



Application by North Falls Offshore Wind Farm Ltd for North Falls Offshore Wind Farm

The Examining Authority's written questions and requests for information (ExQ1) Issued on 4 February 2025

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 10 December 2024. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number. For example, the first question is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number, clearly identifying it as relating to ExQ1.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on [the website](#).

Responses are due by Deadline 2: 4 March 2025



Abbreviations used:

AIL	Abnormal Indivisible Loads	IFP	Instrument Flight Procedure
ALA 1981	Acquisition of Land Act 1981	IP	Interested Party
amsl	above mean sea level	LA	Local Authority
Art	Article	LAs	Local Authorities
BESS	Battery Energy Storage System	LBBG	Lesser Black Backed Gull
BMV	Best and Most Versatile	LIR	Local Impact Report
BNG	Biodiversity Net Gain	LVIA	Landscape Visual Impact Assessment
BoR	Book of Reference	MCA	Marine and Coastguard Agency
CA	Compulsory Acquisition	MHWS	Mean High Water Springs
CAA	Civil Aviation Authority	MMMP	Marine Management Mitigation Protocol
CCRA	Climate Change Resilience Assessment	MMO	Marine Management Organisation
CEA	Cumulative Effects Assessment	MNG	Marine Net Gain
CIMP	Compensation Implementation and Monitoring Plan	MOD	Ministry of Defence
CPO	Compulsory purchase order	MP	Model Provision (in the MP Order)
CTMP	Construction Traffic Management Plan	MP Order	The Infrastructure Planning (Model Provisions) Order 2009
dDCO	Draft DCO	NATS	National Air Traffic Service
DML	Deemed Marine Licence	NE	Natural England
EA	Environment Agency	NFOWF	North Falls Offshore Wind Farm
EACN	East Anglia Connection Node	NGET	National Grid Electricity Transmission
ECC	Essex County Council	NPS	National Policy Statement
EM	Explanatory Memorandum	NM	Nautical Mile
ES	Environmental Statement	NRA	Navigational Risk Assessment
ESC	East Suffolk Council	NRIL	Network Rail Infrastructure Limited
ExA	Examining Authority	NS	Nature Scotland
GHG	Greenhouse Gas	NSIP	Nationally Significant Infrastructure Project
HAT	Highest Astronomical Tide	N2T	Norwich to Tilbury Project
HDD	Horizontal Directional Drilling	OCP	Offshore Converter Platform
HGV	Heavy Goods Vehicle	OCoCP	Outline Code of Construction Practice
HoT	Heads of Terms	OCTMP	Outline Construction Traffic Management Plan
HRA	Habitats Regulations Assessment	OECC	Onshore Export Cable Corridor
IEMA	Institute of Environmental Management and Assessment	OFLaCP	Outline Fisheries Liaison and Coexistence Plan



OIPMP	Offshore In-Principle Monitoring Plan	SI	Statutory Instrument
OLMP	Outline Landscape Mitigation Plan	SNCB	Statutory Nature Conservation Body
OSP	Offshore Substation Platform	SoCG	Statement of Common Ground
OnSS	Onshore Substation	SoS	Secretary of State
OWF	Offshore Wind Farm	SoR	Statement of Reasons
PA2008	The Planning Act 2008	TDC	Tendring District Council
PEIR	Preliminary Environmental Information Report	TP	Temporary Possession
R	Requirement	TSS	Traffic Separation Scheme
RSA	Road Safety Audit	VEOWF	Five Estuaries Offshore Wind Farm
RSPB	Royal Society for the Protection of Birds	WCS	Worst Case Scenario
RR	Relevant Representation	WTG	Wind Turbine Generator
RYA	Royal Yachting Association	ZTV	Zone of Theoretical Visibility
SCC	Suffolk County Council		
SCHNLA	Suffolk Coast & Heaths National Landscape Area		

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link: [North Falls Examination Library](#). It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1 1.1.1 – refers to question 1 in this table.



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ExQ1	Question to:	Question:
1 General and Cross-topic Questions		
1.1 General		
Q1.1.1	The Applicant	<p>Generating capacity of the Proposed Development Provide the following information:</p> <ul style="list-style-type: none"> (i) The anticipated generating capacity for the Proposed Development and the contribution that the generating capacity would make to the Government’s objective of delivering 50 gigawatts (GW) of offshore wind generation by 2030. (ii) The anticipated total generating capacity for the 57 “smallest” and the 34 “largest” wind turbine generators referred to in Table 5.4 of ES Chapter 5 [APP-019]. (iii) With respect to connecting with the electricity transmission system, confirm what grid capacity limit has been allocated to the Proposed Development. <p>The ExA finds it necessary to ask these questions because Paragraph 2.1.3 of the Needs Case and Project Benefits Statement [APP-232] states “<i>North Falls will have a generating capacity in excess of 100 MW.</i>” with there being no indication of its actual anticipated generating capacity. 100MW is simply a threshold for determining whether a proposed offshore generating station in England would or would not be a Nationally Significant Infrastructure Project (NSIP) and be within the scope of the Planning Act 2008 (PA2008). The ExA considers that it and the Secretary State need to know what the anticipated generating capacity for the Proposed Development would be, because that is information which would need to be taken account of should it become necessary to weigh any effects arising from the Proposed Development against any public interest benefits, particularly when exercising duties under s122 of the PA2008 (Purpose for which compulsory acquisition may be authorised) and The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).</p>
Q1.1.2	National Grid Electricity Transmission Plc (NGET)	<p>Grid connection limit for the Proposed Development Confirm what grid connection limit has been agreed with the Applicant as part of the connection offer.</p>

ExQ1	Question to:	Question:
Q1.1.3	The Applicant	<p>Time limits for commencing the Proposed Development Comment on the compatibility of a time limit of seven years for commencing the Proposed Development, sought under the provisions of Requirement 1 of Schedule 1 of the draft Development Consent Order (dDCO) [APP-005] with the Government’s policy ambition for delivering 50GW of offshore wind generation by 2030, as referred to for example in paragraph 3.3.21 of National Policy Statement (NPS) EN-1.</p>
Q1.1.4	Local Authorities (LAs)	<p>Development Plan policies Confirm that you are content with the Applicant’s policy analysis. The local planning authorities in responding to this question should also advise on whether there have been any changes to the Development Plan operative in their respective areas following the submission of the Application for the Proposed Development and/or as to whether any changes are anticipated prior to 28 July 2025, the latest date by which the Examination must be completed.</p>
Q1.1.5	LAs	<p>Neighbourhood Plans In addition to the Ardleigh Neighbourhood Plan, are there other any relevant made or emerging neighbourhood plans that the ExA should be aware of? If there are, please: (i) Provide details, confirming their status and, if they are emerging, the expected timescales for their making. (ii) Provide copies of the relevant parts of any made plan or emerging plan. (iii) Indicate the weight that you consider should be given to these documents. (iv) Please also provide an update as regards the status of the Ardleigh Neighbourhood Plan and whether there have been any changes to relevant policies.</p>
Q1.1.6	LAs	<p>Updates on other development Provide an update on any planning applications that have been submitted or any permissions that have been granted following the submission of the Application for the Proposed Development which could either affect the Proposed Development or be affected by the Proposed Development and whether those developments would affect the conclusions reached in the Environmental Statement (ES).</p>
Q1.1.7	The Applicant	<p>Co-ordination Report (i) Paragraph 1.1.11 of the Co-ordination Report [APP-236] states that</p>

ExQ1	Question to:	Question:
		<p>“NFOW will continue to engage with the relevant parties on opportunities for further coordination and this Report is intended to be a ‘live’ document that can be updated during the course of the Examination period where necessary”.</p> <p>Please provide an update on the coordination undertaken since the application was submitted and advise as to when the Co-ordination Report will be updated.</p> <p>(ii) Can an update be provided on the shared enhancement, mitigation and compensation measures described in Section 8, Co-ordination Report [APP-236] to include what coordinated management plans are proposed and how they will be secured in the dDCO.</p>
Q1.1.8	The Applicant	<p>The Planning Balance</p> <p>The Planning Statement [APP-233] paragraph 4.5.13 highlights the factors that the Secretary of State should take into account when weighing the adverse impacts of a proposed development against its benefits. For the avoidance of doubt, please provide a complete and specific list of all the residual adverse impacts and benefits that the Applicant submits should be weighed in the overall planning balance.</p>
1.2 Environmental Statement (General)		
Q1.2.1	The Applicant Relevant LA	<p>Cumulative effects/impacts - ecology</p> <p>In relation to cumulative effects/impacts, please provide or signpost the following:</p> <ul style="list-style-type: none"> (i) Confirmation of up to date/updated figures for each offshore ecological related ES chapter (or one overarching figure which supersedes those) showing the location, and labelling, of all developments screened into the cumulative effects assessment. (ii) A figure/plan showing the location of, and labelling, all developments screened into cumulative assessments overall. The Applicant will need to include/address any further relevant plans/projects since the original ES study was undertaken if it is warranted allowing for all Local Planning Authority responses/other IP submissions. (iii) Are all relevant Planning Authorities content with what plans/projects have screened in/out of the ES cumulative assessments made by the Applicant? If not highlight/explain any omission/potential inclusion. This will need to be re-assessed by you in accordance with the adopted ExA’s Timetable until close of the Examination period.

ExQ1	Question to:	Question:
		<p>(iv) Paragraph 395 of ES Chapter 13 [APP-027] states that the cut-off for inclusion of other OWFs in the cumulative assessment of offshore ornithology was March 2024. Paragraph 396 states that for the proposed Five Estuaries, Dogger Bank South and Outer Dowsing OWFs data has been used from the respective PEIRs rather than the submitted ESs. Moreover, Table 12.95 of ES Chapter 12 (3.1.14) [APP-026] indicates that the same approach was used for the cumulative assessment of marine mammals. Allowing for the published ES data associated to those nearby OWFs, and given the broad principle of scheme collaboration is indicated by NE as being beneficial, is any cumulative conclusion of the Applicant's ES warranted for update having regard to the worst case scenarios for all ecological effects/impacts for this development? The Applicant is requested to undertake a review of this.</p>
Q1.2.2	The Applicant	<p>Construction period allowance for environmental restrictions Table 5.23 from ES Chapter 5 [APP-019] presents an indicative offshore construction programme which indicates an overall 5-year timescale for onshore and offshore works. Does this period allow for all environmental restrictions? For example, what is the time impact of the mitigation options proposed in the Outline Integrity Plan for the Southern North Sea Special Area of Conservation [APP-243]?</p>
Q1.2.3	The Applicant	<p>Maximum cable protection parameters Please clarify how the maximum cable parameters presented in Table 5.19 from ES Chapter 5 [APP-019] have been generated? How many cable crossings are anticipated and what are the estimated dimensions?</p>
Q1.2.4	The Applicant	<p>Onshore export cable characteristics Further detail on the onshore export cable and maximum parameters (including the estimated number of construction compounds (11)) is presented in Table 5.27, ES Chapter 5 [APP-019]. Some parameters are described as approximate or indicative. Please confirm that the parameters used in the assessment represent a worst-case scenario.</p>
<p>1.3 Need and benefits</p>		
Q1.3.1	The Applicant	<p>Wind farm distance from the coastline and area</p>

ExQ1	Question to:	Question:
		<p>Paragraph 1.1.1 of the Needs Case and Project Benefits Statement [APP-232] refers to the windfarm being approximately 22km off the East Anglian coastline. The Application Form and Planning Statement refer to the distance being 40km. Paragraph 2.3.4 refers to the offshore area being 150 sq. km whilst the Application Form and Planning Statement refer to it being 95 sq. km. Please confirm the correct distance from the coastline and area of the proposed windfarm.</p>
Q1.3.2	The Applicant	<p>The Holistic Network Design The Needs Case and Project Benefits Statement [APP-232] paragraph 2.1.2 states that the aim of the Holistic Network Design (HND) is to expediate the consenting and regulatory approval processes and deliver this coordinated network by 2030. However, the timeline for the planned follow-up Detailed Network Designs (DNDs) has been delayed. In the light of those delays, section 5.1 makes the case for the urgent delivery of North Falls, ahead of the HND, to bring forwards the benefits and the renewable generating capacity as soon as possible. (i) Please provide an update as to the progress and currently anticipated timeline for the HND, DNDs and the Centralised Strategic Network Plan (CSNP). (ii) Please provide further explanation and justification for the claim in paragraph 6.1.10 that the delay of offshore wind farms proposed for connection before 2030 until the delivery of the HND could jeopardise the UK's ability to meet the Sixth Carbon Budget.</p>
Q1.3.3	The Applicant	<p>National Policy Drivers of Need The Needs Case and Project Benefits Statement [APP-232] section 2.2 identifies various national legislation and policy drivers of the need for renewable energy. Please confirm that this comprises a complete list and that no update is required in relation to the UK Government strategies.</p>
Q1.3.4	The Applicant	<p>Benefits to the local community The Needs Case and Project Benefits Statement [APP-232] sections 5.5 and 5.6 highlight the benefit of local employment opportunities and social benefits to local communities. Notwithstanding the details provided in ES Chapter 31 Socio-economic [APP-045] please provide further explanation and justification for the number of local jobs estimated to be created during all phases. (i) Please also confirm that the social benefits to local communities referred to derive solely through the creation of job opportunities.</p>

ExQ1	Question to:	Question:
		<p>(ii) Having regard to the Coordination Report [APP-236] section 8.3 which indicates that the labour and supply chain is likely to be shared/overlap with Five Estuaries, please confirm that the jobs estimate, and social benefits referred to in the Needs Case and Project Benefits Statement relate solely to the North Falls Proposed Development.</p> <p>(iii) The Coordination Report [APP-236] paragraph 8.3.5 states that a key element is consideration of the number and type of opportunities brought forward by the Projects during the construction phase where infrastructure and therefore labour and supply chain is likely to be shared/overlap. Please provide further details and explanation of this aspect including how the number and type of opportunities has been and would be assessed and developed through the skills and employment strategies for the projects.</p>
Q1.3.5	The Applicant	<p>The contribution to UK decarbonisation targets</p> <p>The Needs Case and Project Benefits Statement [APP-232] section 6, paragraph 6.1.2 submits that the Proposed Development would make a measurable contribution to the achievement of UK decarbonisation targets. For the avoidance of doubt, please set out how the contribution that would be made by North Falls on its own has been calculated and how that has been measured against those targets.</p>
<p>1.4 Code of Construction Practice</p>		
Q1.4.1	The Applicant	<p>Outline Construction Code of Construction Practice documents</p> <p>The Outline Construction Code of Practice (OCCoP) [APP-248] refers to the documents listed below which were not submitted as part of the application. The Applicant should provide an update on the status of the documents, together with an indication on when the documents will be finalised and submitted. The Documents include:</p> <ul style="list-style-type: none"> (i) Health and Safety Plan (ii) Environmental Emergency / Incident Response Plan (iii) Watercourse crossing scheme (iv) Flood Warning and Evacuation Plan (v) Dust Management Plan (vi) Invasive Non-Native Species Management Plan (vii) Contaminated Land and Groundwater Scheme (viii) Materials Management Plan (ix) Soil Management Plan

