planting and ecological enhancements at the onshore substation for the project's lifetime, as will be secured by requirement 5(8). In that details on replacing failed planting along the onshore cable corridor will be included in the final LEMP and regular engagement with landowners and local planning authorities will continue, and agreements with landowners are being progressed regarding handover and potential long-term management of reinstatement planting.	Noted
ECC.04	It is noted and welcomed. The Councils suggest the following wording be included: The strategy will include a masterplan of the hard and soft landscape proposals around the onshore substations, presented at 1:2,000 minimum, along with more detailed planting plans at 1:500 to illustrate the planting specification.	The Applicant will include this detail within the final revision of the OLEMP expected to be submitted at Deadline 8.
ECC.05	Requirement 14 Paragraph 15 There are no objections to the additional wording for reinstating land used for temporary constructions either within 12 months or another agreed-upon time period. The Councils assume this addition to facilitate discussions with the LPA about reinstating the land to a better condition, linking to other projects, or exploring opportunities from the Local Nature Recovery Strategy. It is recommended that this amendment to be included to paragraph 15 on page 23 of the document for consistency.	The Applicant is happy to have discussion on this but notes that the majority of land used temporarily will be returned to agricultural use and therefore opportunities to link it to the nature recovery strategy may be limited by the need for it to be returned to such use. The Applicant is unclear which document ECC is referring to where the amendment needs to be made at paragraph 15 on page 23.
ECC.06	Requirement 20 BNG The amendments to this requirement to strengthen and provide clarity that BNG mitigation are to be agreed prior to any commencement of works.	BNG is <u>not</u> mitigation, ecological mitigation is covered by the OLEMP and not the BNG strategy. Only Work No.15 involves permanent loss of habitat. It is disproportionate to prevent any work at all before the BNG strategy is finalised given that. The BNG strategy will require detailed design to inform the final calculations and prevent any work before this strategy is approved will prevent early delivery of mitigation such as the Bentley road improvements. The Applicant objects to such a change.
ECC.07	Article 8 There are no objections to the insertion of new item (i) to allow operations in the SSSI if hydraulic fracture breakout of drilling material occurs. It is recommended to verify the wording with Natural England.	Noted.
ECC.08	Onshore Substation Works Welcome the amendments to Onshore Substation Works. For consistency it is recommended to include the reference to plans in line with the recommendations to provide further clarity within the OLEMP that detailed plans will be produced. Sub-paragraph (6) should be revised to:	The Applicant will include this detail within the final revision of the OLEMP expected to be submitted at Deadline 8. The Applicant does not agree that this needs to be listed in the requirement in addition to the certified document.



	<p>“The written landscaping scheme to be submitted under subparagraph (5) must include plans and details of all proposed hard and soft landscaping works including-“</p>	
ECC.09	<p>3 Code of Construction Plan Rev C</p> <p>It is disappointing that there is no specific section reference to Landscape and Trees in the CoCP. Landscape is only mentioned in relation to the LEMP in the document and trees only twice in relation to ecology. It would be preferable if a separate short section ‘Landscape and Trees’ could be included to summarise the importance and risks, particularly in regard to trees in relation to construction, which do not necessarily relate to their ecology. We query the proposed general use of Heavy Standard Trees in the open countryside as these are much harder to establish than transplants or whips, as well as being more costly. However, we recognise that they have their place close to publicly accessible viewpoints to reassure members of the public that restoration or mitigation work has actually taken place.</p>	<p>The Applicant has included more detail around landscape and trees in a new update to the CoCP – Rev D submitted at this deadline. However it notes that the majority of controls and future detail would be included within the relevant LEMP(s).</p>
ECC.10	<p>REP 5-054 Statement of Common Ground Rev A Jan 2025</p> <p>Design Principles – the Councils have previously requested that cross-sections through the sub-station and proposed planting belts are provided to demonstrate that they will provide effective screening from Years 10-15 as claimed. The Councils remain unconvinced that all negative visual impacts can be mitigated and cross-sections would be an effective way to provide further evidence. The Councils do not agree that the proposed orchard planting to the north of the facility will provide screening to the substation although accept it will enhance biodiversity and visual amenity. In relation to the proposed planting belts, we would wish to see the often discussed proposed 20m width of these enshrined as a parameter in the oLEMP as previously discussed, in order to ensure this key part of the mitigation vision is carried out at the post consent stage.</p>	<p>The Applicant has provided detailed close-ups of proposed planting, as well as cross-sections through the substation and proposed planting belts. In order to demonstrate the planting within the context of the substation, the Applicant will provide a cross section with an insert that zooms in on the road and immediate planting, to demonstrate how it would appear at human scale.</p> <p>Regarding the orchard, the planting to the north of the facility is restricted by the presence of overhead cables. Planting could be adjusted to add in larger trees (over 5m) along the roadside, where the screening would be more effective and is subject to fewer restrictions.</p> <p>Regarding a 20m width for planting belts, the Applicant does not agree with this as a parameter. The Order Limits are set at 20m, and space is required for access and drainage. A general commitment on planting belt widths was included in the OLEMP [REP6-026] at Deadline 6.</p>
ECC.11	<p>REP 5-054 Statement of Common Ground Rev A Jan 2025</p> <p>OLEMP– In relation to the Aftercare Period, the Councils wish to suggest the use of a compromise approach that allows for a ‘Stop the Clock’ option where a section of planting that fails at any point in the five-year period is replanted but is then subject to an additional five-year aftercare period. This approach is used by ECC in relation to managing restoration plans for mineral and waste applications. The Councils would like to propose some wording at Deadline 7.</p>	<p>This approach would be extremely difficult to manage, in particular how to classify what constitutes a failed section of planting. What would the percentage of loss be to qualify for a failed section? Would the councils find evidence for a particular thinning rate?</p> <p>Different sections of planting may use different species, which grow at different rates, further complicating this issue.</p> <p>Finally, if re-planting occurs and the clock is reset, what happens if the new planting fails – would the clock reset again? This could potentially extend the aftercare period and ongoing disruption and uncertainty to landowners to unacceptable levels.</p> <p>The Applicant is content to review the wording proposed by ECC at Deadline 7 and continue discussions with the Council on this point.</p>
ECC.12	<p>OLEMP - In relation to decommissioning, the Councils propose that additional wording be added to Requirement 22 in order to establish further principles against which the decommissioning plan might be evaluated.</p>	<p>The OLEMP [REP6-026] addresses decommissioning principles in paragraph 2.6.28. It is unnecessary to amend the requirement to duplicate this. It is again noted that decommissioning will be designed closer to the time in line with the then current standards and appropriate regulatory regime, trying to overly control that now in the requirement risks creating unnecessary future issues.</p>