ExQ1	Question to:	Question:
		(x) Site Waste Management Plan (xi) Construction Surface Water Drainage Plan (xii) Workforce Management Strategy
Q1.4.2	LAs	Outline Code of Construction Practice The OCCoP [APP-248] provides the strategy for the mitigation and control of potentially adverse effects arising from the onshore construction activities. Please confirm whether you are satisfied that the Outline Code of Construction Practice is sufficiently robust, precise and enforceable to provide effective mitigation of potential adverse effects.
Q1.4.3	LAs	Works outside of general working hours Paragraph 51, OCCoP [APP-248], in the context of when work is required outside of the working hours specified in Paragraph 46, includes that <i>“The relevant local planning authorities will be advised of the likely timetable of works”</i> . Is it sufficient for the LA to be advised of the likely timetable for these works or should this be changed so that works, outside of the hours specified in Paragraph 46, are to be agreed with the relevant planning authority in writing in advance and must be carried out within the agreed times?
Q1.4.4	The Applicant	Working hours in proximity to residential properties Paragraph 46, OCCoP [APP-248], states the working hours as <i>“Construction work for the onshore works must only take place between 0700 hours and 1900 hours Monday to Saturdays, with no activity on Sundays and bank holidays, except as specified below.”</i> Has consideration been given to tighter working hours in proximity to residential properties?
Q1.4.5	LAs and Parish Councils	General working hours and working hours in proximity to residential properties Paragraph 46, OCCoP [APP-248], states the working hours as <i>“Construction work for the onshore works must only take place between 0700 hours and 1900 hours Monday to Saturdays, with no activity on Sundays and bank holidays, except as specified below.”</i> Are you content with the working hours proposed or whether tighter working hours should be sought in certain locations that affect residential properties?
Q1.4.6	The Applicant	Control of noise and vibration during construction

ExQ1	Question to:	Question:
		<p>Paragraph 167, OCCoP [APP-248], in the context of noise and vibration includes <i>“Measures will be implemented on site to minimise any effects and a programme of monitoring may be required.”</i></p> <ul style="list-style-type: none"> (i) How will the noise and vibration during the construction works be monitored to ensure compliance with limits and effectiveness of the attenuation measures? (ii) What limits are proposed in general and in proximity to residential properties specifically? (iii) Regarding Paragraph 171, OCCoP ‘Measures specific to cumulative noise’, please clarify what specific measures are proposed to mitigate cumulative noise.
<p>2 Agriculture and other land uses, ground conditions and soils</p>		
Q2.1.1	The Applicant and Five Estuaries OWF	<p>Proximity of the Onshore Export Cable Corridors (OECC) for the Proposed Development and the proposed Five Estuaries OWF</p> <p>Further to the Relevant Representation submitted by Brooks Leney on behalf of various farmers and landowners [RR-003, RR-012, RR-028, RR-134, RR-143, RR-193, RR-224, RR-289, RR-325, RR-331, RR-334, RR-336];</p> <ul style="list-style-type: none"> (i) Would there be any sterilisation of farmland between the proposed OECC easements for the Proposed Development and the proposed Five Estuaries OWF? If so, the sterilised land must be identified on a plan and the area of affected land should be quantified; and (ii) What steps are being taken by the respective projects to minimise any sterilisation of farmland?
Q2.1.2	The Applicant	<p>Impacts on Best and Most Versatile Agricultural Land</p> <p>NPS- EN1 (para 5.11.12) states, “Applicants should minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5).”</p> <p>Please explain how the test set out in para 5.11.12 of EN1 is satisfied in respect of the Proposed Development.</p>
Q2.1.3	The Applicant	Anglian Water

ExQ1	Question to:	Question:
		<p>Environmental Statement Chapter 19 Ground Conditions and Contamination [APP-033] sets out that there will be further discussions with Anglian Water.</p> <p>Please provide an update on these discussions.</p>
Q2.1.4	The Applicant	<p>Hydrogeological Assessment</p> <p>A hydrogeological assessment is to be undertaken in respect of the village well supply at Little Bromley. The Outline Code of Construction Practice [APP-248] refers to this being undertaken during construction.</p> <ul style="list-style-type: none"> (i) Please provide further details as to when such an assessment will be undertaken and the mitigation measures to be put in place to ensure that the water supplies to residential properties and businesses in the locality which rely on such water sources will not be disrupted or contaminated. (ii) Please confirm when such an assessment will be prepared and agreed and how will any mitigation measure required be secured.
Q2.1.5	The Applicant and NFU	<p>National Farmers Union</p> <p>In the response to consultation, the National Farmers Union indicated that they would wish to see wording in the Outline Code of Construction Practice. The Applicant's response in Chapter 22 Land Use and Agriculture [APP-036] at page 19 is that they will discuss this with NFU following submission of the application.</p> <p>Please provide an update on the discussions that have taken place and provide further details on the nature and content of the discussions.</p>
Q2.1.6	The Applicant	<p>Utilities</p> <p>It is acknowledged that a plan of utilities is provided at Figure 22.6 of Chapter 22 Figures [APP-067] but this only shows the position on utilities within the boundary of the Proposed Development and there are multiple utilities marked over each other.</p> <ul style="list-style-type: none"> (i) Please provide a plan to show the detailed position of utilities crossing the onshore project area including the Affinity Water main.

ExQ1	Question to:	Question:
		(ii) Please provide an update on the agreements to be entered into with the utility companies that will be affected by the Proposed Development and the anticipated timescale for the resolution of the agreements.
Q2.1.7	The Applicant	<p>Gunfleet Sands Offshore Windfarm Underground Transmission Cable Paragraph 98 of Chapter 22 [APP-036] states, “The landfall overlaps with the existing Gunfleet Sands Offshore Wind Farm (OWF) underground transmission cable at landfall (near Holland-on-Sea)”. Figure 22.6 of Chapter 22 Figures [APP-067] indicates that there is no overlap.</p> <p>Please confirm the location of the overlap and update on the discussions that have been held with this windfarm operator in respect of the overlap of the cables.</p>
Q2.1.8	The Applicant	<p>Reinstatement of Agricultural Land How will the Applicant be able to ensure that upon reinstatement of the agricultural land following construction, the land will be returned to the original land classification and how will the Applicant monitor and address the recovery of the soils to ensure that the land classification status can be retained?</p>
Q2.1.9	The Applicant	<p>Agri-Environment Schemes</p> <ul style="list-style-type: none"> (i) Where land is currently subject to Agri-Environment Schemes, what provisions will be made to reinstate the land to the original condition so that the land can be subject to the Agri-Environment Scheme in the future? (ii) What progress has been made in respect of negotiations with landowners and occupiers in respect of the impact of the Proposed Development on existing and proposed Agri-Environment Schemes?
Q2.1.10	The Applicant	<p>Land Drainage Consultant Chapter 22 [APP-036] refers to the appointment of a land drainage consultant both pre and post construction. Please confirm how this appointment will be secured in the dDCO and how the Applicant will ensure that the appointed consultant has the appropriate levels of experience and is acceptable to the affected landowners and occupiers.</p>
Q2.1.11	The Applicant	Agricultural Drainage

ExQ1	Question to:	Question:
		<p>Paragraph 182 of Chapter 22 [APP-036] states “The backfilling of subsoil and then topsoil in the cable trenches will prevent a conduit from forming and ensure that there are no changes to the local flow rates due to permeability changes”.</p> <p>(i) Please clarify what this means.</p> <p>(ii) Please confirm how the permanent changes to the field drainage at the onshore substation site during operation will be compliant with the Flood Risk Assessment.</p>
Q2.1.12	The Applicant	<p>Permanent Loss of Agricultural Land Paragraph 185 of Chapter 22 [APP-036] states that the cables will be buried at a depth of at least 0.9m and that normal agricultural activities can be continued on the land.</p> <p>Please clarify whether there are any agricultural activities that will be precluded as a result of the cable depth including any specific planting, fencing, hedging or other uses. Chapter 22 [APP-036] refers to the transition joint bays (TJB) and link boxes which will require manhole covers and concrete plinths. The impact of these is that they will be permanent loss of agricultural land.</p> <p>What proposals are made to ensure that the position of the TJBs and link boxes will not impact on the surrounding agricultural land and affect ongoing agricultural activities on the land affected?</p>
Q2.1.13	Essex County Council	<p>Mineral Safeguarding Areas (MSA) Are you satisfied with the Minerals Resource Assessment [APP-113] and the assessment of impact on the MSA as set out in 19.6.1.4 and 19.6.2.3 of Chapter 19 [APP-033]?</p>
<p>3 Alternatives</p>		
Q3.1.1	The Applicant	<p>General Assessment Principles Notwithstanding the details set out in the ES Chapter 4 Site selection and alternatives [APP-018], in the light of EN-1 paragraph 4.3.17 and section 5.4:</p> <p>(i) Please confirm that Table 4.1 of ES Chapter 4 sets out all legal and policy requirements relating to the assessment of alternatives applicable to the Proposed Development.</p>

ExQ1	Question to:	Question:
		<p>(ii) Please identify any such legal or policy requirements where compliance has not yet been agreed with the relevant statutory regulator? For example, in relation to the Habitats Directive, or flood risk.</p>
Q3.1.2	The Applicant	<p>The ES assessment of alternatives The ES Chapter 4 Site selection and alternatives [APP-018] Table 4.1 sets out the EN-1 policy as regards grid connection options. This identifies that for “regions with multiple windfarms or offshore transmission projects it is expected that a more coordinated approach will be delivered.” Please summarise the co-ordinated transmission options that have been considered for North Falls Offshore Wind Farm (NFOWF) and explain fully why the approach taken should be regarded as NPS policy compliant.</p>
Q3.1.3	The Applicant	<p>The ES assessment of alternatives The ES Appendix 4.1 Site Selection Golden Rules [APP-091] define the assumptions and principles which set the framework for the site selection. Paragraph 1 states that they have been derived using best practice guide for site selection. Whilst certain specific wording from the Horlock Rules has been imported and identified, the derivation of other principles and assumptions is unclear, although reference is also made to Crown Estate’s Cable Route Protocol, and NPS EN-1, EN-3 and EN-5. The ExA notes that the consultation responses [APP-091a] in relation to the ‘golden rules’ included reference to the avoidance of best and most versatile (BMV) land for the substation.</p> <p>(i) Please specify the derivation of each principle giving the NPS paragraph reference where appropriate.</p> <p>(ii) The ExA notes that there is no mention of seeking to use poorer quality agricultural land rather than Grades 1 to 3a BMV agricultural land, as advised by EN-1 paragraph 5.11.12. Please explain why this was not a factor considered worthy of inclusion within the Golden Rules.</p> <p>(iii) In addition, the avoidance of BMV land does not appear to have been one of the principles adopted for the selection of the initial cable corridor as set out in ES Chapter 4 [APP-018] paragraph 111, notwithstanding the advice set out in EN-1 paragraph 5.11.34. Please explain why this was not a factor considered worthy of inclusion within those principles.</p>

ExQ1	Question to:	Question:
Q3.1.4	The Applicant	<p>The ES assessment of alternatives</p> <p>The ES Chapter 4 Site selection and alternatives [APP-018] paragraph 20 states that: “although Option 1 considers North Falls infrastructure in isolation, if it is constructed, efficiencies arising from co-locating infrastructure with Five Estuaries through co-ordinated site selection will still have been realised”. Please explain and summarise the efficiencies that would still be realised in those circumstances. Does that apply in the event that the Five Estuaries Offshore Wind Farm (VEOWF) does not proceed for any reason?</p>
Q3.1.5	The Applicant	<p>The ES assessment of alternatives</p> <p>The ES Chapter 4 Site selection and alternatives [APP-018] Table 4.2 explains that consideration was given to the insulation system to be used for the electrical infrastructure at the onshore substation. Gas Insulated Switchgear (GIS) uses Sulphur Hexafluoride (SF6) which is a greenhouse gas. However, Air Insulated Switchgear (AIS), which does not require the use of SF6, has been selected. Please summarise the reasons for that selection and set out the benefits of the preferred choice.</p>
Q3.1.6	The Applicant	<p>The ES assessment of alternatives</p> <p>The ES Chapter 4 Site selection and alternatives [APP-018] paragraph 40 states that the “site selection process for the Project’s transmission infrastructure under Options 1 and 2 is driven by the grid connection point offered to the Project by NGET.” The proposed new East Anglian Connection Node (EACN) substation would be located within the area adjacent to the NFOWF onshore substation works area. This is the location at which NFOWF will connect to the grid under grid connection Option 1 and Option 2.</p> <p>(i) Please provide an update on the progress of that project.</p> <p>(ii) Please explain the implications for the Proposed Development should the proposed Norwich to Tilbury reinforcement project, including the EACN, not proceed for whatever reason.</p>
Q3.1.7	The Applicant	<p>The ES assessment of alternatives</p> <p>The ExA notes that the Essex County Council (ECC) [RR-093], SCC [RR-318] and Tendring District Council (TDC) [RR-327] amongst others have concerns about this project’s reliance on an onshore connection and the EACN as a component part of the Norwich to Tilbury project. TDC state that “the EACN is unconsented and, as such this application is premature”. ECC in consultation on the NFOWF [APP-215 and</p>

ExQ1	Question to:	Question:
		<p>Appendices] has stated its clear preference for a coordinated approach between the different proposed offshore windfarm extension projects and multi-purpose interconnector and that the developers of these separate projects have not presented a comprehensive and conclusive set of evidence that the transmission objectives of this project cannot be met using alternative link(s) to reduce the impact of onshore infrastructure on the terrestrial environment in Essex or Suffolk. Many other IPs including Zena Marlow [RR-352], Emma Stimpson [RR-090], and John Glasse [RR-166] have also expressed the view that the provision of an alternative offshore connection should be examined.</p> <p>(i) Please comment on the concerns raised that the application for the Proposed Development is premature particularly in the light of the objections raised to the Norwich to Tilbury proposal.</p> <p>(ii) Please comment on the views expressed that greater integration on all the relevant projects could result in the adoption of an alternative offshore solution with reduced impacts that would negate the need for onshore transmission.</p> <p>(iii) The Applicant's response [AS-042] to the ExA's PD [PD-005] indicates that currently no third party is promoting a co-ordinated offshore cable option in collaboration with the NFOWF proposed grid connection point, its Option 3. Please provide an update and comment further on the scope for co-ordination with others within appropriate timescales and the prospect of such an alternative being achieved in the light of the submissions made on this topic in various RRs.</p>
Q3.1.8		<p>The ES assessment of alternatives</p> <p>The ES Chapter 4 Site selection and alternatives [APP-018] paragraph 78 footnote 3 explains that the maximum distance of 3km from the project's grid connection point is set in order to minimise the length of cable between the project's onshore substation and the grid connection point. This is necessary to reduce the general impacts from cabling, to minimise electrical losses which improves overall system efficiency, to reduce/eliminate the need for additional equipment to compensate for losses and to minimise the overall cost of the connection. Paragraph 87 indicates that although a constraint which the project was seeking to avoid, all land falling within the 3km search area around the national grid connection point was BMV land, and therefore this constraint was not able to be avoided whilst meeting the project's technical site selection criteria.</p>

ExQ1	Question to:	Question:
		<p>(i) Please provide further details and explanation for the 3km maximum search area given that the BMV constraint cannot therefore be avoided.</p> <p>(ii) Please provide further and full justification for the ultimate selection of the site of the onshore substation on Grade 1 BMV and the disturbance to Grade 2 and 3a BMV along the export cable corridor in the light of EN-1 paragraphs 5.11.12 and 5.11.34 and EN-5 paragraph 2.13.19.</p>
Q3.1.9	The Applicant	<p>The ES assessment of alternatives</p> <p>The ES Chapter 4 Site selection and alternatives [APP-018] paragraph 96 explains that as regards co-ordination with VEOFW the first element of this work was to identify a refined onshore substation works area, within which all works associated with construction and operation of the onshore substations would take place. Please provide further explanation and justification for the selection of the proposed substation site in terms of the area required to accommodate the substations in comparison to all other locations considered.</p>
Q3.1.10	The Applicant	<p>The ES assessment of alternatives</p> <p>The ES Chapter 4 Site selection and alternatives [APP-018] paragraph 104 in relation to the site selection for the onshore cable route indicates that the process has adhered to the recommendations regarding site selection described within the NPSs (especially EN-1 and EN5) and the Electricity Act 1989. Please provide further details of the way in which the process reflects the NPSs recommendations including NPS relevant paragraph references.</p>
Q3.1.11	The Applicant	<p>The ES assessment of alternatives</p> <p>The ES Chapter 4 Site selection and alternatives [APP-018] paragraphs 120 and 136 state that following the combining of the NFOWF and VEOFW cable corridors the 500m wide cable corridors were refined to 204m. The minimum 204m-wide onshore cable corridor(s) was subsequently refined down to a single, 72-130m wide onshore cable route connecting the NFOWF and VEOFW landfall and onshore substations and this forms the basis for the application. Paragraph 137 states that a 72m-wide onshore cable route is required in areas of open-cut trenching, 90m in areas of simple trenchless crossings, and up to 130m in areas of complex trenchless crossings. Please explain fully and summarise with ES references where relevant the need for a corridor of this width</p>

ExQ1	Question to:	Question:
		following the refinement process and how this has been reflected in the refined onshore cable route.
Q3.1.12	The Applicant	<p>The ES assessment of alternatives</p> <p>The ES Chapter 4 Site selection and alternatives [APP-018], paragraph 136 states that this approach to site selection has been undertaken to ensure that should commercial and regulatory constraints allow, the projects will have the option to undertake a single joint cable installation activity for the cable ducts for both projects, therefore realising efficiencies and minimising effects associated with two independent construction activities. Please provide further details of the commercial and regulatory constraints and explain why such an option cannot be secured as the sole option at this stage?</p>
Q3.1.13	The Applicant	<p>The ES assessment of alternatives</p> <p>The ExA notes that the key consultation to date relating to site selection and assessment of alternatives is summarised in ES Appendix 4.2 [APP-091a] and Table 1 sets out the consultation responses. The feedback received has been considered in refining the project location and design. ES Appendix 4.2 also provides a summary of how the consultation responses received to date have influenced the approach that has been taken. Notwithstanding the details and ES references in Table 1 column 5, please summarise giving specific examples of any changes made the response to feedback, if any, from the consultation exercise in relation to the site selection 'golden rules', the onshore substation site selection, the onshore cable corridor site selection, and the PEIR responses.</p>
4 Aviation		
Q4.1.1	The Applicant National Air Traffic Service (NATS)	<p>Aviation and Radar</p> <p>With regards to negotiations with the NATS it is noted that the NATS's objection [RR-242] relating to the Proposed Development's impacts on the air traffic radars at Cromer and Debden was withdrawn in their additional submission [AS-038].</p> <p>(i) Provide here or in the SoCG, an up-to-date position with regards to negotiations with the NATS to include details of the refinement of the modelling and any mitigation related to the effects (including cumulative) on the air traffic radars at</p>

ExQ1	Question to:	Question:
		<p>Cromer and Debden from the Proposed Development with reference to ES Chapter 17 [APP-031]?</p> <p>(ii) Is a solution for the mitigation realistically achievable within the time limit for the implementation of the DCO?</p> <p>(iii) Is a requirement needed in the dDCO to secure both the proposed mitigation and monitoring arrangements?</p>
Q4.1.2	The Applicant Defence Infrastructure Organisation	<p>Aviation and Radar</p> <p>(i) Provide here or in the SoCG, an up-to-date position with regards to negotiations between the Applicant and the DIO/MOD and whether any concern or issues remain to the Proposed Development with reference to ES Chapter 17 [APP-031]?</p> <p>(ii) Has the applicant submitted a mitigation proposal to the DIO/MOD, but if not when will this likely happen? What is the likely timeframe in working towards this mitigation?</p>
Q4.1.3	The Applicant Civil Aviation Authority (CAA)	<p>Aviation and Radar</p> <p>(i) Provide here or in the SoCG, an up-to-date position with regards to negotiations with the CAA and whether any concern or issues remain to the Proposed Development with reference to ES Chapter 17 [APP-031]?</p> <p>(ii) In particular, clarify the status of the two Required Navigation Performance Instrument Flight Procedures which are referred to in ES Chapter 17 [APP-031] Table 17.1 and paragraph 133 as currently with the CAA awaiting approval.</p>
Q4.1.4	The Applicant	<p>Met Office Weather Radar</p> <p>ES Chapter 17 [APP-031], paragraph 87 refers to a 20km safeguarded zone for weather radars.</p> <p>Can the Applicant provide the source of reference for the 20km zone and confirm that this has been agreed with the Met Office?</p>
Q4.1.5	The Applicant	<p>London Southend Airport – instrument flight procedure assessment</p> <p>ES Appendix 17.2 [APP-111] states that “<i>The proposed offshore wind farm development does not impact the currently published IFPs for London Southend Airport.</i>”</p>

ExQ1	Question to:	Question:
		Confirm whether London Southend Airport are content with the ES assessment and its findings.
5 Climate Change and Resilience		
Q5.1.1	The Applicant	<p>General climate change and policy issues NPS EN-1, paragraphs 4.10.9 and 4.10.11 state that the ES should set out how the proposal will take account of the projected impacts of climate change. This should include climate change adaptation and applicants should demonstrate that proposals have a high level of climate resilience built-in from the outset and should also demonstrate how proposals can be adapted over their predicted lifetimes to remain resilient to a credible maximum climate change scenario. The Planning Statement [APP-233], indicates that the Applicant has complied with those requirements and ES Chapter 33 Climate Change [APP-047] sets out the Climate Change Resilience Assessment (CCRA):</p> <ul style="list-style-type: none"> (i) Please specify in summary all appropriate mitigation or adaptation measures that have been identified for the Proposed Development highlighting any relevant changes to the embedded mitigation since the preparation of the ES. (ii) Please confirm the period that they are intended to cover. (iii) Please summarise how the Applicant seeks to demonstrate that EN-1 paragraphs 4.10.8 - 4.10.13 would be satisfied.
Q5.1.2	The Applicant	<p>General climate change and policy issues The ES Chapter 33 [APP-047] indicates that climate change resilience mitigation measures have been considered as part of the assessment. In relation to NPS EN-1, paragraph 4.10.15: Please summarise how the ES demonstrates that there would be no critical features of the scheme which might be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections?</p>
Q5.1.3	The Applicant	<p>General climate change and policy issues The ES Chapter 33 [APP-047] Table 33.6 in relation to NPS EN-1 states: “The Project will seek to minimise, where practicable, GHG emissions during each phase through the use of best available techniques and efficient design/management”. It draws attention to mitigation measures proposed to reduce GHG emissions through the lifetime of the Proposed Development.</p>

ExQ1	Question to:	Question:
		<p>(i) In the light of EN-1 paragraphs 5.3.9 and 5.3.10, summarise the steps taken to reduce the GHG emissions of the construction and decommissioning stage of the Proposed Development and explain why they should be regarded as being reasonable.</p> <p>(ii) Please highlight whether those steps embed nature-based or technological processes to mitigate or offset the emissions of construction within the Proposed Development.</p>
Q5.1.4	The Applicant	<p>General climate change and policy issues NPS EN-3 paragraph 2.4.8 provides that applicants should demonstrate that any necessary land-side infrastructure (such as cabling and onshore substations) associated with offshore windfarms will be appropriately resilient to climate-change induced weather phenomena. Similarly, applicants should particularly set out how the proposal would be resilient to storms. The ES Chapter 33 [APP-047] confirms that a CCRA has been undertaken. Notwithstanding the details provided in section 33.6.2. and Table 33.27:</p> <p>(i) Please provide further details and explanation of the design features aimed to provide resilience including mitigation of storm events and the safety margins for the offshore infrastructure.</p> <p>(ii) Please also explain the means whereby all mitigation measures referred to including the management plans, real-time monitoring, and the shut-down of the wind turbines when high wind speeds occur will be secured through the dDCO [AS-022].</p>
Q5.1.5	The Applicant	<p>Greenhouse Gas Emissions The ES Chapter 33 [APP-047] explains that the GHG assessment is undertaken in accordance with the Institute of Environmental Management and Assessment (IEMA) guidance. The IEMA guidance recommends comparing the magnitude of a project's carbon footprint against available carbon budgets. Please explain further how the magnitude of GHG impacts for the ES has been assessed and specifically identify those aspects of the GHG assessment for which professional judgment has been used; the outcome of those judgements, and the justification for the assumptions made in the exercise of any professional judgement.</p>
Q5.1.6	The Applicant	<p>Greenhouse Gas Emissions The ES Chapter 33 [APP-047] paragraph 101 states that the GHG assessment is inherently cumulative, and no additional consideration of cumulative effects is required. Please explain in further detail the inherent nature of the cumulative assessment within</p>

ExQ1	Question to:	Question:
		the GHG methodology and the approach to assessing the Proposed Development's GHG emissions against the UK carbon budgets.
Q5.1.7	The Applicant	<p>Greenhouse Gas Emissions The ES Chapter 33 [APP-047] paragraph 106 in relation to the GHG assessment states that: "Where there are uncertainties regarding input data or information used in the assessment, a conservative approach has been adopted to provide a robust assessment". Please provide further details and explanation to support that contention.</p>
Q5.1.8	The Applicant	<p>Cumulative Climate Effects Assessment The ES Chapter 33 [APP-047] Table 33.29 'Realistic worst-case scenario of cumulative effects arising from development of North Falls and Five Estuaries Offshore Wind Farm – Scenario 3' summarises the realistic worst-case scenario for likely cumulative effects scoped into the EIA for the CCRA. Please explain what is meant by 'reasonable' in that context and provide further details to support the assertion that a 'worst-case' comparison has been made.</p>
Q5.1.9	Essex County Council and Tendring District Council	<p>Cumulative Climate Effects Assessment The ES Chapter 33 [APP-047] Table 33.28 provides a summary of projects considered for the Cumulative Effects Assessment (CEA) in relation to climate change. Please confirm that those applications referred to as being within the remit of your Council have been appropriately recorded and excluded from the CEA.</p>
Q5.1.10	The Applicant	<p>HRA and Climate change resilience The RR of Natural England (NE) [RR-243] in relation to ES Appendix 2 LBBG Compensation Document [APP-188], notes that Climate change resilience of any of the proposals is not discussed within this document. NE advises that if the Lantern marsh/Cobra Mist area is to be predator fenced, consideration needs to be given to the flood risk in this area. Please confirm that the factors raised by NE will be considered and a revised document including this information submitted.</p>
<p>6 Compulsory Acquisition</p>		
Q6.1.1	The Applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought The Statement of Reasons (SoR) [AS-028], paragraph 3.1.8 states that the works to create the electrical connections from the proposed offshore generating station to the national grid are associated development. Please identify with reference to the Planning</p>

ExQ1	Question to:	Question:
		Act 2008 Guidance on associated development (AD Guidance) why those works which relate to provision for aspects of the proposed Five Estuaries Offshore Wind Farm (VEOWF) project are appropriately regarded as associated development for the purposes of this application?
Q6.1.2	The Applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought The SoR [AS-028], paragraph 3.3.2 states that the identification of the onshore cable route and substation location has been undertaken in co-ordination with proposed VEOWF. The Explanatory Memorandum (EM) [AS-024] section 3.3 also refers to the co-ordination with VEOWF and identifies project efficiencies that would result.</p> <p>(i) Please specify all environmental and social impacts of both projects associated with compulsory acquisition (CA) which would be minimised due to that co-ordination? (ii) How would this serve to address and minimise the potential cumulative impacts associated with the Proposed Development?</p>
Q6.1.3	The Applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought The SoR paragraph 5.2.2 refers to s122 PA2008 under the main heading of 'Enabling Powers'. Please explain giving full reasons the sub-section or subsections of s122(2) which the Applicant relies upon as justification for the exercise of CA powers in relation to those works which are required for the proposed VEOWF project?</p>
Q6.1.4	The Applicant	<p>Meeting the conditions under s122 PA2008 for the Onshore Export Cable Corridor (OECC) The SoR paragraph 3.2.2 [AS-028], indicates that the Applicant is seeking CA powers that would facilitate the construction of onshore cable ducting for the proposed VEOWF. Having regard to:</p> <ul style="list-style-type: none"> • the provisions of s122 PA2008, most particularly the condition stated in s122(2)(a) that the land "... is required for the development to which the development consent relates"; and • paragraph 11 of the "Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land" (Department for Communities and Local Government, September 2013) (CA guidance), stating: <i>"... the applicant should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is</i>