ECC.13	OLEMP - In relation to Green Infrastructure, the Councils welcomes the paragraphs already included in the oLEMP in relation to GI and would wish to work further with the Applicant to see if these could be strengthened.	This is noted by the Applicant.
ECC.14	OLEMP - In relation to landscaping around the substation the Councils would wish to see some parameters included in the oLEMP for the scale of the planting plans to come forward at consent stage in order to ensure the plans are fit for purpose. We suggest 1:1000-1:2500 might be appropriate for this facility but are happy to discuss this further with the Applicant.	The Applicant will include additional detail on this within the final revision of the OLEMP expected to be submitted at Deadline 8.
ECC.15	<p>Cumulative Impact – the Councils position remain that cumulative visual effects are likely to arise between the three infrastructure projects: Five Estuaries, North Falls and the EACN (and its associated pylons). We welcome the inclusion of REP5-075 - REP5- 081 which we judge supports this position, although it is unclear from the visualisations whether any mitigation planting is shown in these. We would welcome further discussion around these updated documents. We also welcome REP5-082 – REP5-086 which provide visualisations from within the Babergh part of the National Landscape. Whilst we agree that the project by itself is likely not to generate significant visual impacts we remain unclear why the impacts are not cumulative when viewed with the proposed EACN pylons.</p> <p>At ISH6, the ExA has invited views on a scenario if the North Falls Windfarm is not proceeded. It is noted that the OLEMP submission currently does not provide such a scenario in order to show the worst-case scenario. A revised planting strategy for a solo substation would need to be discussed with and approved by the relevant planning authority when discharging the requirement on the LEMP</p>	<p>The cumulative assessment presented in section 2.14 of the LVIA [APP-084] concludes that significant visual cumulative effects will extend out to approximately 1.4km from the onshore substation and that these cumulative effects will be mitigated within the first 5 to 15 years of operation owing to the screening effect of the mitigation planting.</p> <p>Mitigation planting is not included in the updated visualisations [REP5-075 to REP5-081] but is included in the original visualisations [APP-181 to APP-196] which illustrate how significant effects and significant cumulative effects will be mitigated within the first 15 years owing to the screening of the onshore substation by mitigation planting and, therefore, its diminished influence in respect of both the solus and cumulative assessments.</p> <p>Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA 3) defines cumulative landscape and visual effects as those that “<i>result from additional changes to the landscape or visual amenity caused by the proposed development in conjunction with other developments</i>”.</p> <p>The ZTV ([APP-180], Figure 2.9), visualisations [REP5-082 to REP5-086] and site work support the conclusion that the onshore substation will not be readily visible from this area and while the possibility remains that localised visibility may arise, this will be so limited that the magnitude of change will be negligible or low. In respect of potential cumulative effects within the Babergh part of the National Landscape, because the onshore substation will not result in any notable additional changes to either landscape or visual amenity it will not give rise to either a significant effect or a significant cumulative effect – for this to happen the onshore substation would need to contribute to the cumulative context, which it will not owing to its extremely limited visual influence and irrespective of the visual influence of the EACN overhead electricity transmission line in this area.</p> <p>The Applicant has provided the ExA with a response at Deadline 6a to the query regarding a Five Estuaries substation only, please refer to 10.55 Additional Information Regarding CAH3 Action Point 3. It has been concluded that this is an unrealistic scenario, as it fails to consider the worst-case impacts or cumulative effects, and therefore does not comply with policy requirements. Consequently, the Applicant will proceed with a joint substation design for screening planting that accommodates both Five Estuaries and North Falls.</p> <p>It should be noted that the landscape screening design for Five Estuaries alone would be very similar to the existing design, maintaining screening planting along the perimeter of existing field boundaries and roads, and positioning it as close to receptors as possible to mitigate significant visual effects within the shortest time frame. In the event that North Falls is refused consent, and Five Estuaries proceeds independently, the Applicant will</p>



		need to have its proposal approved under requirement prior to construction which would allow this to be considered.
ECC.16	<p>Outline Construction Traffic Management Plan - Revision D</p> <p>Para 4.2.3 states the following: “all essential construction activities undertaken outside of the consented construction hours must be agreed with the relevant planning authority in writing in advance, and must be carried out within the agreed time. The TMCo would ensure this prior agreement with Essex County Council was reached for any such out of hours onshore works”. Clarity is sought on whether consent is being sought from the planning authority, ECC or both?</p>	The Applicant has updated para 4.2.3 within the Outline Construction Traffic Management Plan to Revision E to resolve this inconsistency. It has been submitted into the Examination at Deadline 7
ECC.17	<p>Outline Construction Traffic Management Plan - Revision D</p> <p>For para 4.4.6 and 4.4.7. The Council would want this to read more generally to say that ‘road condition surveys for access roads will be undertaken and agreed with ECC’ (omitting the word ‘some’. This would allow for more extensive monitoring to take place.</p> <p>It is agreed that the roads to be surveyed can be discussed and agreed with ECC and be included in the Final CTMP. ECC preference however is for a more comprehensive monitoring regime to be agreed with the Applicant. This would utilise ECCs current inspection regime that would allow any trends for uplifts in the number of reported faults reported over the surveyed intervals/duration of the works to be identified with a mechanism for costs recovery to be agreed. This would cover A and B roads which have shorter inspection intervals and further consideration would need to be given to the local roads that are affected.</p> <p>Haul road crossings would be addressed through the detailed design process and reinforcement of the carriageway would be required by ECC. As regard Bentley Road core samples will be required to inform the detailed design for widening.</p>	The Applicant has updated the Outline Construction Traffic Management Plan to Revision E with some additional text regarding this point and has been submitted into the Examination at Deadline 7.
ECC.18	<p>Outline Workforce Travel Plan - Revision B</p> <p>The Council welcomes the changes made by the Applicant, which have been previously discussed. However, have the following comment: • Can some clarity be provided on how it is intended to monitor overspill parking on the public highway. However, for the avoidance of doubt the methodology can be agreed in the final CTMP</p>	The Applicant has updated the Outline Workforce Travel Plan to Revision C with some additional text regarding this point and has been submitted into the Examination at Deadline 7.
ECC.19	<p>Road traffic surveys and predicted traffic generation during construction, including cumulative impacts with other proposed developments</p> <p>The Council had a meeting with the Applicant on December 17th 2024, where further progress was made, and following which the Applicant updated the submission of their management plans at Deadline 5. The updated documents reflect our discussions, the Council believe we are awaiting a narrative on the impacts associated with the hour of greatest change, which we sent across in an email to the Applicant on 17 December 2024 to inform our final position, along with a final review of the impacts on Amenity following the provision of the narrative. Once this has been received and reviewed, we are of the opinion that we will be able to reach a common position.</p>	The Applicant provided Essex County Council with some additional analysis relating to the greatest hour of change on the 17 th February 2025 followed by a meeting to discuss this and other outstanding matters.
ECC.20	<p>Impacts on the strategic and local road networks</p> <p>At paragraph 21.3.21 of the Councils’ LIR [REP2-042], the issue of the maintenance and reinstatement of the footway / cycleway following construction has been raised, and it is</p>	The Applicant, North Falls and National Grid have all been working together to agree a collaborative position on this. Good progress has been made on that and the agreement is now largely in agreed form. The parties will contact the Council separately to discuss the detail of the proposed arrangement.