ExQ1	Question to:	Question:
		<p><i>sought. The Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.</i></p> <p>Please explain how the powers sought in connection with the onshore cable ducting for the proposed VEOWF would meet the conditions stated in s122 PA2008.</p>
Q6.1.5	The Applicant	<p>Land required for the OECC for the Proposed Development and the OECC for the proposed VEOWF</p> <p>Within paragraph 7.8.2 of the SoR [AS-028] it is stated “... <i>The inclusion of Works to enable the installation of a second set of ducts for Five Estuaries means that the width of the corridor which may be acquired is slightly wider than it would be for North Falls in isolation...</i>”</p> <p>Please quantify the amount of land (in square metres) for each work shown on the onshore Works Plans respectively allocated to the OECC for the Proposed Development and the OECC for the proposed VEOWF. In answering to this question, the Applicant should:</p> <p>(i) Identify in a table the Land Plots and show on plan(s) the plots, subject to the CA powers being sought, required for the Proposed Development, intended for the proposed VEOWF and required for both projects; and</p> <p>(ii) Clarify the minimum amount of land that would reasonably be required to provide an OECC for the Proposed Development (assuming there was no proposal for VEOWF).</p>
Q6.1.6	The Applicant and Five Estuaries OWF	<p>Land required for the Proposed Development’s onshore substation and the proposed VEOWF’s onshore substation</p> <p>Having regard to the provisions of s122(2)(a) of the PA2008 and the CA guidance, please explain:</p> <p>(i) Why it is considered to be reasonably necessary to seek powers for the freehold acquisition of the entirety of Land Plots 15-014 (120 square metres (m²)), 15-016 (250,896 m²) and 16-001 (182,197 m²) included in the Book of Reference (BoR) [AS-026] as part of the Proposed Development, when some of that proposed freehold acquisition would be for the construction of the onshore substation for the proposed VEOWF?</p> <p>(ii) The SoR [AS-028] paragraph 7.8.3 indicates that co-locating the onshore substation with VEOWF would have a lower overall land take when compared to locating the</p>

ExQ1	Question to:	Question:
		substations in different search areas. Has any assessment been made as to the anticipated quantum of reduced overall land take due to that co-ordination?
Q6.1.7	The Applicant	<p>Case for the freehold acquisition of Land Plots 15-014, 15-016 and 16-001 Please identify where the case for the freehold acquisition on Land Plots 15-014, 15-016 and 16-001, associated with the Proposed Development's onshore substation and the substation for the proposed VEOWF can be found in the SoR [AS-028]. If no such case has been included in the SoR then an amended version of the SoR must be submitted that includes the Applicant's case for the freehold acquisition of Land Plots 15-014, 15-016 and 16-001.</p>
Q6.1.8	The Applicant and NGET	<p>Acquisition of rights for the proposed National Grid East Anglia Connection Node (EACN) Having regard to the provisions of s122(2)(a) of the PA2008 and the CA guidance, please explain: (i) Why it is considered to be reasonably necessary to acquire any rights or acquire rights of the scale proposed in respect of Land Plots 16-006 (338,436 m²), 16-007 (34,524 m²) and 16-008 (35,988 m²) included in the BoR [AS-026] when the rights sought are intended to facilitate a connection between the Proposed Development's onshore substation and the proposed EACN. (ii) Should any such rights be sought in connection with the Proposed Development, or would it be more appropriate for National Grid Electricity Transmission (NGET) to include provision for a connection between EACN and the Proposed Development's onshore substation as part of the scheme NGET intends to promote?</p>
Q6.1.9	The Applicant	<p>The Construction Scenarios and the exercise of CA powers The SoR [AS-028] section 7.8 sets out the various construction scenarios. The dDCO [AS-022] R19 seeks to restrict the exercise of CA powers depending on the build option that the undertaker intends to commence. The ExA notes that the DCO granted in respect of East Anglia One includes R29 which requires the simultaneous installation of all cable ducts forming part of the onshore connection works. Please explain further: (i) Why it is necessary to make provision within the dDCO for the various build options 1, 2a and 2b?</p>

ExQ1	Question to:	Question:
		(ii) How is the co-ordination of the Proposed Development with VEOWF secured, for example, what would be the position should VEOWF proceed first but fail to make provision for the works required for the Proposed Development?
Q6.1.10	The Applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought The SoR [AS-028] paragraph 5.4.2 states that it cannot yet be confirmed exactly where within the onshore cable route the export cables will be laid, or where only temporary possession (TP) would be sufficient. The CA powers are therefore sought over the entire onshore cable route. In addition, paragraph 5.5.2, indicates that the TP use powers would enable the Applicant to only compulsorily acquire the minimum amount of land and rights over land required to construct, operate and maintain the Proposed Development. To assist with the consideration of whether the extent of the land to be acquired is no more than is reasonably required for the purposes of the development to which the development consent will relate:</p> <p>(i) For the avoidance of doubt, please set out and justify the extent of the flexibility that the submitted application would allow in terms of parameters providing dimensions where relevant.</p> <p>(ii) How would it be ensured that powers of CA would not be exercised in respect of land not ultimately required following the detailed design process?</p>
Q6.1.11	The Applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought The EM [AS-024], paragraphs 4.5.4 and 4.5.5, explain that dDCO Article 24 would allow the Undertaker to acquire rights over land and impose restrictive covenants which may be compulsorily acquired, including rights already in existence, or to create new rights. It is stated that the ability to acquire new rights ensures that the Undertaker would be able to seek a lesser interference with land where this would be appropriate. Paragraph 4.5.8 acknowledges that Article 24 is a departure from the model provisions.</p> <p>(i) Please explain further why the area of outright acquisition cannot be more precisely identified at this stage?</p> <p>(ii) How can it be ensured that Article 24 would be utilised in this way and that the Article 22 'Compulsory Acquisition of land' would not be exercised in respect of land that could instead be made the subject of new rights or covenants?</p> <p>(iii) What type of review process and/or control could be put in place to reflect this aim?</p>

ExQ1	Question to:	Question:
		<p>(iv) Notwithstanding the inclusion of such an article in the East Anglia Three Offshore Wind Farm Order 2017 and the Hornsea Four Offshore Wind Farm Order 2023, please provide full justification for its use in this case including setting out any justification that was given in those cases.</p> <p>(v) Whilst the SoR Table 2 sets out the purposes for new rights and restrictions, please provide an indication of the anticipated content and/or an initial draft of any restrictive covenants intended to be imposed.</p> <p>(vi) How would the reasonableness and proportionality of any restrictive covenant impose be assessed and controlled? Should a requirement for consultation with relevant owners/occupiers as regards the drafting of any such restrictive covenants be imposed?</p>
Q6.1.12	The Applicant	<p>The scope and purpose of the Compulsory Acquisition Powers sought The SoR [AS-028] paragraph 5.5.6 explains that Article 32 provides that the Applicant may enter onto and temporarily occupy any of the Order Land that is reasonably required to maintain the authorised development during the operational period and to construct such temporary works and buildings on the land. Please explain why the 28 day notice period for the exercise of this power is considered to be reasonable and why a longer period could not be inserted in Article 32(3)?</p>
Q6.1.13	The Applicant	<p>The scope and purpose of the Compulsory Acquisition powers sought For the avoidance of doubt, please confirm the total number of plots falling within each of Parts 1 to 5 of BoR [APP-007] and the SoR Appendix A Tables 1, 3 and 4 [AS-028].</p>
Q6.1.14	The Applicant	<p>Whether there is a compelling case in the public interest for the Compulsory Acquisition of the land, rights and powers that are sought by the draft DCO The SoR [AS-028], section 7 includes the Applicant’s compelling case in the public interest for the proposed compulsory acquisition. The conclusion is reached in paragraph 13.1.4 that there is a compelling case in the public interest for the land or rights over the land to be compulsorily acquired.</p> <p>(i) Please provide a summary note setting all relevant environmental, social, and economic benefits and adverse impacts that have been assessed (including ES references where appropriate) and which are mentioned in the SoR paragraph 7.4.4 explaining how the adverse effects to the environment and local community have been considered individually or collectively so as to enable the conclusions in paragraphs 7.4.5 and 13.1.4 to be reached.</p>

ExQ1	Question to:	Question:
		<p>(ii) What assessment, if any, has been made of the effect upon individual Affected Persons and their private loss that would result from the exercise of compulsory acquisition powers in each case?</p> <p>(iii) If no such exercise has been undertaken, please explain why it is considered unnecessary to do so?</p> <p>(iv) What is the clear evidence that the public benefit would outweigh the private loss and how has that balancing exercise between public benefit and private loss been carried out?</p>
Q6.1.15	The Applicant	<p>Whether there is a compelling case in the public interest for the Compulsory Acquisition of the land, rights and powers sought</p> <p>The SoR [AS-028] paragraph 7.3.2 refers to the ‘other benefits’ that would result from the Proposed Development including biodiversity net gain, and employment during the construction phase. Please provide a complete list of all the public benefits that are anticipated to be delivered and indicate whether any require an update or revision or remain as set out in the application document.</p>
Q6.1.16	The Applicant	<p>Whether there is a compelling case in the public interest for the Compulsory Acquisition of the land, rights and powers sought</p> <p>The SoR section 7.9 refers to the negotiations that the Applicant is carrying out with landowners of the Order Land with a view to acquiring land by negotiation and a summary of those negotiations is provided at Annex B. Please provide further details, with examples where available:</p> <p>(i) Whether such engagement has helped to shape the proposals and enabled the Applicant to make changes to designs, including the extent of land-take, to minimise the private loss.</p> <p>(ii) Please provide details, where available, of any direct and indirect impacts thereby identified.</p>
Q6.1.17	The Applicant	<p>Heads of Terms (HoTs) negotiations</p> <p>The SoR Annex B sets out the various categories of landowners to whom HoTs have been issued. The ExA notes that in relation to the National Grid Connection Works HoTs have not yet been issued to landowners on whose land the project is seeking to acquire permanent rights to facilitate the connection between the project’s onshore substation</p>

ExQ1	Question to:	Question:
		<p>and NGET's substation for the reasons set out in the Schedule of Negotiations [APP-010].</p> <p>(i) What progress has been made towards agreeing HoTs with all land interests following the Application's submission?</p> <p>(ii) Please indicate whether further details of the location of the EACN substation and the onward cable connection from the NFOWF substation has now been provided by National Grid, so as to enable the provision of HoTs to this category of landowner. If not yet provided, please give an update as to when it is anticipated that this will be available, and HoTs issued?</p>
Q6.1.18	The Applicant	<p>Whether all reasonable alternatives to Compulsory Acquisition been explored</p> <p>The CA Guidance, paragraph 25, state that applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</p> <p>(i) Please demonstrate the Applicant's compliance with this aspect of the CA Guidance.</p> <p>(ii) Has the Applicant offered full access to alternative dispute resolution techniques for those with concerns about the compulsory acquisition of their land or considered other means of involving those affected?</p>
Q6.1.19	The Applicant	<p>Whether all reasonable alternatives to Compulsory Acquisition been explored</p> <p>The SoR [AS-028] section 7.5 'Alternatives to Compulsory Acquisition' paragraph 7.5.1 asserts that all reasonable alternatives to CA have been explored, including modifications to the Proposed Development following consultation events, stakeholder responses, and negotiations with landowners. In the light of the CA Guidance paragraph 8:</p> <p>(i) How can the ExA be assured that all reasonable alternatives to CA (including modifications to the scheme) have been explored?</p> <p>(ii) Please explain what, if any, account has been taken of responses to pre-application consultation (both in relation to statutory and non-statutory consultation) in the location, route, and design of the project in considering whether there are reasonable alternatives to CA?</p>

ExQ1	Question to:	Question:
		<p>(iii) Please identify any modifications to the scheme that have resulted from the exploration of alternatives, highlighting any instances of location/ route changes and changes to design development options which resulted in reduced land-take within the application scheme in response to public consultation?</p> <p>(iv) Set out in summary form, with document references where appropriate, what assessment/comparison has been made of the alternatives to the proposed acquisition of land or interests therein in each case.</p>
Q6.1.20	The Applicant	<p>Whether adequate funding is likely to be available</p> <p>In the light of the CA Guidance, paragraph 18, what evidence is there to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following any DCO being made?</p>
Q6.1.21	The Applicant	<p>Whether adequate funding is likely to be available</p> <p>Please summarise the evidence relied upon to support the conclusion that there is a reasonable prospect that the scheme, if granted consent, would actually be taken forward and in what time period?</p>
Q6.1.22	The Applicant	<p>Whether adequate funding is likely to be available</p> <p>The Funding Statement [APP-008], indicates that the Proposed Development has a most-likely estimate of £2.5 to £4.5 billion to cover all construction costs, operational costs, development costs, project management costs, financing costs, land acquisition costs and associated compensation payable to affected landowner.</p> <p>(i) Please provide further details to fully explain how the resource implications of the Proposed Development including the funding required for CA have been assessed.</p> <p>(ii) How can the ExA be satisfied as to the reliability of that estimated figure, and what is its degree of accuracy given the considerable variation between the lower and higher estimates?</p> <p>(iii) Are separate estimates available for Options 1, 2 and 3?</p> <p>(iv) Whilst the Funding Statement indicates that the Applicant has sufficient funds to meet any compensation due to a blight claim, please indicate what if any assessment has been made of the potential quantum of liability that could arise in that respect and explain whether that has been taken account of in the overall cost estimate.</p>

ExQ1	Question to:	Question:
Q6.1.23	The Applicant	<p>Whether adequate funding is likely to be available</p> <p>The Funding Statement [APP-008] explains that the Applicant has included Article 48 in the dDCO [AS-022] which provides that CA powers contained in the DCO must not be exercised unless a guarantee or alternative form of security is approved by the SoS in respect of the liabilities of the undertaker to pay compensation in respect of the exercise of compulsory purchase powers.</p> <p>(i) The wording of Article 48(3) does not appear to make grammatical sense. Please indicate whether there are any words missing from that sub-paragraph?</p> <p>(ii) Please explain why it is considered reasonable for the duration of the guarantee or alternative form of security to be restricted to Article 48(4) to 15 years after the date on which the relevant power is exercised?</p>
Q6.1.24	The Applicant	<p>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected</p> <p>What degree of importance has been attributed to the existing uses of the land proposed to be acquired in assessing whether any interference would be justified, and why?</p>
Q6.1.25	The Applicant	<p>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected</p> <p>The SoR [AS-028] paragraph 9.1.6 indicates that the Order Land does not include, nor does the Proposed Development require the outright acquisition of any residential dwelling-houses. Since dwelling-houses will not be directly affected, it is not anticipated that the Convention rights protected by Article 8 will be infringed. Please confirm that although no residential dwelling-houses would be directly affected by outright acquisition, that no scope for the infringement of any rights protected by Article 8 has been identified?</p>
Q6.1.26	The Applicant	<p>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected</p> <p>The SoR [AS-028] paragraph 9.1.5 in relation to Article 1, states that the Applicant has concluded on balance that the significant public benefits outweigh the effects upon persons who own property within the Order Land. Whilst reference is made to 'significant public benefits arising from the grant of the DCO' and the source of the information in</p>