	understood that the Applicant was seeking wording of a legal agreement with North Falls on the process that would then be presented to the Councils. Clarity is sought on whether the Council's understanding is correct and an update if possible?	
ECC.21	<p>Control and mitigation measures during construction</p> <p>9.24 Outline Construction Traffic Management Plan - Revision D (Tracked) [REP5-036]</p> <ul style="list-style-type: none"> • Para 4.2.3 states the following: "all essential construction activities undertaken outside of the consented construction hours must be agreed with the relevant planning authority in writing in advance, and must be carried out within the agreed time. The TMCo would ensure this prior agreement with Essex County Council was reached for any such out of hours onshore works". Clarity is sought on whether consent is being sought from the planning authority, ECC or both? • For para 4.4.6 and 4.4.7. <ul style="list-style-type: none"> o The Council would want this to read more generally to say that 'road condition surveys for access roads will be undertaken and agreed with ECC' (omitting the word 'some'. This would allow for more extensive monitoring to take place. o It is agreed that the roads to be surveyed can be discussed and agreed with ECC and be included in the Final CTMP. ECC preference however is for a more comprehensive monitoring regime to be agreed with the Applicant. This would utilise ECCs current inspection regime that would allow any trends for uplifts in the number of reported faults reported over the surveyed intervals/duration of the works to be identified with a mechanism for costs recovery to be agreed. This would cover A and B roads which have shorter inspection intervals and further consideration would need to be given to the local roads that are affected. o A link to the ECC Maintenance and Inspection Strategy can be found here that sets out inspection intervals at paragraph 1.3.2 maintenance-inspections-strategy-for-carriagewaysfootways-and-cycleways-april-2022-update.pdf. o Haul road crossings would be addressed through the detailed design process and reinforcement of the carriageway would be required by ECC. As regard Bentley Road core samples will be required to inform the detailed design for widening. 	See responses to these points set out above.
ECC.22	9.26 Outline Workforce Travel Plan - Revision B (Tracked) [REP5-040] • Can some clarity be provided on how it is intended to monitor overspill parking on the public highway. However, the final methodology can be agreed in the final CTMP.	The Applicant has updated the Outline Workforce Travel Plan to Revision C with some additional text regarding this point, which has been submitted into the Examination at Deadline 7.
ECC.23	A number of suggestions were made by ECC in relation to securing archaeological controls in section 4.7 of the Code of Construction Practice [REP033]. These suggestions included suggested wording to ensure that the heritage assets are appropriately protected during the preparation and construction phase of the proposed development.	The Code of Construction Practice has been amended at Deadline 7. The CoCP references the Archaeological Mitigation Strategy (AMS) [REP6-051] which includes details of measures to mitigate the impact to heritage assets.
ECC.24	ECC request a change of DCO wording in relation to the discharge of archaeological conditions to align with examples such as Hornsea Three Offshore Wind Farm Order 2020, Hornsea Four Offshore Wind Farm Order 2023 and East Anglia ONE North Offshore Wind farm Order 2020.	The Applicant has been discussing the wording of this requirement with ECC and Historic England, 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.
ECC.25	<p>Summary of comments on REP5-088 Noise Complaints Protocol</p> <p>The primary concern with REP5-088, Noise Complaints Protocol, raised by TDC is in the time it may take to investigate and resolve a complaint, with an apparent lack of deadlines imposed on the substation operators. The council calls for a more streamlined approach and does not agree with the stepped process proposed, in the case of the nearest substation to the complainant not being the cause for the increase in noise.</p>	<p>The noise complaints protocol has been streamlined and updated with the aim to better explain the process and include more deadlines.</p> <p>It should be understood that the three substations will be designed in detail and individual items of plant specified, to ensure that each substation does not exceed the noise limits set out in Section 5 of the protocol and in the relevant requirement in each operators DCO. Equipment suppliers will be contractually obliged to ensure items</p>



The Council request that the protocol be revised to be a joint process between the three substation operators that outlines how the three substation operators will work together to investigate and resolve complaints.

The Council proposed that once a complaint is received the operators would have 48 hours to check for any faulty equipment and in the case where such a fault has been identified, a remedy offer should be put forward within a further two days.

In the event that no faulty plant are identified, the Council suggest that all three substations collectively address the noise breach, and that any mitigation be installed within seven days of confirmation that no fault was identified.

The Council also request that if a complaint is not resolved to the individual's (assumed to be the complainant's) satisfaction, then an escalation procedure must be engaged. It is not clear what exactly the escalation procedure will involve, but the Council advise that a process with more than two stages would not be acceptable.

supplied meet with the required specifications, including noise emission values. Therefore, upon construction, each of the substations will be operating within the noise limit specified in Section 5 of the protocol. Noise levels will only increase above the permitted limit if an item of equipment develops a fault. Depending on the nature and severity of the fault, it is likely that it will be detected upon an initial site walk-over. In the rare case that faulty equipment is not detected in this way, it will be necessary to undertake detailed noise measurements of each substation.

It should be further understood that the tripartite noise complaints protocol sets out the parameters that are to be included in the protocol and is not the final proposed protocol, which can only be drafted when all details are known, such as maintenance periods and contact details for operational and maintenance teams. Therefore, comprehensive detail cannot be included at this stage.

The recommendations for inclusion into the final protocol has been updated to include a central complaints phone number / email address and feedback to the complainant to ensure they are updated with progress as an investigation is processed. Furthermore, details of communication between operators will be required to increase efficiency and reduce any potential delays.

For the first and most likely scenario of a fault being detected upon a site walkaround, the protocol now specifies that this must take place within two working days from receipt of a complaint, and initial remedial measures must be considered that would reduce the excess noise. This will provide a rapid indication of the likely issue and address the noise being produced.

For the second scenario of no obvious fault being detected upon a site walkaround, the protocol has been updated to reduce the time required to appoint an appropriate noise consultant to 10 working days. A second deadline has been added to ensure that noise measurements are taken by the appointed consultant within a further 10 working days. Should this confirm that all substations are operating within the cumulative noise limit of 35 dB, then this is to be reported within a further 15 working days and it will be concluded that the substations are operating lawfully and the complaint was not justified. It is only under the unlikely event that it is concluded the cumulative noise limit has been breached when further investigation will be required. As the fault was also not detected during the site walkaround, it will be necessary to systematically review each item of plant, prioritising the plant within the closest substation to the complainant, to detect item(s) at fault. As it would be difficult to employ any effective temporary mitigation, such as barriers, without confirmation of what noise is to be controlled, this recommendation by the Council was not incorporated. The time for reporting either no issue with plant within a substation or the identification of a fault with recommended mitigation has been reduced to 15 and 20 working days respectively. Also, when the fault is reported short-term mitigation is to be considered to provide temporary relief while a longer-term resolution is delivered.

Finally, other updates include a figure of the receptors listed in Section 5 and revisions to the now sub clause 6.6(a)(i) and 6.6(a)(ii) to address the comments raised by the ExA.



ECC.26	It has been agreed between ECC and TDC that ECC will be the discharging authority on behalf of TDC s well as on behalf of itself. Therefore, an amendment is requested to the DCO to provide for ECC to be the discharging authority	The dDCO was amended at Deadline 6 to provide for this.
ECC.27	Schedule 2, Part 1, Paragraph 7 provides for approval by the local highway authority of the requirement, however Schedule 2, Part 2, paragraph 2 sets out that the process where an application has been made in respect of the requirements under Schedule 2, Part 1 to the relevant planning authority. The definition of relevant planning authority does not include the local highway authority, therefore where the local highway authority is required to approve a requirement, Schedule 2, Part 2 does not appear to apply, which we believe is an oversight.	The dDCO was amended at Deadline 6.
ECC.28	<p>Amend to paragraph 5: Fees 5.—(1) Where an application is made to the relevant planning authority for agreement or approval in respect of a requirement the fee for the discharge of conditions as specified in Regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012() (as may be amended from time to time) is to be paid by the undertaker to the relevant planning authority in accordance with these regulations unless a bespoke arrangement has been agreed between the Applicant and discharging authority and legally secured.</p> <p>The amendment requested is precedented in DCOs such as the Bramford to Twinstead DCO, where the parties are able to agree bespoke arrangements for fees outside of the Regulations. Therefore the discharging authority will enter into a Planning Performance Agreement or similar legal agreement with the Applicant to ensure the relevant planning authorities operate at cost-neutral basis.</p> <p>The discharging authority is a public body therefore funded by the public purse. The council requests flexibility to agree fees outside the Regulations so that they can be proportionate and reasonable to a project of this scope and size, and not put a strain on the public purse.</p>	<p>This amendment is unnecessary as there is nothing in the DCO which prevents or precludes a bespoke arrangement. A DCO does not need to say (in effect) ‘the parties can enter a PPA’, that option is always available.</p> <p>The Applicant has however, with reluctance as it is not considered to comply with good drafting practice, added it at Deadline 6.</p>
ECC.29	<p>Addition of a phasing requirement/“Grampian”-style condition.</p> <p>There is a link between Five Estuaries and the East Anglian Connection Node Substation that is proposed by National Grid, which is not the subject of this examination and is not being considered in respect of its merits. However the ExA are asked to note that the East Anglian Connection Node substation is proposed to connect Five Estuaries to the grid. ECC is the local authority for the administrative area in which the onshore works will greatly affect.</p> <p>ECC has considered the impact that the development will have within its administrative area and weighed that against the risk that if the Five Estuaries DCO is granted, but a DCO is not granted for the East Anglian Connection Node substation, we will be in a position whereby there will be no benefit as there will be no connection of the Five Estuaries development to National Grid’s proposed EACN substation. To mitigate this risk, ECC requests a “Grampian”-style condition.</p>	<p>The Applicant refers to its maintained objection to such a requirement which is set out in Applicant's Summaries of Oral Submissions - ISH6, CAH3 and ISH7 [REP6-045] and supported by the opinion of King’s Counsel [REP6-050]. As set out in those submissions, the Applicant maintains that such a requirement is unnecessary and unreasonable and its imposition would be contrary to the NPS.</p> <p>The Applicant rejects a Grampian requirement in any form in principle. However it also noted that the wording sought by ECC in [REP4-046] also would not serve the purpose claimed. That submission provides; “It is proposed that the DCO contains the following suggested wording: “Work No. 1 must not be commenced until notification in writing has been submitted by the undertaker to the relevant planning authority which: (a) states the date that development consent was granted for the new National Grid Substation; and, (b) sets out a timetable for the carrying out of all works comprised in Work No. 16(a), being the works necessary to connect the authorised development to the new National Grid Substation.”</p> <p>Work no.1 is the offshore array, no part of which is in the ECC administrative area. The requirement sought would not prevent the commencement of onshore works and does not mitigate the ‘risk’ ECC allege to arise. The Applicant notes that ECC seeking to prevent the commencement of onshore works would be directly contrary to other requests made to carry out advance works, especially landscape planting, before main construction . It would overall act to delay the delivery of the project contrary to its status as CNP infrastructure under the NPS.</p>



8. LONDON GATEWAY RESPONSE TO RULE 17 REQUEST - 27 JANUARY 2025 [REP6-080]

Ref	Summary of Deadline 6 submission OR Excerpt of Deadline 6 submission	Applicant's Response
LG-01	<p>In its request of 27 January 2025 the Examining Authority ("ExA") requests under Rule 17 of the Infrastructure Planning (Examinations Procedure) Rules 2010, LGPL and others to respond to questions raised by the ExA as to the most appropriate method to secure the position, now agreed with the applicant, that the passage of vessels with draughts of up to 20m should not be precluded by the authorised development and, for that purpose, dredging of the seabed down to a level of 22 metres below CD should be possible.</p> <p>The ExA suggests four different ways in which this matter could be secured in, or under, the Order:</p> <ul style="list-style-type: none"> • incorporating a parameter into Table 1 in Requirement 2 of Schedule 2; • adding a standalone requirement within Schedule 2; • an express condition within the DML for the Transmission Assets; • or additions to both Schedules 2 and 11. <p>LGPL submits that method 2 is the best and most appropriate way forward for the following reasons:</p> <p>The requirement not to preclude the specified dredge depth should be seen as a fundamental parameter to, or restriction on the carrying out of the authorised development – it is in a sense akin to an upwards limit of deviation. It is for the Order itself to specify such a restriction – this is in accordance with the Guidance on the content of a Development Consent Order required for a Nationally Significant Infrastructure Project [Paragraph 003, Reference ID 04-003- 20240430 and Paragraph 008, Reference ID 04-008-20240430] and would follow accepted practice across other development consent orders and harbour orders under the Harbours Act 1964.</p>	<p>The Applicant provided a standalone condition as Requirement 2(3) in the dDCO submitted at Deadline 6 [REP6-007].</p>
LG-02	<p>It is not appropriate for such a restriction only to be secured in a third-hand way by virtue of being a factor set out in plan (the outline cable specification and installation plan) which a subsequent plan (the actual cable specification and installation plan) should 'accord with' prior to being approved by the MMO. Such an approach provides no guarantee to the Secretary of State (or interested parties such as LGPL) that this restriction will be applied – it may end up diluted or conditioned in a way that is not presently contemplated.</p>	<p>Securing measures through plans is an accepted method to ensure compliance with commitments. The reference to 'accords with' makes it clear that the final CSIP must be consistent with the outline plan. To deviate from the commitments made in the outline CSIP would clearly not accord with that plan.</p>
LG-03	<p>Having established that a Requirement is appropriate and necessary, the relevant provision does not lend itself easily to the existing structure / provisions of Requirement 2.</p>	<p>See response to PLA.</p>
LG-04	<p>Accordingly, we would propose a new Requirement to be inserted in Schedule 2 for clarity. We set out the necessary drafting in Appendix 1 to this response. This would be accompanied by a slight addition to sheet 6 of the works plan (offshore) to show the relevant areas. For reference purposes, they are currently shown on the plan attached as Appendix 2.</p>	<p>The Applicant added a new Requirement 2(3).</p>
LG-05	<p>Having set the matter out in a new Requirement, although it is not strictly necessary for the matters to be repeated in the DML in Schedule 11, we can see that it may be convenient to reiterate the provision in the DML so as to ensure those persons implementing the DML are fully aware of the restrictions set out in the Requirements. If the matters are reiterated in the DML, they should be done so exactly, without modification.</p>	<p>The Applicant considers the commitments are adequately secured in 9.12 Outline Cable Specification and Installation Plan – Revision D.</p>
LG-06	<p>Following the responses to the ExA questions as set out above, certain amendments to the protective provisions set out in Part 7 of Schedule 9 to the Order necessarily flow. In addition to the changes set out above to secure the dredge depth, there remains the need for LGPL's</p>	<p>The protective provisions provided for the benefit of London Gateway are to protect the port's ability to dredge according to their powers under their Harbour</p>