ExQ1	Question to:	Question:
		<p>relation thereto in the application documents, similar information is not provided in relation to the effects upon persons who own property within the Order Land. Please explain more precisely all the factors which have been placed in the balance (including references to any paragraphs of the relevant NPS and Government Guidance) in order to reach the conclusion that those effects are outweighed by the public benefits?</p>
Q6.1.27	The Applicant	<p>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected The SoR [AS-028], paragraph 9.1.11, states that to the extent that the DCO would affect individuals' rights, the proposed interference with those rights would be in accordance with law, proportionate and justified in the public interest. Please explain further how the proportionality test has been undertaken in this case and why it is considered reasonable not to do this on an individual plot by plot basis?</p>
Q6.1.28	The Applicant	<p>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected In relation to the Applicant's duties under s149 of the Equalities Act 2010: (i) Please explain how the Applicant has had regard to its public sector equality duty in relation to the powers of the CA sought and where this can be identified in the application documents. (ii) Have any Affected Persons been identified as having protected characteristics? (iii) If so, what steps, if any, does the Applicant propose to take in respect of those persons?</p>
Q6.1.29	The Applicant	<p>The accuracy of the Book of Reference (BoR), Land Plans and points of clarification Please confirm that the BoR [AS-026] accurately sets out the various plots and interests and identify any inaccuracies that have come to light since the submission of the application and any further updates that need to be made at this stage.</p>
Q6.1.30	The Applicant	<p>The accuracy of the Book of Reference (BoR), Land Plans and points of clarification The SoR [AS-028], paragraph 8.1.1, states that diligent inquiry to identify parties within Categories 1, 2 and 3, as defined in sections 42 and 44 of the PA 2008 through a land</p>

ExQ1	Question to:	Question:
		<p>referencing process by the Applicant's appointed land agents. The methodology is included as Appendix B.1 to the Consultation Report [APP-APP-216].</p> <p>(i) Please comment on the reliability and accuracy of the BoR in the light of those inquiries.</p> <p>(ii) Please provide further details of the process for identifying Category 3 persons including the multidisciplinary approach, the identification of potential noise receptor locations that could be affected by noise from the works and the qualitative assessment.</p> <p>(iii) Explain why that process overall should be regarded as a satisfactory and robust approach towards identifying Category 3 persons.</p>
Q6.1.31	The Applicant	<p>The accuracy of the Book of Reference (BoR), Land Plans and points of clarification</p> <p>What assurance and evidence can the Applicant provide of the accuracy of the land interests identified as submitted and indicate whether there are likely to be any changes to the land interests, including the identification of further owners/interests or monitoring and update of changes in interests?</p>
Q6.1.32	The Applicant	<p>The accuracy of the Book of Reference (BoR), Land Plans and points of clarification</p> <p>Please explain how the BoR [AS-026] complies with the guidance published by the former Department for Communities and Local Government – Planning Act 2008: Guidance related to procedures for the compulsory acquisition for land Annex D, paragraph 10?</p>
Q6.1.33	The Applicant	<p>The accuracy of the Book of Reference (BoR), Land Plans and points of clarification</p> <p>Please explain how the proposed new rights and restrictive covenants have been identified in the BoR [AS-026] and cross-referenced to the relevant dDCO articles?</p>
Q6.1.34	The Applicant	<p>The accuracy of the Book of Reference (BoR), Land Plans and points of clarification</p> <p>The SoR [AS-028] paragraph 8.1.5 states that unregistered land interests were identified where possible by utilising public sources of information, erection of site notices, site visits and discussions with adjoining land interests sets out the parcels of land in unknown ownership. Please clarify whether there remain any plots of land where ownership still remains unknown and provide an up-to-date list of any such plots and, if</p>

ExQ1	Question to:	Question:
		there are any such plots, what further steps are intended to be carried out to ascertain the ownership of these unregistered parcels of land?
Q6.1.35	Affected Persons/Interested Persons	<p>Known inaccuracies</p> <p>(i) Are any Affected Persons or Interested Parties aware of any inaccuracies in the BoR [AS-026], SoR [AS-028] or Land Plans [AS-018]?</p> <p>(ii) If so, please set out what these are and provide the correct details.</p>
Q6.1.36	The Applicant	<p>The acquisition of Statutory Undertakers' land and extinguishment of rights and removal of apparatus – s127 and s138 PA2008</p> <p>The SoR [AS-028], section 10.3 relates to Statutory Undertakers' land. In relation to s127 PA2008, paragraph 10.3.3 states that the Applicant considers that the Statutory Undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the CA of the land or as a result of the CA of rights over land. Paragraph 10.3.4 indicates that the Applicant considers that the test set out in s138 PA 2008 is satisfied.</p> <p>(i) Please list any Statutory Undertakers where the relevant Protective Provisions, side agreements or asset protection agreements have not yet been agreed and identify any outstanding areas of disagreement together with anticipated timescales for reaching agreement.</p> <p>(ii) For each Statutory Undertaker, please explain why the protective provisions set out in the dDCO [AS-022] Schedule 14 are considered to provide adequate protection and why the Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of the undertaking concerned.</p> <p>(iii) For each of the Statutory Undertakers listed in the SoR please indicate the nature and purpose of the works to be carried out on their land and whether s127, 138 or both applies to the powers sought in respect of their interest.</p> <p>(iv) Please provide further explanation and reasons to support the assertion that the tests set out in s127 and 138 of the PA 2008 are satisfied.</p>
Q6.1.37	London Gateway Port, Centrica plc, Eastern Power Networks, Apatura Limited, Thorpe Park Solar Farm Limited, Essex County Council (as	<p>The acquisition of Statutory Undertakers' land and extinguishment of rights and removal of apparatus – s127 and s138 PA2008</p> <p>The relevant Statutory Undertakers are requested to set out their views as to whether the s127 and 138 PA2008 tests would be met or indicate and whether they are content with the protective provisions set out in the dDCO [AS-022]?</p>

ExQ1	Question to:	Question:
	highway authority), Openreach Limited.	
Q6.1.38	The Applicant	<p>Potential risks or impediments to the Proposed Development</p> <p>In the light of the CA Guidance, paragraph 19, please demonstrate:</p> <p>(i) How potential risks or impediments to implementation of the Proposed Development have been properly managed?</p> <p>(ii) The account taken of any other physical and legal matters pertaining to the application, including the need to obtain any operational and other consents applicable to this type of development.</p>
Q6.1.39	The Applicant	<p>Potential risks or impediments to the Proposed Development</p> <p>The SoR [AS-028] section 11, refers to consents are or may be required in order for the Proposed Development to be constructed and subsequently operate and Consents and Licences Required document [AS-030]. Please indicate whether there are any changes to the status and/or timeframe for each consent, licence, permit, and agreement listed within that document since it was submitted.</p>
Q6.1.40	The Applicant, Affinity Water Limited	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The relevant representation of Affinity Water Limited (Affinity) [RR-005] states that should the Proposed Development come forward in its proposed form, that it would pose a significant risk to its ability to discharge its statutory water supply duties under the Water Industry Act 1991 and objects to the grant of the DCO on that basis. It considers the “standard” set of Protective Provisions for the benefit of Statutory Undertakers contained in Part 1 of Schedule 14 to the dDCO [AS-022] fall short of providing it with the necessary protections. Furthermore, Affinity indicates that no engagement between it and the Applicant has taken place on these to date.</p> <p>(i) Please provide an update as to progress on agreeing protective provisions and the means whereby these will be secured since that time, highlighting outstanding areas of disagreement.</p> <p>(ii) Explain further the specific issue in relation to the Horsley Cross 21” Cast Iron Water Main during construction and operation including the potential effect of the high-voltage</p>

ExQ1	Question to:	Question:
		<p>cables to be constructed as part of Proposed Development and whether any agreement of the measures required to the safeguard this asset has been reached?</p> <p>(iii) Please provide further information as to how the right of access to the Affinity site at East Clacton Reservoir and Pumping Station would be maintained during construction?</p> <p>(iv) Affinity Water Limited is requested to provide further explanation with reference to the s127 and 138 PA2008 tests to support its position that the standard protective provisions set out in Schedule 14 Part 1 dDCO do not yet provide it with the necessary protection.</p>
Q6.1.41	The Applicant, Anglian Water	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The relevant representation of Anglian Water [RR-018] the statutory sewerage undertaker for the proposed onshore project area for the cable corridor between landfall and the onshore indicates that whilst a copy of its template Protective Provisions has been supplied to the Applicant these have not been included in the dDCO [AS-022].</p> <p>(i) Please provide an update as to progress on agreeing Protective Provisions and the means whereby these will be secured since that time, highlighting outstanding areas of disagreement.</p> <p>(ii) Can the Applicant confirm that it does not require the use of the public sewer network to manage additional surface water flows on a temporary or permanent basis and that this will be reflected in the dDCO?</p> <p>(iii) Anglian Water is requested to provide further explanation with reference to the s127 and 138 PA2008 tests to support its position that the standard protective provisions set out in Schedule 14 Part 1 of the dDCO do not yet provide it with the necessary protection.</p>
Q6.1.42	The Applicant, Cadent Gas	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The relevant representation of Cadent Gas [RR-039] explains why it will require its bespoke form of protective provisions to be included in the dDCO in its standard form and without amendment and indicates that at this stage, it is not satisfied that the tests under s127 PA 2008 can be met.</p>

ExQ1	Question to:	Question:
		<p>(i) Please provide an update as to progress on agreeing protective provisions and the means whereby these will be secured since that time, highlighting outstanding areas of disagreement.</p> <p>(ii) Has any progress been made on the assessment of proposed diversions to low and intermediate pressure gas pipelines and associated apparatus located within the Order Limits which would be affected by the proposed works and the inclusion within the dDCO [AS-022] of all land and rights required to accommodate such diversions?</p> <p>(iii) Cadent Gas is requested to provide further explanation with reference to the s127 and 138 PA2008 tests to support its position that the standard protective provisions set out in Schedule 14 Part 1 of the dDCO do not yet provide it with the necessary protection.</p>
Q6.1.43	The Applicant, Environment Agency	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The relevant representation of the Environment Agency [RR-091] indicates that the Applicant had not at that stage engaged with it regarding the content of the Protective Provisions or in relation to the disapplication of the provisions of the Environmental Permitting Regulations in respect of flood risk activity permits required for the crossings of main rivers.</p> <p>(i) Please provide an update as to progress on agreeing Protective Provisions and the means whereby these will be secured since that time, highlighting outstanding areas of disagreement.</p> <p>(ii) Please also provide an update on the proposed disapplication of the provisions of the Environmental Permitting Regulations in respect of flood risk activity permits required for the crossings of main rivers.</p> <p>(iii) The EA is requested to provide further explanation with reference to the s127 and 138 PA2008 tests to support its position that the standard protective provisions set out in Schedule 14 Part 3 dDCO [AS-022] do not yet provide it with the necessary protection.</p>
Q6.1.44	The Applicant, National Grid Electricity Transmission Plc (“NGET”)	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The relevant representation of NGET [RR-239] indicates that it requires Protective Provisions to be included within the dDCO [AS-022] to ensure that assets existing at the</p>

ExQ1	Question to:	Question:
		<p>time of construction of the Proposed Development are adequately protected and to ensure compliance with relevant safety standards.</p> <p>(i) Please provide an update as to progress on agreeing protective provisions and the means whereby these will be secured since that time, highlighting outstanding areas of disagreement, and any supplementary agreements including crossing agreements which may be required.</p> <p>(ii) Please also advise as to the progress in relation to a Co-operation Agreement between NGET and the Applicant and the promoters of the VEOWF</p> <p>(iii) NGET is requested to provide further explanation with reference to the s127 and 138 PA2008 tests to support its position that the standard protective provisions set out in Schedule 14 Part 1 of the dDCO do not yet provide it with the necessary protection.</p>
Q6.1.45	The Applicant, National Highways	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The relevant representation of National Highways [RR-240] indicates that it requires Protective Provisions to be included within the dDCO [AS-022].</p> <p>(i) Please provide an update as to progress on agreeing Protective Provisions including the outcome of National Highways' review of the latest draft provisions provided to it by the Applicant.</p> <p>(ii) The Applicant is requested to explain the need for any CA powers sought in relation to the acquisition of the subsoil beneath the A120 and any other land in the ownership of Nationals Highways.</p> <p>(iii) National Highways is requested to provide further explanation with reference to the s127 and 138 PA2008 tests to support its position that the standard protective provisions set out in Schedule 14 Part 6 of the dDCO do not yet provide it with the necessary protection.</p>
Q6.1.46	The Applicant, Network Rail Infrastructure Limited (NRIL)	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The relevant representation of NRIL [RR-244] indicates that it requires its standard protective provisions to be included within the dDCO [AS-022] and for the parties to enter into various agreements. NRIL indicates that without those agreements and satisfactory protective provisions being in place NRIL considers the Proposed</p>

ExQ1	Question to:	Question:
		<p>Development, if carried out in relation to Plots 4-010, 4-011,4-013 and 4-014 in Schedule 5 of the dDCO, would have serious detrimental impact on the operation of the railway and an objection to the application is therefore maintained.</p> <p>(i) Please provide an update as to progress on agreeing protective provisions together with any supplementary agreements and the means whereby these would be secured, highlighting outstanding areas of disagreement.</p> <p>(ii) The Applicant is requested to indicate giving reasons whether there is any objection to the inclusion of NRIL's standard protective provisions in the dDCO?</p> <p>(iii) If agreement has not yet been reached, NRIL is requested to explain further why it asserts that without those agreements and satisfactory protective provisions being in place, there would be serious detriment to the operation of the railway, and it would be prevented from operating the railway safely and efficiently and in accordance with its Network Licence.</p> <p>(iv) NRIL is requested to provide further explanation with reference to the s127 and 138 PA2008 tests to support its position that the standard protective provisions set out in Schedule 14 Part 5 of the dDCO do not yet provide it with the necessary protection.</p>
Q6.1.47	Port of London Authority	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The RR [RR-272] of the Port of London Authority makes reference to various matters including Protective Provisions to safeguard its interests. Port of London Authority is requested to provide details of the Protective Provisions that it seeks to be included in the dDCO [AS-022].</p>
Q6.1.48	The Applicant, Brooks Leney	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The RRs of Brooks Leney on behalf of J B Fairley & Son Ltd [RR-134], the Lawrence family [RR-193], and the Clachan family [RR-331] raise amongst other things the question of a lack of engagement on the part of the Applicant and the layout of the substations. They submit that the current proposal would take a substantial amount of their clients' land taken due to the irregular position of both NFOWF and VEOWF substations. The Clachan family's RR also questions why the substations cannot be</p>