	<p>involvement in the draft cable specification and installation plan as is already contemplated in the protective provisions in Part 7 of Schedule 9 to the Order. This is largely due to its importance in relation to programme and methodology for the relevant works. However, the logic of this must also be applied across to any future maintenance activities for cable remedial burial, cable repairs and replacement and cable protection replenishment which falls within condition 4 of the DML in Schedule 11 to the Order and which is within the scope of the operations and maintenance plan, not the cable specification and installation plan. Accordingly, we also now propose in Appendix 1 some additions to Part 7 of Schedule 9 to mirror the provisions in relation to the cable specification and installation plan to the operations and maintenance plan. This change simply corrects the unintended gap in provision on this point. Further amendments provide better clarity on the process for the grant of the approvals.</p>	<p>Empowerment Order (HEO). The HEO provides for the port to dredge to a depth of 17m for a width of 300m over the centre line provided in the associated plans.</p> <p>In this respect, the commitments the Applicant has subsequently made are significantly in excess of this, and it is not reasonable or necessary to mirror the wider commitments in the DCO in the protective provisions for LGPL. It is also contrary to the purpose of and guidance on protective provisions to simply duplicate provisions secured elsewhere as these are not 'necessary'.</p>
LG-07	<p>As a general principle, LGPL also proposes the addition in Part 7 of Schedule 9 the provision that both such plans should set out details of how any impacts on shipping to and from London Gateway Port will be minimised so far as reasonably practicable during the carrying out of the works</p>	<p>This is secured through the Navigation and Installation Plan and is not part of the protective provisions which are provided solely to protect the dredge depth set out in the London Gateway HEO.</p>
LG-08	<p>Lastly, we have added provision to Part 7 of Schedule 9 (new paragraph 13) to recognise that the grant of development consent for the authorised development does not affect the exercise of the powers granted to LGPL under the London Gateway HEO – it would be pointless making effort to secure a certain dredge-depth ability if LGPL's powers to carry out such dredge might inadvertently be seen to be affected or limited by this Order. We trust this clarifying amendment will not be controversial.</p>	<p>The dDCO does not override or restrict the exercise of powers by LGPL under the HEO and nothing in it could be seen to do so.</p>
LG-09	<p>LGPL is also aware that the Port of London Authority ("PLA") seeks an explicit role in relation to the navigation and installation plan under condition 13(1)(j) to the DML in Schedule 11 to the Order. LGPL agrees that this is appropriate and important and suggests such a role for the PLA is recognised in that condition.</p>	<p>The Applicant does not agree for the reasons previously stated in response to the PLA on this matter.</p>
LG-10	<p>We have discussed the principles of the above with the Gowling WLG acting for the PLA and understand that we are in alignment on these matters.</p>	<p>This is noted by the Applicant.</p>
LG-11	<p>APPENDIX 1 - PROPOSED AMENDMENTS TO ORDER [REP5-007] BY LONDON GATEWAY PORT LIMITED IN RESPONSE TO EXA RULE 17 REQUEST OF 27 JANUARY 2025</p> <p><i>See changes in London Gateways response doc: Microsoft Word - PROPOSED FIVE ESTUARIES OFFSHORE WIND FARM DCO(91530089.2)</i></p>	<p>The Applicant wishes to be very clear that the PPs were first proposed to protect the ability of LGP in the future to dredge the [Sunk] deep water route to a depth not currently allowed only. The Applicant does not and has never accepted that there is any other potential impact on the port which could cause serious detriment and which requires to be addressed through PPs.</p> <p>The dDCO does not (and does not seek or purport to) disapply any existing control of the harbour empowerment order in place for the port. The inclusion of any such provision would require the consent of LGP under section 145 of the Planning Act 2008. No such provision is included.</p> <p>The current harbour empowerment order allows dredging to 17m. The future <u>ambition</u> to dredge to 22m to accommodate <u>potentially</u> larger vessels in the future has been allowed for by the Applicant, and as at Deadline 6, has been secured in the dDCO as a requirement in the offshore parameters. Given that, the Applicant does not agree that any of the other provisions sought, including the creation of a new requirement 3A which would unnecessarily duplicate controls already secured, are necessary or justified.</p> <p>The Applicant has already committed to not relocating archaeological finds in the deep water routes in the outline WSI (not that it ever had intention of doing so). It has also committed to not relocating boulders into these routes in the CSIP (again</p>



not that there was ever any intention to do so). These commitments are in addition to committing to not reducing under keel clearance in these areas in the DML which would also preclude such relocation.

The Applicant has responded to the detailed drafting points on the PPs in the separate submission on PP drafting 10.62 Note on dDCO drafting – Applicant's position on Protective Provisions.



9. PENNY SWIFT [REP6-081] AND BOBBY SWIFT [REP6-076]

The text of these two submission is identical. As such the Applicant has responded to both below.

Ref	Summary of Deadline 6 submission OR Excerpt of Deadline 6 submission	Applicant's Response
PS-01	<p>We would like to carry on declaring interest in what is happening with the Five Estuaries wind farm project. We are very worried about the cable corridor as this appears to be coming very near to our property and boundaries and what impact it will have on future projects we want to do on our land, also the disruption to us when the cable corridor is being installed eg; being able to have access to get in and out of our drives as these are in use day and night. This is a worrying time and hope you understand our concerns in this matters.</p>	<p>The Applicant's land agent met with Bobby Swift and Penelope Swift on 26th February 2025 to discuss their Deadline 6 submissions.</p> <p>The respondents were concerned that the Five Estuaries and North Falls projects would restrict the potential development of their property based on sight of an out-of-date plan.</p> <p>The respondents were shown the latest Land Plans for Five Estuaries [REP6-004] showing the Order Limits and were advised on how the projects would be developed in the event they are consented including information on the haul road and accesses.</p> <p>The Outline Construction Traffic Management Plan [REP5-035] includes the provisions for a Community Liaison Officer who would be responsible and first point of contact for informing the community on traffic related matters during works.</p> <p>The respondents confirmed that they did not have any concerns regarding the projects based on the updated information but would continue to follow progress through Examination.</p> <p>The Applicant will continue to engage with the respondent should any further enquiries be made.</p>



10. BROOKS LENEY ON BEHALF OF T FAIRLEY & SONS LTD [REP6-077]

Ref	Summary of Deadline 6 submission OR Excerpt of Deadline 6 submission	Applicant's Response
TFS-01	<p>On behalf of my clients, T. Fairley & Sons Ltd, I am writing to provide an update on work undertaken by my client and the Applicant in relation to screening proposals. This has partly been recorded within the technical note: 10.20.8 Technical Note - SCREENING PLANTING OPTIONS FOR LAND PLOT 17-024. Document Number: 10.20.8 REP4-038.</p> <p>The alternative potential option for landscape screening of Normans Farm within plot 17-024, titled "Normans Farm Layout 3", which was discussed at a meeting on the 22nd November 2024, is the preferred Layout of the three proposals, however, subject to the following outstanding amendments/concerns:-</p> <p>a. It is understood that the screening to the north and west of Normans Farmyard and buildings is only for the benefit of my client. Whereas the screening proposals along the north of Ardleigh Road is for the benefit of members of the public.</p> <p>b. The screening proposal to the north and west of the New Shed only allows for a circa 5,000 sq. Ft building, which is insufficient for the demands and requirements of my clients farming business.</p> <p>c. The screening proposal does not allow for access into the western gable end of the 'New Shed,' and with the proximity of the of the New Shed to the Existing Shed, access would not be available into the eastern gable end either, rendering the New Shed useless/land locked. This emphasises how Layout 3, despite having moved the screening belt away from the yard, still prohibits all future yard extension and construction of new buildings. We cannot stress this enough, that my client cannot be in a position where they are unable to extend their yard or construct new farm buildings. This will totally restrict future business growth, which is not a position the Applicant should be putting my client in.</p> <p>d. It was understood that the New Shed would remove the need of a screening belt around the yard, thus preventing any future sterilisation. It was also discussed during the meeting on 22nd November 2024, that by Five Estuaries (and North Falls), constructing a new building on our clients behalf, it would remove the need for both projects to acquire the land at the proposed rate, removing the costs in establishing the screening belt and removing an element of management liability for the screening belt, thus being a possible cost equal exercise. This proposal would clearly benefit all parties, and especially my client as no screening belt would prevent any restrictions on future expansion of the yard and buildings. To reemphasise our concerns, our client cannot and must not be in a position where the future growth of their business is prevented due to the presence of the screening belt.</p> <p>e. My client, being the only party who stands to benefit from the screening proposals north and west of the yard, is content with having a new farm building to screen the substation, as opposed to a screening belt, in order to protect the future of the farming business.</p> <p>f. As to the proposals of Establishing a screening belt along the northern edge of Ardleigh Road, this will have a detrimental impact to the arable land immediately to the north as during the winter months, the soil will not dry out as it will always be in this shadow of the screening belt. We appreciate and understand the need for a screening belt along this stretch of road,</p>	<p>Further to Technical Note: Screening Planting Options for Land Plot 17-024 [REP4-038], the Applicant engaged with representatives of the T.Fairley Partnership and their agent in and around Issue Specific Hearings held on the 21st and 22nd of January 2025. Specific points of concern were discussed, leading to the Applicant's commitment to revisit the screening design around Norman's Farm and produce a revised plan.</p> <p>Consequently, the Applicant has provided the T.Fairley Partnership with an updated plan and accompanying documentation for review and feedback. This revised plan is reflected in the latest version of the Outline Landscape and Ecological Management Plan - Revision D [REP6-026] and may be subject to update once feedback has been received.</p> <p>The updated OLEMP affords a greater area for any future farmyard expansion, which may include a larger new shed than previously discussed. Proposed screening directly west of Normans Farm has been removed to allow greater access for farming purposes.</p> <p>For clarity, the Applicant would be amenable to contributing towards the costs of a new building as part of the overall commercial discussions, but would not assume direct responsibility for the undertaking. The landowner is best positioned to manage the procurement of agricultural buildings specific to their own requirements and this is considered to be a commercial matter and outside of the planning process.</p> <p>Screening in the form of planting remains necessary to the north of Normans Farm to ensure that significant effects are mitigated within the specified timeframe of the assessment and continue to be effective throughout the lifetime of the project. As previously mentioned, any new shed would not be under the Applicant's control and therefore cannot be relied upon to provide mitigation as the Applicant could not commit to it being retained or provide the Local Planning Authorities with any guarantee it would be retained.</p> <p>In response to Point a and Point e, the proposed planting to the north and north-west of Norman's Farm is important in screening views from a number of local landscape and visual receptors as well as current and future residents at Norman's Farm. The gap in the proposed mitigation planting along the north of Ardleigh Road, caused by the presence of Norman's Farm, will open up views towards the onshore substations from close range Ardleigh Road and other potential middle range receptors associated with the PRow's, Barlon Road and Little Bromley Hall to the south-east. The planting is, therefore, important to prevent significant effects remaining unmitigated owing to a potential gap in the perimeter planting.</p> <p>In response to Point f, the OLEMP illustrates indicative planting and refinement during detailed design will look to create a tapered profile in which taller tree species essential for screening are located along the road side and smaller species that will infill the understorey are located on the field side, the Applicant will consider whether additional wording can be added to the design commitments within Appendix A on the OLEMP to address this at the next revision. It may be that the northern extent of the planting could be contained by a managed hedgerow. It should also be noted that the 20m width of the</p>