ExQ1	Question to:	Question:
		<p>constructed on land adjoining National Grid’s existing infrastructure, or on brownfield land.</p> <p>(i) Please comment on the level of engagement that has taken place and indicate the current position in relation to the agreement of HoT with these various parties highlighting any outstanding areas of disagreement.</p> <p>(ii) Please explain further the need for the powers sought in respect of the land for the substations and the severed parcels of land around the substation and the land for the provision of environmental mitigation works referred to in the RR of the Clachan family.</p> <p>(iii) Please indicate whether a lesser or alternative area of land would meet those needs and, if not, why not.</p> <p>(iv) What consideration that has been given to impact upon, and the implications for the human rights of these particular Affected Persons in seeking these powers of acquisition.</p> <p>(v) Brooks Leney is requested to provide further details of any alternative substation layout or other solution that would serve to reduce the extent of the land to be acquired.</p> <p>(vi) The Applicant is specifically requested to provide further justification for the extent of the land sought for the siting of the substations and indicate whether alternative layouts that would require a reduced or alternative area of land have been considered.</p>
Q6.1.49	The Applicant	<p>Objections to the grant of powers of compulsory acquisition and temporary possession</p> <p>The RR of Holmes and Hills LLP on behalf of the Estate of Mr Charles Tabor, Ms Rebecca Mason and Mr Michael Hughes [RR-335] in relation to the CA of their title interests in Plots 16-001/002/003 raises the question of the necessity or justification in the public interest for the CA of such a large swathe of property. They submit that the public benefit of bringing forward these proposals in their current form will outweigh the likely harm to private interests.</p> <p>(i) Please indicate the current position in relation to the agreement of HoTs with these parties highlighting any outstanding areas of disagreement.</p> <p>(ii) Please explain further the need and justification in the public interest for the powers sought in respect of these particular plots of land.</p>

ExQ1	Question to:	Question:
		<p>(iii) Please indicate whether a lesser or alternative area of land would meet those needs and, if not, why not.</p> <p>(iv) What consideration that has been given to impact upon, and the implications for the human rights of these particular Affected Persons in seeking these powers of acquisition.</p>
7 Cumulative Impacts		
Q7.1.1	The Applicant	<p>Cumulative Impacts of the Proposed Onshore Substations for the Proposed Development, Five Estuaries and EACN</p> <p>(i) What further discussions have taken place with NGET in respect of the proposed location of the onshore substation for EACN.</p> <p>(ii) How will the cumulative impact of the proposed EACN substation be assessed including the cumulative impacts of construction and the infrastructure required for its operation.</p> <p>(iii) How will the cumulative impacts of the pylons and overhead lines required for the EACN be assessed.</p>
Q7.1.2	The Applicant	<p>Cumulative Effects Assessment</p> <p>(i) Please provide updates, as appropriate, to the assessment of cumulative effects in the ES, having regard to the progress and further information submitted in respect of other projects</p> <p>(ii) Please provide a document to consolidate the information that has been set out in the cumulative effects assessment section of each topic chapter in the ES</p>
Q7.1.3	The Applicant	<p>Noise mitigation for cumulative effects</p> <p>Paragraph 101, OCTMP [APP-251] presents a list of proposed mitigation measures that could be agreed to reduce the effect to a level that is not significant in the event of cumulative effects from Five Estuaries and / or Norwich to Tilbury.</p> <p>Should mitigation measures for cumulative effects not be implemented prior to the start of construction for the Proposed Development in noise sensitive locations, such as the</p>

ExQ1	Question to:	Question:
		section of Bentley Road to be widened, and specify the measures that ‘will’ rather than ‘could’ be taken?
Q7.1.4	Tendring District Council	<p>Noise mitigation for cumulative effects</p> <p>Paragraphs 100 and 101, OCTMP [APP-251] describe the baseline noise level monitoring and present a list of proposed mitigation measures that could be agreed to reduce the effect to a level that is not significant in the event of cumulative effects from Five Estuaries and / or Norwich to Tilbury.</p> <p>Please confirm if you are content with the procedures outlined in paragraphs 100 and 101?</p>
Q7.1.5	The Applicant	<p>BESS on Land Adjacent to Lawford Grid Substation, Ardleigh Road</p> <p>Table 22.19 of Chapter 22 Land Use and Agriculture [APP-036] refers to the proposed BESS on land adjacent to the Lawford Grid Substation, Ardleigh Road. The assessment is that there is no cumulative impact as works will be completed before the construction work commences in respect of the Proposed Developments.</p> <p>(i) What evidence is there that the assumptions made in respect of the timing of the development of the BESS is correct.</p> <p>(ii) What is the current status of the development of the BESS.</p> <p>(iii) Has consideration been given to the cumulative impact assessment if the BESS is not completed prior to the Proposed Development commencing?</p>
8 Design		
Q8.1.1	The Applicant	<p>Update on Design Council design review 3</p> <p>Section 9.3.1 of the Design Vision [APP-234] includes the Design Council’s letter dated 12 June 2024, in which it states “<i>Overall, the scheme has progressed positively since the first review. We were pleased with the way the presentation was structured to respond directly to questions and comments raised in previous reviews. We nevertheless think there remain areas for improvement, including where more detail could be provided, and list these here.</i>”</p> <p>Please provide an update, to include progress on the areas for improvement.</p>

ExQ1	Question to:	Question:
Q8.1.2	The Applicant	<p>Detailed Design – Design Champion and Review Process The Design Vision [APP-234] sets out the design review process to date which has arrived in the submitted Design Vision including the commissioning of a panel of Design Experts through the Design Council. Please can the Applicant advise how this would continue through to detailed design, including appointment of a Project Design Champion, and further use of a Design Review Panel, if applicable?</p>
Q8.1.3	The Applicant	<p>Design of proposed onshore substation – noise attenuation The design parameters for the site and key components are set out at para 7.2 of the Design Vision [APP-234], listing various fixed parameter and a range of options available at detailed design stage. The detailed design stage will need to include design implications of cumulative effects of the noise attenuation of the three substations (North Falls, Five Estuaries and National Grid’s East Anglia Connection Node) which would sit in close proximity to one another. Due to the rural and open nature of the landscape, please can the Applicant set out how any noise mitigation measures and on-site noise attenuation incorporate good design through natural or purpose-built barriers.</p>
Q8.1.4	The Applicant	<p>Onshore substation design principles Please can the Applicant advise as to the location of the proposed OnSS with reference to application of the Horlock Rules which provide guidelines on siting and design of substations.</p>
Q8.1.5	The Applicant	<p>Good Design How does the design of the OnSS, and other design elements of the proposal, take account of “<i>Nationally Significant Infrastructure Projects: Advice on Good Design</i>” guidance published in October 2024 (available on Gov.uk). How do the design principles of the Proposed Development respond positively to climate, people, place and value, and how would the Proposed Development create a sense of place?</p>
Q8.1.6	The Applicant	<p>Design Mitigation – Earthwork Bunds The ExA notes that the LVIA [APP-044] has identified that certain groups of receptors will experience a change in view as a result of the proposed development, and the scale of change is judged to be high in places. The Outline Landscape Mitigation Plan [Figure 30.1.6 of APP-083] proposals do not include the use of bunds. It is noted that the guidance for Tendring Landscape Character Area 7A - Bromley Heaths, stated that ‘in this very large scale, open landscape it would be inappropriate to try and hide a new</p>

ExQ1	Question to:	Question:
		building behind earth bunds or vegetation' (TLCA, 2001). However, a number of IPs have drawn attention to historic use of bunding throughout the area, e.g. for agricultural screening purposes. Please can the Applicant provide further justification on the absence of bunding within context of the design mitigation.
Q8.1.7	The Applicant, Local Authorities	Design Mitigation – Earthwork Bunds Although not proposed, the ExA notes that various RRs from IPs in close proximity to the OnSS state a preference for earthwork bunding as mitigation [RR-227]. These could screen and reorientate views in sensitive locations. Please can the Applicant comment on how the use of earthwork bunds would be reviewed on a location-by-location basis.
Q8.1.8	The Applicant	Acoustic fencing Acoustic fencing may be a requirement, dependent on the type of equipment specified at detailed design stage, it's location on site and in relation to acoustic receptors and the proximity of built form or other noise limiting structures within the site. Please can the Applicant provide further information on options design, materials and examples from similar schemes elsewhere in order to understand how this may affect design.
Q8.1.9	The Applicant	Inefficiency of Use of Land Due to the sequencing and interrelationship with other projects, the design of layout of North Falls substation, whilst at present indicative, appear somewhat poorly related to surroundings. How does the Applicant envisage improvements to the current indicative arrangements?
Q8.1.10	The Applicant	Impact on Rural Setting How has the design of the substation sought to minimise impact on rural setting of the surrounding farms at the OnSS proposed location, including: Badley Hall, Lilley's Farm, Norman's Farm, Jennings Farm
9 Draft Development Consent Order (DCO)		
9.1 Articles		
Q9.1.1	The Applicant	Part 1 Preliminary Article 2 Interpretation Within Article 2 'Interpretation' there is no definition of 'watercourse'. It is defined in Schedule 14 Part 3 and Part 4. However, it is used as a description before those parts

ExQ1	Question to:	Question:
		<p>within the text. The Applicant should consider defining it before Schedule 14 and review the dDCO [AS-022] to ensure that there are no other terms that require defining at the initial stage that have been omitted.</p>
Q9.1.2	The Applicant	<p>Article 2 Interpretation The definition of “maintain” in the dDCO [AS-022] includes “replace”. (i) The Explanatory Memorandum (EM) [AS-024] paragraph 4.2.2 does not include an explanation as to why it is considered necessary and reasonable to include “replace” in this definition. Please provide such an explanation for this aspect of the definition. (ii) Given that the definition of “<i>maintain</i>” should not result in works being authorised which have not been assessed in the Environmental Statement (ES) in accordance with the EIA regulations, please confirm that all these works have been so assessed and identify where this is recorded.</p>
Q9.1.3	The Applicant, MMO	<p>Article 2 Interpretation The ExA notes that the MMO RR [RR-216] states that the activities authorised under the dDCO [AS-022] and DML [AS-022] should be limited to those that are assessed within the EIA, and the statement that activities will be limited to those that ‘do not give rise to any new or materially different environmental effects’ should be updated to clarify this. The definition of “maintain” in the dDCO is limited “to the extent assessed in the environmental statement”. The Applicant is requested to comment on the concerns raised in this respect. MMO is requested to indicate whether there are any outstanding concerns in relation to the definition of ‘maintain’ in the dDCO.</p>
Q9.1.4	The Applicant	<p>Article 2 Interpretation Article 2 Interpretation includes a definition for ‘build option 3’. However, this option is not referred to elsewhere in the dDCO [AS-022]. Given the Applicant’s response to the ExA’s PD [PD-005] point 8 – ‘Request for an update on Option 3’ in the letter dated 16 December 2025 [AS-042], please clarify if any amendments are proposed to the dDCO in this respect? Should R19 include reference to “build option 3”?</p>
Q9.1.5	The Applicant	<p>Article 2 Interpretation The “environmental statement” is defined as “the documents listed in Part 1 and Part 2 of Schedule 12 (documents forming the environmental statement) and certified as the environmental statement by the Secretary of State for the purposes of this Order under article 41”. Please indicate whether there are any other documents that should be</p>

ExQ1	Question to:	Question:
		included in the definition at this stage and confirm that this will be appropriately updated as and when further documents are submitted that require inclusion during the course of the Examination.
Q9.1.6	The Applicant	<p>Article 2 Interpretation Article 2 includes a definition of “street”. Please explain why it is necessary to include within this definition land on the verge of a “street”?</p>
Q9.1.7	The Applicant, MMO	<p>Part 2 Principal Powers Article 5 Benefit of the Order The EM [AS-024] paragraph 4.2.9 explains that the Marine and Coastal Access Act 2009 includes provisions relating to the transfer of a DML. Article 5(9) makes it clear that the procedure included in s72(7) and (8) of that Act do not apply, save that the MMO may amend any DML to update the name of the undertaker to the name of the transferee. The MMO RR [RR-216] states that it has major concerns over the drafting of Article 5. A key concern is that Article 5 would operate to override and/or unsatisfactorily duplicate provisions that already exist within the Marine and Coastal Access Act 2009 for dealing with variations to marine licences. MMO also submits that such provisions are inconsistent with the PINS Guidance on how DMLs should operate within a DCO.</p> <p>(i) The Applicant is requested to respond to the criticism made, explain any drafting amendments and provide further justification for the drafting of this article in its current form.</p> <p>(ii) The MMO is requested provide further explanation to support the position of that these provisions should be removed, and that any transfer should be subject to the existing regime under the 2009 Act, with the decision maker remaining the MMO.</p>
Q9.1.8	The Applicant, EA	<p>Article 6 Application and modification of legislative provisions The EM paragraph 4.2.13 seeks to explain why certain specified provisions are disapplied by this article. However, please provide further details as follows:</p> <p>(i) Please comment generally on the effect of this Article given that its consequence would be that certain consents would no longer need to be obtained.</p> <p>(ii) Explain whether and how there would still be sufficient regulation of the activities that fall within Article 6(a) to (i)?</p> <p>(iii) The EM [AS-024], paragraph 4.2.13 acknowledges that Article 6 disapplies the requirement for a separate statutory consent to be obtained from the Environment</p>

ExQ1	Question to:	Question:
		<p>Agency (EA) in relation to these activities. The EA RR [RR-091] indicates that it will not consent to disapplication of the Environmental Permitting Regulations in respect of flood risk activity permits required for the crossings of main rivers and abstraction and dewatering activities. The EA also complains of a lack of engagement regarding an ‘in principle’ agreement for such matters and Protective Provisions. Please provide an update on the progress of any discussions and indicate whether an ‘in principle’ agreement and/or protective provisions have now been agreed?</p> <p>(iv) The EA is requested to comment generally on relevant aspects of Article 6 and whether relevant Protective Provisions have been discussed and agreed?</p>
Q9.1.9	The Applicant	<p>Article 6 (b) Application and modification of legislative provisions</p> <p>The EM [AS-024], paragraph 4.2.13, indicates that Article 3 also disappplies the provisions of the Neighbourhood Planning Act 2017 relating to the temporary possession of land. This is on the basis that the TP of land is dealt with by Articles 31 and 32 and whilst the wording of those provisions is well established, the 2017 Act contains untested provisions.</p> <p>(i) Notwithstanding that previous DCOs have similarly disapplied the Neighbourhood Planning Act, please provide a reasoned justification as to why it is necessary and reasonable to disapply it in this case?</p> <p>(ii) Why is it not proposed to align the TP powers in the dDCO [AS-022] with the s20(3) Neighbourhood Planning Act 2017 three months’ notice period?</p>
Q9.1.10	The Applicant	<p>Part 4 – Supplemental Powers</p> <p>Article 20 Removal of human remains</p> <p>The EM [AS-024] paragraph 4.4.9 states that this article is included on a precautionary basis in case human remains are discovered while carrying out the authorised development. Please provide further explanation and justification for the inclusion of this article which would remove the requirement for authorisation of removal of remains from the appropriate Minister.</p>
Q9.1.11	The Applicant	<p>Article 17 Discharge of water</p> <p>Article 21 enables the undertaker to discharge water into any watercourse, public sewer or drain in connection with the construction and maintenance of the Proposed Development subject to conditions including Article 21(6) that the undertaker must take reasonably practicable steps to ensure that any water that is discharged is as free as</p>