	<p>protecting the vista from users of Ardleigh Road, however, we request with the screening belt could be kept as sporadic and low as possible, to protect the productivity of the soil immediately to the north.</p> <p>g. As to the access to the east of Normans Farm and as shown in Normans Farm Layout 3, we had agreed with the Applicant agreed sufficient width would be removed from the screening belt to allow future access for large agricultural machinery and which my client would retain ownership of. The Normans Farm Layout 3 proposals show such access. We support such access to the land to the east of Normans Farm, and the proposals as per the Applicants drawing suggests the access is circa 27 meters wide. This allows for future agricultural uses and provides a 'corridor' for future services being laid (for uses such as irrigations mains, electricity supplies, etc). In any case, we cannot have an access any narrower than 20 metres. We also agree with the positioning of the access, as the existing buildings will provide a natural visual screen from the substation site for Ardleigh Road users, thus providing the opportunity to not establish a screening belt for the last circa 27 metres, as drawn.</p> <p>h. As to the position of the cable corridor, and whilst we appreciate the corridor delineates a 'worst case scenario', perhaps it would be best for Five Estuaries (and North Falls) to use all best endeavours to microsite the cables to the western side of the proposed corridor, thus providing the opportunity to further extend the yard to the west in due course.</p>	<p>Order Limits along the north of Ardleigh Road is likely to include an access track and that this could be located north of the hedge, thereby further reducing the height of the planting adjacent to the field and in so doing, reducing the extent of shading.</p> <p>The Applicant notes it has included a design commitment within Appendix A of the OLEMP – Revision D [REP6-026] at detailed design to consider what flexibility there is to maximise the distance between Normans Farm and the export cables as they cross under Ardleigh Road.</p>
TFS-02	<p>Whilst my client has a stronger preference for Normans Farm Layout 3 over the original screening design as set out within VOLUME 9, REPORT 9.22: OUTLINE LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN – REVISION C. Document Number: 9.22 REP2-022, the revised proposal still requires further work to prevent my clients current and future business plans being sterilised.</p> <p>For the avoidance of doubt, my client is working with the applicant but would be grateful for better understanding and empathy on the effects of the proposals on my client's future business.</p>	<p>The Applicant met in person with Brooks Leney and their client on 26 February 2025 where further discussion on landscaping proposals contained within the updated OLEMP – Revision D submitted at Deadline 6 [REP6-026] and commercial matters took place. The Applicant welcomes the feedback and is keen to continue with this engagement. The Applicant proposes to update the OLEMP for Deadline 8 to incorporate these changes, where possible, either to the plans, or as commitments for detailed design, alongside any other feedback received at Deadline 7 to the revised proposals.</p>



11. MARINE MANAGEMENT ORGANISATION

11.1 DEADLINE 6 SUBMISSION [REP6-063]

The Applicant notes the MMO submitted two documents, with one being a summary. The Applicant has chosen to comment on the more detailed response.

Ref	Summary of Deadline 6 submission OR Excerpt of Deadline 6 submission	Applicant's Response
MMO-01	<p>MMO Comments on Draft Development Consent Order (DCO) – Revision D</p> <p>Schedule 10/Schedule 11 Comments</p> <p>The MMO welcomes the inclusion of 'following consultation with the MCA' in Schedule 10, Part 2, Condition 3(3).</p> <p>The MMO welcomes the addition of 'and the MCA' in Schedule 10, Part 2, Condition 3(4) and Schedule 11, Part 2, Condition 4(4).</p> <p>The MMO welcomes the Applicant including 'referenced to Chart Datum' and 'following consultation with MCA' in Schedule 11, Part 2, Condition 4 (3). The MMO requests that this change is also made for Schedule 10, Part 2, Condition 3 (3).</p>	This is noted by the Applicant.
MMO-02	<p>MMO Comments on Applicant's Deadline 5 Submissions</p> <p>The MMO is currently reviewing a-j and will provide our comments in due course.</p>	This is noted by the Applicant.
MMO-03	<p>10.12 Marine Plan Policy Assessment – Revision C (Tracked)</p> <p>The MMO acknowledges the revised Marine Plan Policy Assessment and thanks the Applicant for responding to our requested changes from our Deadline 4 response (REP4-052).</p>	This is noted by the Applicant.
MMO-04	<p>10.34 Applicant's Comments on Deadline 4 Submissions – Revision A</p> <p>The MMO thanks the Applicant for providing clarification on why a value of 50% was used for the amount of material dispersed from trenching. The MMO may provide further comments in due course.</p>	This is noted by the Applicant.
MMO-05	The MMO notes the Applicant has requested the MCA or MMO to provide a definition of 'regional fisheries contact'. The MMO is in discussion with MCA on this point and other suggested conditions and aims to provide further comments in due course.	This is noted by the Applicant.
MMO-06	With regards to the request of changes to Schedule 10, Part 2, 8(1), the MMO notes the Applicant's disagreement. The MMO would like to highlight that this has been used in previous DCOs and is a standard condition.	This is noted but not agreed by the Applicant. The Applicant's proposed wording has also been used in multiple DCOs.
MMO-07	The MMO is still considering the wording of conditions for Schedule 10, Part 2, 10(10) and Schedule 11, Part 2, 11(10).	This is noted by the Applicant.
MMO-08	The MMO notes the Applicant objects to the requested changes to Schedule 10, Part 2, 16(3) (now condition 17) and Schedule 11, Part 2, 17(3) (now condition 18).	This is noted by the Applicant.
MMO-09	The MMO notes the Applicant's response with regards to requested changes to Schedule 10, Part 2, 24(c) (now condition 26).	This is noted by the Applicant.
MMO-10	With regards to Article 7 (Benefit of the Order), the MMO notes the Applicant has stated that they maintain their position. The MMO still disagrees and provided further comments in our Deadline 5 response (REP5-100), and we will respond to these further comments at Deadline 7.	This is noted by the Applicant.
MMO-11	9.20 Outline Navigation and Installation Plan – Revision C (Tracked)	This is noted by the Applicant.



	<p>The MMO notes the Applicant has made amendments to the Initial Approval section in 2.6 of REP5-032. This involves stating that Interested Parties will have 28 days to provide comments regarding the final Navigation and Installation Plan, prior to submission to the MMO. The MMO notes the amendment that if agreement is not reached, these comments will be provided to the MMO as well.</p>	
MMO-12	<p>9.32 Offshore In-Principle Monitoring Plan – Revision C (Tracked)</p> <p>The MMO notes the Applicant has submitted an updated version of the Offshore In Principle Monitoring Plan (IPMP) at Deadline 5. The MMO aims to provide further comments in due course on the updates.</p>	This is noted by the Applicant.
MMO-13	<p>The MMO would like further information included within the IPMP.</p> <p>The MMO is currently undertaking a project on the standardisation of offshore wind post-consent monitoring data. This project aims to standardise the collecting and reporting of offshore wind environmental monitoring data in English waters, for receptors/monitoring techniques where a widely recognised standard for monitoring already exists, and to implement this approach in post-consent monitoring for wind farms in English waters.</p> <p>The MMO has engaged a range of stakeholders, including SNCB's, industry, and Renewable UK to identify standards, and are currently finalising a list of agreed standards across six receptors: marine mammals, underwater noise, ornithology, fish and shellfish, benthic and geophysical monitoring.</p> <p>This will make it easier to compare and collate monitoring data from different projects, and ensure we get the most value out of monitoring. It will also ensure that developers know what is expected of them in terms of monitoring and add weight to previously agreed standards (e.g. Natural England's Best Practice Guidance). Standardisation will only be applied where an agreed standard already exists, and standardisation will deliver benefits.</p> <p>The final list of standards is expected to be agreed in 2025. These will then become the default approach to post-consent monitoring of these receptors. We request that the IPMP be updated to reference this project, where any of these 6 receptors are applicable. The project can be referenced as (MMO Standardisation of Offshore Wind Post-Consent Monitoring, forthcoming). The MMO also requests that the IPMP 7 include a general commitment to ensuring that any standards or best practice adhered to during monitoring, is outlined clearly within the relevant monitoring reports.</p> <p>The MMO aims to engage with the Applicant to ensure that this reference is included, and agreement can be made prior to Deadline 7.</p>	The project referred to by the MMO is noted, however the Applicant considers it unreasonable to commit to following guidance that it has not had sight of and which is still being developed.
MMO-14	<p>MMO Comments on Interested Parties' (IP) Deadline 5 Submissions</p> <p>Natural England</p> <p>The MMO notes in REP5-094 that NE has concerns regarding the timing of the submission for Condition 19 within Schedule 10. NE states that six weeks would be more appropriate than nine weeks and asks for the wording to be clearer when the time period starts. The MMO requested clarification regarding this condition in our Deadline 5 Response (REP5-100). The MMO also notes that other DCO projects have used six weeks for this condition.</p>	The Applicant clarified in the updated dDCO at Deadline 6 [REP6-009] that the nine weeks commences at the start of piling. As the Applicant is proposing to monitor four of the first 12 piles, nine weeks provides a more realistic timeframe to provide this report. Whilst other projects have used six weeks, the Applicant is also aware that in some circumstances extensions have been agreed and therefore nine weeks is likely to more appropriate and realistic.



MMO-15	The MMO notes that NE questions the wording in condition 19(2) of Schedule 10. The MMO also highlights that in previous DCOs, the condition states 'or' instead of 'and' so that works stop in either event.	The Applicant has made this amendment to dDCO – Revision G [REP6-007] submitted at Deadline 7.
MMO-16	The MMO notes that in REP5-097, NE advises that further information is required for confidence in the Maximum Design Scenario (MDS) for cable protection within Margate and Long Sands Special Area of Conservation (MLS SAC). The MMO will maintain a watching brief for any further amendments made to the document.	The Applicant provided clarification on the MDS for cable protection in 10.20.1 Technical Note – Methodology for Determining MDS (Offshore) – Revision C [REP6-037] at Deadline 6 which provided a maximum volume.
MMO-17	London Gateway Port Limited (LGPL) The MMO notes that LGPL provided their comment regarding the mitigation presented within the Applicant's Outline Cable Specification and Installation Plan (CSIP) (REP4-020). They state that navigable depths shall not be reduced within the Deep Water Routes (DWR). The MMO maintains a watching brief on these comments and any further updates to the CSIP.	An update to 9.12 Outline Cable Specification and Installation Plan – Revision C [REP6-020] and the dML – Revision G [REP6-007] was made at Deadline 6 to clarify that navigable depths will not be reduced in the Deep Water Routes.
MMO-18	Port of London Authority (PLA) The MMO notes the concerns raised by the PLA regarding not being able to approve documents, such as the Navigation and Installation Plan (NIP).	This is noted by the Applicant.
MMO-19	The MMO notes the PLA received an updated version of the offshore protective provision from the Applicant on 9 January 2025. The MMO is still in discussions with the PLA regarding their navigational concerns.	Noted.
MMO-20	The MMO notes the PLA welcomes the updates made to the outline Cable Specification and Installation Plan at Deadline 4, but requests clarifications from the Applicant in relation to cable burial depths. The MMO made comments in response to REP4-020 in our Deadline 5 Additional Submission (AS-074).	The Applicant addressed the PLA's comments in updates to 9.12 Outline Cable Specification and Installation Plan – Revision C [REP6-020] at Deadline 6. The exception to this was the request to include the Cable Burial Risk Assessment (CBRA) for approval – the Applicant clarified that the CBRA is a report that informs cable installation approach, but is not a document that requires approval
MMO-21	MMO Comments on PD-024 - Request for Further Information - Rule 17 General comments The MMO notes the Examining Authority (ExA) has proposed the following wording for a condition regarding installation depth for the export cable within the Deep Water Routes (DWRs): 'The construction, operation or decommissioning of the authorised development within the Deep Water Routes, as shown on drawing/plan ?????, must at no time preclude the dredging of the Deep Water Routes to a depth of 22 metres below Chart Datum'. The MMO has been asked to consider the following: a) Consider the abovementioned wording for a DWRs parameter and advise on whether they consider the suggested wording would be suitable as drafted or would require amendment, suggesting any amendments considered to be necessary. b) Advise on how the abovementioned wording of a DWRs parameter could be incorporated into the provisions of a made DCO, ie as an additional parameter incorporated into Table 1 of Requirement 2 in Schedule 2, a new standalone requirement in Schedule 2 or as an additional condition with the DML for the Transmission Assets (Schedule 11) or a combination of changes to both Schedules 2 and 11. 4.1.3.	The Applicant included a new Requirement 2(3) in the dDCO to secure these parameters. In terms of the dML it was considered that this was already secured through the outline CSIP, and that to include the same commitment in three places would be unnecessary and confusing.



	<p>The MMO is currently still in discussions with the PLA regarding their navigational concerns within the DWRs. 4.1.4.</p> <p>The MMO welcomes the potential wording provided by the ExA and is reviewing the wording alongside the comments raised by all relevant IPs to ensure correct understanding in the need for the condition.</p> <p>The MMO will provide comments at Deadline 7 on the wording.</p> <p>In relation to question b, any maximum parameters should be in both the DCO and DML. Therefore Table 1 Schedule 2 seems appropriate. In relation to matters under the MMO's jurisdiction it is best placed for any condition to be on the DML. And therefore, a combination of both would be welcomed. The MMO will provide any further comments at Deadline 7.</p>	
MMO-22	<p>Harwich Haven Authority (HHA)</p> <p>The MMO notes that Harwich Haven Authority has submitted an additional submission in response to the Rule 17 letter dated 27 January 2025 (PD-024).</p> <p>The MMO notes Harwich Haven Authority has provided the following wording in relation to the suggested condition for a DWR Parameter:</p> <p>"The construction, operation or decommissioning of the authorised development, including any covering material (e.g., rock armour), within the Deep Water Routes, as shown on [specific drawing/plan], must at no time prevent or impede the dredging of the Deep Water Routes to a depth of 22 metres below Chart Datum."</p> <p>The MMO notes that HHA also provided mechanisms for how the parameter could be incorporated into the DCO. 4.2.4.</p> <p>The MMO will maintain a watching brief on comments from other IPs and will review the suggested condition further, with the aim to provide a response in due course.</p>	This is noted by the Applicant.



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