ExQ1	Question to:	Question:
		<p>may be practicable from gravel, soil or other solid substance, oil or matter in suspension. Please indicate how that would be achieved in practice and identify any other controls that would secure this.</p>
Q9.1.12	The Applicant	<p>Article 19 Authority to survey and investigate the land onshore The EM [AS-024] paragraph 4.4.7 explains that this is a modified model provision which allows the Undertaker to survey and investigate land, including bringing equipment onto the land and making trial holes, bore holes and trenches. Please reconsider whether the 14 days' notice period would provide a reasonable period for the landowner to prepare for the exercise of the power of entry, for example, where the land may be used for accommodating livestock. Please explain why a period of 28 days' notice of surveys or investigations could not be provided and set out any financial or timing implications that might be associated with that.</p>
Q9.1.13	The Applicant	<p>Part 5 – Powers of Acquisition Article 31 Temporary use of land for carrying out the authorised development The EM [AS-024] paragraph 4.5.20 confirms that before giving up occupation of land the Undertaker must remove the temporary works and restore the land to the reasonable satisfaction of the owner. However, the model provision has been modified to specify certain operations that are not required to be removed. In addition, the Undertaker is not required to replace any building, structure, drain or electric line removed under this article. The EM indicates that this approach is specific to the Proposed Development and is necessitated by it. (i) Please provide further justification for those aspects that the Undertaker is not required to remove or restore set out in Article 31 (4) (a) to (e). (ii) Provide further details to support the modification of the model provision in this instance, fully explaining why the Proposed Development necessitates such an approach.</p>
Q9.1.14	The Applicant	<p>Article 32 Temporary use of land for maintaining the authorised development The EM [AS-024] paragraph 5.5.22 explains that the maintenance period in which the power under Article 32 can be exercised means the period during which the Proposed Development is in operation after construction and commissioning is complete. The power cannot be exercised in respect of a house or any other building where it is occupied.</p>

ExQ1	Question to:	Question:
		<p>(i) Please explain further the need for this power and justify the period of time within which it may be exercised.</p> <p>(ii) How is it intended that 'occupied' is to be interpreted, for example, would it include a building in which livestock are housed? Does it require specific definition?</p> <p>(iii) Whilst the Undertaker may only retain possession for as long as is reasonably necessary to carry out the maintenance there is no back-stop period within which the maintenance activities must be completed and hence no encouragement for the Undertaker to cease possession of the land sooner than later. Explain why that represents a reasonable approach and why a long-stop date by which the TP of this land must cease cannot be included?</p>
Q9.1.15	The Applicant	<p>Article 33 Statutory Undertakers</p> <p>The EM [AS-024] paragraph 4.5.25 indicates that this article is based on the model provision subject to some amendments. It provides for the acquisition of land belonging to statutory undertakers that is identified in the BoR [AS-026]. This includes a power to move the apparatus of those statutory undertakers and to extinguish their rights.</p> <p>(i) Please note that where a representation is made under s127 PA2008 and has not been withdrawn, the SoS will be unable to authorise Article 33 unless satisfied evidence that the tests in s127 would be met. The Applicant is requested to provide specific evidence in relation to each statutory undertaker that the tests in s127 or 138 PA2008, as appropriate, would be met.</p> <p>(ii) Please provide a full explanation of and justification for the amendments to the model provisions.</p>
Q9.1.16	The Applicant	<p>Part 7 Miscellaneous and General</p> <p>Article 38 Operational land for the purposes of the 1990 Act</p> <p>The EM [AS-024] paragraph 4.7.2 states that this article has the effect of ensuring that the land on which the Authorised Development is constructed will be "operational land" under s263 of the 1990 Act to ensure that planning rights attaching to the undertaker in relation to operational land have effect as they would do if planning permission had been granted for the authorised development. Please specify the particular planning rights that the Applicant seeks to safeguard in this way and explain why this article is necessary to ensure that those rights are enjoyed given the particular circumstances of the Proposed Development.</p>

ExQ1	Question to:	Question:
Q9.1.17	The Applicant	<p>Article 39 Felling or lopping of trees and removal of hedgerows. The EM [AS-024] paragraph 4.7.3 explains that paragraph (2) provides the power for the Undertaker to remove the hedgerows and important hedgerows listed in Schedule 11 to the extent and for the purposes specified in that Schedule.</p> <p>(i) Explain why this power is necessary in relation to hedgerows given the existing powers available to the Applicant to remove hedgerows under the Hedgerow Regulations 2024?</p> <p>(ii) Notwithstanding the details provided in the EM and Schedule 11 of the dDCO [AS-022], please explain in detail why it is necessary to remove those parts of the important hedgerows specified in that schedule?</p>
Q9.1.18	The Applicant	<p>Article 40 Trees subject to tree preservation orders The EM [AS-024] paragraph 4.7.6 states that this article is a model provision save that it applies generally to any tree subject to a tree preservation order made before and after the date of the Order coming into effect and either within or overhanging the Order limits. Notwithstanding the reference to the other Orders where this approach has been utilised, please explain in detail why it is necessary in this case to expand the scope of the article in this way and why the trees concerned cannot be identified at this stage and described in a schedule to the dDCO?</p>
9.2 Schedule 1 – Authorised Development		
Q9.2.1	The Applicant	<p>Schedule 1 Part 2 Ancillary works Please confirm that the ancillary works have been defined to ensure that they are restricted to what has been assessed in the ES and set out where within the ES that has been done?</p>
Q9.2.2	The Applicant	<p>Schedule 1 Part 3 Requirements Requirement 1 Time limits The EM [AS-024] paragraph 5.2.5 states that this requirement is based upon the model provisions but substitutes a requirement to commence the Authorised Development within 7 years of the date of the Order coming into force. Please provide further explanation and justification for the 7-year time limit sought notwithstanding the made Orders referred to in which it has been utilised.</p>
Q9.2.3	The Applicant	<p>Schedule 1 Part 3 Requirements</p>

ExQ1	Question to:	Question:
		<p>Requirement 2 Offshore design parameters R2(2) refers to a Maximum height of wind turbine generators when measured from MHWS to the tip of the vertical blade (m) of 377.39m which is below the 377.4m quoted in Table 5.3 of ES Chapter 5 [APP-019]. Footnote 1, page 31, ES Chapter 17 Aviation and Radar, refers to a maximum tip height of 377m above HAT and a tip height of 379m amsl. Please confirm that the maximum tip heights quoted in ES Chapter 17 [APP-031] take account of the maximum tip height quoted in R2(2)?</p>
Q9.2.4	The Applicant	<p>Requirement 2 Offshore design parameters The NE RR [RR-243] queries why the maximum amount of drill arisings is not included within the design parameters of either the requirements of the DML. NE recommends that the Applicant considers an amendment to the dDCO [AS-022] to include the maximum volumes of drill arisings within the requirements and both DMLs. Please indicate whether this is agreed and, if not, explain why not?</p>
Q9.2.5	The Applicant	<p>Requirement 4 Stages of authorised development onshore R4(3) requires that construction of the onshore works must follow the details provided under sub-paragraph (2) of this requirement. Should this not refer to the details 'approved' rather than 'provided'? R4 does not specify how the details to be submitted for approval by the relevant planning authority should be presented, for example, by way of written details and/or plans. Please review this and the other Rs in Schedule 2 that require the submission of details for approval and amend their wording as appropriate in order to provide clarity as to the form in which those details must be submitted.</p>
Q9.2.6	The Applicant	<p>Requirement 5 Substation works R5(2) includes “<i>substantially in accordance with the design vision.</i>” Please justify the inclusion of the term “substantially” in this requirement given the lack of precision this introduces for enforcement purposes?</p>
Q9.2.7	LAs	<p>Requirement 5 Substation works (i) Please confirm that you are content with the Design Vision [APP-234] and the Design Process – Post-DCO Consent shown in Section 1.6 of that document required to develop the detailed design for approval under R5? (ii) Does R5 provide sufficient control for all design aspects?</p>

ExQ1	Question to:	Question:
		<p>(iii) Should the Design Vision be a separate certified document within Schedule 12 Part 3 of the dDCO [AS-022]?</p> <p>(iv) The Design Vision paragraph 1.4.3 refers to the production of a Design Guide to inform the detailed design proposals. Should the production of that Design Guide be specifically secured by the dDCO?</p>
Q9.2.8	The Applicant	<p>Requirements 2 and 6 – Offshore design parameters and detailed onshore design parameters</p> <p>The MMO RR [RR-216] paragraph 3.4.5 includes reference to the ‘Rochdale Envelope’ case. The EM [AS-024] paragraph 1.5.1 states that: <i>“the design parameters secured in Requirements 2 and 6 of Part 3 of Schedule 1 provide flexibility in the delivery of the Authorised Development. This approach has been recognised as appropriate for a wide range of NSIPs and is described in PINS Advice Note 9: Rochdale Envelope (July 2018)”</i>. The Planning Inspectorate advice note nine: Rochdale Envelope (Planning Inspectorate, 2018) states: <i>“The ‘Rochdale Envelope’ approach is employed where the nature of the Proposed Development means that some details of the whole project have not been confirmed (for instance the precise dimensions of structures) when the application is submitted, and flexibility is sought to address uncertainty”</i>. However, it also indicates that the need for flexibility should not be abused.</p> <p>(i) Explain further how the parameters for the Proposed Development can be regarded as being ‘clearly defined’ and sufficiently detailed to enable a proper assessment to be carried out which considers the ‘worst case’ scenario.</p> <p>(ii) Explain further how the approach to the description of the development consistently addresses the uncertainty and necessary flexibility across all relevant application documents.</p> <p>(iii) Please explain how notwithstanding the flexibility incorporated within the project, the ExA can be assured that the likely significant environmental effects from the Proposed Development have been properly assessed and presented in the ES.</p> <p>(iv) In relation to R6(2)(a), (b) and (c) and Work No 11 (onshore substation), fully explain and justify the need for the proposed maximum heights for the building, external electrical equipment or enclosure, lightning rods and area of the fenced compound specified therein.</p>

ExQ1	Question to:	Question:
Q9.2.9	The Applicant	<p>Requirement 7 Provision of landscaping The NE RR [RR-243] states that it would expect this requirement to also cover survey methods, monitoring requirements and the requirement to maintain, including the potential for replanting due to plant failures. NE also seeks to be consulted on the landscaping scheme prior to approval by the relevant LA. Please indicate whether the amendments suggested by NE to this requirement is agreed and, if not, explain why not?</p>
Q9.2.10	The Applicant	<p>Requirement 8 Code of construction practice The NE RR [RR-243] requests a drafting amendment to include a requirement to consult the relevant Statutory Nature Conservation Body (SNCB) on the Code of Construction Practice (CoCP). NE also recommends that the requirement should require the final CoCP to be in accordance with the outline CoCP. Please indicate whether the amendments suggested by NE to this requirement is agreed and, if not, explain why not?</p>
Q9.2.11	The Applicant	<p>Requirement 10 Permanent highway access Is R10 intended to also include the approval of written design details of permanently widening and improving Bentley Road from the A120 to Works No. 6, or is it limited to highway accesses? If the Bentley Road works are intended to be included in R10, please provide modified wording for this requirement to clarify this? If not, please clarify where this approval is covered.</p>
Q9.2.12	The Applicant	<p>Requirement 11 Onshore archaeology The Historic England RR [RR-130] requests that this requirement is amended to include consultation with Historic England and the County Council archaeological service (Essex Place Services), prior to approval. Furthermore, they recommend that the dDCO requirement should explicitly allow for a first, evaluation stage of archaeological work in each stage, before securing a detailed investigation stage to follow. Please indicate whether these amendments to R11 are agreed and, if not, explain why not?</p>
Q9.2.13	The Applicant	<p>Requirement 12 Ecological Management Plan The NE RR [RR-243] requests a drafting amendment to the provision to state that no pre commencement clearance works should be undertaken until a written EMP, as relevant to the stage of the works, has been submitted to, and approved by, the LA following</p>

ExQ1	Question to:	Question:
		consultation with the relevant SNCB. Please indicate whether the amendments suggested by NE to this requirement are agreed and, if not, explain why not?
Q9.2.14	The Applicant	<p>Requirement 13 Soil Management Plan The NE RR [RR-243] requests a drafting amendment to the provision to include a requirement to consult with it on this plan. Please indicate whether the amendment suggested by NE to this requirement is agreed and, if not, explain why not?</p>
Q9.2.15	The Applicant	<p>Requirement 16 Restoration of land used temporarily for construction Please explain how it is intended that any such land reinstatement would be satisfactorily achieved and controlled?</p>
Q9.2.16	The Applicant	<p>Requirement 18 Skills and Employment Plan R18(1) includes “<i>substantially in accordance with the outline skills and employment plan.</i>” Clarify why this requirement is qualified by the term ‘substantially’ and justify its use in this context given the lack of precision this term introduces for enforcement purposes?</p>
Q9.2.17	The Applicant, LAs	<p>Requirement 19 Onshore build options R19(1) appears to be designed to restrict the authorised development to one only of Build Option 1, 2a or 2b. (i) There would seem to be a typographical error as the clause uses “and” instead of “or” between 2a and 2b and there is no “or” between 1 and 2a. Please review and amend accordingly. (ii) Following notification to the LA under R19(2) should it be specified that thereafter no other option may be commenced? (iii) Please explain how it is intended that R19 should operate in the event that the VEOWF DCO were to be made and commence development before NFOWF, or alternatively, that the NFOWF DCO were to be made and commence development first. Does the Requirement need amendment to preclude other options in those circumstances, or is it sufficiently robust as it stands? (iv) To provide clarity in the event that Build Option 1 is the chosen option, should a revised set of Onshore Works Plans also be submitted to the relevant local planning authority to indicate precisely the land required to implement that ‘lesser’ option in land-take terms?</p>
Q9.2.18	The Applicant	<p>Requirement 19 Onshore build options</p>

ExQ1	Question to:	Question:
		<p>The NE RR [RR-243] notes that nowhere within the DMLs does there appear to be any requirement to notify the MMO as regards the chosen build option. In addition, there does not appear to be any requirement for the NFOWF and the VEOWF developments to co-ordinate their response to the chosen build options. NE recommends consideration of including provisions for co-operation and for notification to the MMO as offshore enforcing body of the build option selected. Please indicate whether it is agreed that the dDCO should include such provisions, whether by way of amendment to R19 and/or the DMLs and, if not, explain why not?</p>
Q9.2.19	The Applicant	<p>Requirement 19 Onshore build options The ExA notes that whilst R19 makes provision for the Undertaker to choose between different build options, in the case of East Anglia One DCO R29 (a) required all cable ducts forming part of the onshore connection works to be installed simultaneously together with the onshore cables for the authorised project forming part of the onshore connection works. Please explain why greater certainty could not be given in this case of the chosen option through a similar requirement and why that level of co-ordination with Five Estuaries cannot be achieved?</p>
Q9.2.20	The Applicant	<p>Requirement 20 Reuse of temporary works with the onshore works for Five Estuaries The EM [AS-024] paragraph 5.2.5 explains that this requirement enables the Undertaker to reuse any temporary works which have already been constructed pursuant to the development consent order for the Five Estuaries. Sub-paragraph (3) provides for similar reuse of temporary works constructed for the Proposed Development by Five Estuaries and provides that if such reuse is undertaken by Five Estuaries, then the Undertaker is not required to maintain, restore or reinstate any such temporary works. Should the requirement make it explicit that the contrary applies i.e. if the works are not so reused then the Undertaker must maintain, restore or reinstate any such temporary works? Is there a superfluous “be” in R20(3) line 2?</p>
Q9.2.21	The Applicant	<p>Requirement 21 Biodiversity Net Gain The NE RR [RR-243] notes that the relevant SNCB is not listed as a consultee. Given the nature of this plan NE requests consultation on it. NE also advises that the requirement should ensure the strategy is enforced for a period of thirty years, or for the</p>

ExQ1	Question to:	Question:
		lifetime of the development. Please indicate whether the amendment suggested by NE to this requirement is agreed and, if not, explain why not?
Q9.2.22	The Applicant	<p>Requirement 24 Public rights of way R24(2) includes “<i>substantially in accordance with the outline public rights of way management plan.</i>” Explain and justify the inclusion of the term ‘substantially’ in this context?</p>
Q9.2.23	The Applicant	<p>Requirement 29 (Obstacle free zone for navigational safety) MCA’s RR [RR-217] regarding R29 states: “<i>It is important that the 1NM distances from the TSS and Precautionary Area boundaries are not measured to the turbines at sea level and that the blade overfly is not within the area defined by the coordinates. The distances must be measured to the blade tips. We request confirmation form the Applicant on this point and request Part 3 s.29 is amended accordingly.</i>” Please reconsider the wording in the dDCO in the light of the MCA’s RR.</p>
Q9.2.24	The Applicant	<p>Requirement 29 (Obstacle free zone for navigational safety)</p> <ul style="list-style-type: none"> (i) Please can you produce a new separate plan to include within the existing Offshore Order Limits and Boundary Coordinates Plan [APP-203] document which shows the coordinates for the obstacle free zone and the order limits and the boundary coordinates. (ii) Can a new separate plan also be provided to show the safety zones in relation to the obstacle free zone, the order limits and the boundary coordinates.
Q9.2.25	The Applicant	<p>Requirements 8: Code of Construction Practice, 12: Ecological Management Plan, 14: European Protected Species; onshore, 15: Groundwater Monitoring, 22: Operational Drainage Strategy, 23: Horizontal Directional Drilling (HDD) Method Statement</p> <p>The EA in its RR [RR-091] submits that it should be listed as named consultees for the above Requirements because these processes fall under its remit. Please confirm that this is agreed and, if so, amend the dDCO [AS-022] to reflect this.</p>

ExQ1	Question to:	Question:
9.3 Schedule 3 – Traffic Regulation		
Q9.3.1	The Applicant	<p>Schedule 3 Traffic Regulation Clarify what amendments are proposed to the dDCO [AS-022] to incorporate how the existing 7.5 tonne weight restriction (except for loading) on Bentley Road will be affected at its junction with the A120.</p>
9.4 Schedule 8 – Deemed Marine Licence under the 2009 Act – Generation Assets		
Q9.4.1	The Applicant	<p>Schedules 8-10 DMLs The MMO RR [RR-216] Table 1 contains criticism of various aspects of the DMLs and suggests amendments to the drafting thereof.</p> <p>Please comment on the criticisms made and outline any drafting changes to which the Applicant proposes to make to the DMLs in response.</p>
Q9.4.2	The Applicant	<p>Part 2 Conditions Condition 12 Maintenance of the authorised development Condition 12(4) includes “<i>substantially in accordance with the outline offshore operations and maintenance plan.</i>”</p> <p>Please explain and justify the use of the term ‘substantially’ in this condition?</p>
Q9.4.3	The Applicant	<p>Condition 21 Pre-construction plans and documentation Condition 21(1) (h) refers to a cable specification and installation plan. The ExA notes that this has not been included within the application documents. Please clarify when the cable specification and installation plan will be available and confirm it is intended to include this as a document to be certified in Schedule 12.</p>
Q9.4.4	The Applicant	<p>Condition 21 Pre-construction plans and documentation Condition 21(1) (i) refers to the lighting and marking plan to be agreed by the MMO following consultation with Trinity House. ES Chapter 15 [APP-029] Shipping and Navigation, Table 15.3, refers to: “<i>A lighting and marking plan will be agreed with the Marine Management Organisation (MMO), in consultation with Trinity House, MCA, and the Civil Aviation Authority, and considering IALA G1162/O139 (IALA, 2021).</i>”</p>

ExQ1	Question to:	Question:
		<p>Please clarify if the consultation covered by this condition should also include with the MCA and the CAA? The same question also applies to the conditions 22(1) (i) and (21) (1) (i) relating to Pre-construction plans and documentation in Schedules 9 and 10 respectively.</p>
Q9.4.5	The Applicant	<p>Condition 21 Pre-construction plans and documentation The NE RR [RR-243] advises that Condition 21 (1) (m) should be amended to give an individual timing requirement to be submitted no sooner than 9 months and no later than 6 months prior to commencement of piling.</p> <p>Please indicate whether the amendment suggested by NE to this condition is agreed and, if not, explain why not?</p>
Q9.4.6	The Applicant	<p>Condition 25 Pre-construction monitoring and surveys The NE RR [RR-243] advises that Condition 25 should be amended to include ornithological and marine mammal monitoring due to the potential for impact.</p> <p>Please indicate whether the amendment suggested by NE to this condition is agreed and, if not, explain why not?</p>
Q9.4.7	The Applicant	<p>Condition 26 Construction monitoring The NE RR [RR-243] advises that Condition 26 should be amended to include the requirement to stop should the noise impacts of the works be significantly in excess of those assessed.</p> <p>Please indicate whether the amendment suggested by NE to this condition is agreed and, if not, explain why not?</p>
Q9.4.8	The Applicant	<p>Condition 27 Post construction monitoring The NE RR [RR-243] advises that Condition 27 does not have provision for marine mammal monitoring and sets out amended draft wording for particular impacts requiring remediation or further mitigation works.</p> <p>Please indicate whether the amendment suggested by NE to this condition is agreed and, if not, explain why not?</p>

ExQ1	Question to:	Question:
9.5 Schedule 9 – Deemed Marine Licence under the 2009 Act – Transmission Assets		
Q9.5.1	The Applicant	<p>Condition 13 Maintenance of the authorised development Condition 13(4) includes the wording “<i>substantially in accordance with the outline offshore operations and maintenance plan.</i>”</p> <p>Please explain and justify the use of the term ‘substantially’ in this condition?</p>
Q9.5.2	The Applicant	<p>Condition 22 Pre-construction plans and documentation Condition 22(1) (h) refers to a cable specification and installation plan. The ExA notes that this has not been included within the application documents. Please clarify when the cable specification and installation plan will be available and confirm it is intended to include this as a document to be certified in Schedule 12.</p>
9.6 Schedule 10 – Deemed Marine Licence under the 2009 Act – Transmission Assets (Offshore Converter Platform)		
Q9.6.1	The Applicant	<p>Condition 12 Maintenance of the authorised development Condition 12(4) includes “<i>substantially in accordance with the outline offshore operations and maintenance plan.</i>”</p> <p>Please explain and justify the use of the term ‘substantially’ in this condition?</p>
Q9.6.2	The Applicant	<p>Condition 21 Pre-construction plans and documentation Condition 21(1) (h) refers to a cable specification and installation plan. The ExA notes that this has not been included within the application documents. Please clarify when the cable specification and installation plan will be available and confirm it is intended to include this as a document to be certified in Schedule 12.</p>
9.7 Schedule 15 – Compensation to protect the coherence of the National Site Network		
Q9.7.1	The Applicant	<p>The EM [AS-024] paragraph 5.4.16 explains that this schedule secures the submission and approval of a compensation, implementation and monitoring plan, which is to be in accordance with the outline compensation, implementation and monitoring plan as certified, unless otherwise approved by the Secretary of State. The NE RR [RR-243] contains criticism of Schedule 15, paragraphs 3, 4, 5 and 8 and recommends various drafting amendments including that this schedule should be amended to the ‘relevant</p>

ExQ1	Question to:	Question:
		<p>SNCB' to ensure consistency with the rest of the DCO. NE also includes details at Annex A1 of proposed draft wording for a strategic benthic provision.</p> <p>Please indicate whether these proposed drafting changes are agreed and, if not, provide a full explanation of any reasons for their rejection.</p>
9.8 Other matters		
Q9.8.1	The Applicant	<p>Section 106 and other agreements</p> <p>Please indicate whether it is anticipated that any s106 or other agreements will be required to secure mitigation and other matters that are considered to be necessary in connection with the Proposed Development? If so, please provide an update in relation to progress on any such agreements</p>
10 Ecology		
10.1 Baseline/information		
Q10.1.1	The Applicant Natural England	<p>Information/Applicant's Procedural Decision Response 16 December 2024</p> <p>For the avoidance of any doubt, whilst the ExA acknowledges the Applicant's Procedural Decision response dated 16 December 2024 now received a fuller Applicant response to all the points raised by NE RR [RR-243] is still expected to be undertaken and is requested.</p> <p>The in-combination assessment for Guillemot from the Farne Islands SPA (as per NE RR individual Reference point number F26) agreed to be submitted at Deadline 1 is welcomed. With respect to Guillemot and Razorbill Compensation Document (Document Reference 7.2.5, Section 3) regarding 70% displacement and 2% mortality reference the further anticipated updates towards compensation at Deadline 1 are also noted. As are the updates for: Lesser Black Backed Gull compensation; and Five Estuaries OWF documentation consideration.</p> <p>Those updates and the expected Deadline 3 submission comparisons of the Secretary of State's conclusions for Dudgeon and Sheringham Extension Projects will need prompt evaluation from Natural England.</p>

ExQ1	Question to:	Question:
		<p>The updated cumulative assessment for marine mammals to be provided at Deadline 1 alongside Population Consequences of Disturbance clarification will also require early review by Natural England/Marine Management Organisation and the ExA encourages continued engagement by all parties.</p> <p>The ExA acknowledges topic specific SoCGs between Natural England/and or MMO and the Applicant would be beneficial covering ecological matters as suggested by the Applicant.</p> <p>Separate to those points, the ExA highlights that Nature Scotland (NS), should be consulted on any potential predicted impacts to Scottish SPAs and seeks the Applicant's acknowledgement.</p>
Q10.1.2	Natural England Relevant Councils	<p>Baseline Information – Stour and Orwell SPA and Ramsar</p> <ul style="list-style-type: none"> (i) Are NE/Relevant Councils satisfied that the full features/basis of the Stour and Orwell SPA/Ramsar are recognised by the Applicant? (ii) If not the ExA requests updated background information explaining the full features/basis to inform the overall Examination. (iii) For the Stour and Orwell Ramsar - the ExA notes that this has been screened out for Habitat Regulation Assessment (HRA) purposes by the Applicant. However, there are bird varieties which are qualifying species akin to the SPA. Therefore, do NE/Relevant Council's agree with the screening out of the Ramsar site from HRA? State your reasons why either way.
Q10.1.3	Natural England	<p>NE Update</p> <p>The Applicant's response to Advice Provided under section 51 of the PA2008 (Document Ref. No. 8.1) – Accepted by the Examining Authority on 16 October 2024 does not appear to have been fully considered by NE. NE is invited to comment on the most up to date Examination information available.</p>
Q10.1.4	The Applicant	<p>Baseline data – fish and shellfish ecology</p> <ul style="list-style-type: none"> (i) Useful North Sea Sandeel survey data from International Council for the Exploration of the Sea has not been used for the characterisation of Sandeel habitat within the ES. Moreover, heat mapping for Sandeel habitat and fishing

ExQ1	Question to:	Question:
		<p>layer data applied should be more robustly clarified as per the commentary of the Marine Management Organisation. Can the Applicant confirm due updates and clarify the robustness of the data which informs the ES?</p> <p>(ii) For herring, the ES appears to have omitted key fishing ground layer information in heat mapping and presented inaccurate vessel monitoring data. Therefore, the extent of herring spawning habitat may not be fully accounted for. The ExA requests further clarification on these issues and a reassessment of the likely impact(s).</p>
Q10.1.5	The Applicant MOD IPs	<p>Baseline data – ecology/noise</p> <p>(i) Are any existing acoustic deterrent devices in place for birds or other wildlife present in the vicinity of the DCO area, or which are otherwise relevant to mention to inform the accuracy of ES baseline conditions?</p> <p>(ii) The ExA during its unaccompanied site visit noted what could be described as a noticeable high/low frequency noise/vibration/field ‘type’ emission from unknown source in proximity to existing the coastline communication infrastructure opposite the existing wind turbine arrays and proposed dDCO array location. In light of the ExA’s observation:- (a) Would potential alteration to the baseline noise/vibration/environmental conditions as described as experienced in the locality during the site visit have any implication to species movements, irrespective of the Scheme applied for? (b) The applicant is requested to make all updates or provide additional environmental information as necessary.</p>
Q10.1.6	The Applicant Natural England (NE) Nature Scotland (NS) Suffolk County Council (SCC) Relevant Local Authorities IPs	<p>Cumulative impacts/Co-ordination/In-combination assessments</p> <p>The ExA highlights the variance between different relevant project design life spans referred to in the wider vicinity. The North Falls the project lifespan is stated to be 30 years, for Five Estuaries 20-40 years, and National Grid Electricity Transmission 40 years, respectively.</p> <p>Moreover, the ExA acknowledges that Suffolk County Council (SCC) have stated in their RR that they are seeking a “<i>coordinated approach between different proposed offshore windfarm projects and multi-purpose interconnector projects within the vicinity of this project</i>” (including the Norwich to Tilbury project).</p>

ExQ1	Question to:	Question:
		<p>The ExA also notes the ‘golden rules’ stated to be applied for site selection, including The Crown Estate’s Cable Route Protocol, the national grid’s Horlock Rules (for the siting of substations) and Holford Rules (for the siting of transmission infrastructure), as well as NPS EN-1, EN-3 and EN-5 and other relevant planning considerations which are presented in ES Appendix 4.1 (Document Reference: 3.3.1.1).</p> <p>That said, the cumulative impacts of the Proposed Development and two other associated Nationally Significant Infrastructure Projects – Five Estuaries and the East Anglian Connection Node as part of the Norwich to Tilbury upgrade are cited as not being properly considered by IPs (including the RR of Tendring District Council). They suggest greater integration on all NSIP projects could negate the need for onshore transmission.</p> <ul style="list-style-type: none"> (i) Applicant/NE/SCC/IPs – Clarify if the Applicant’s cumulative impact assessments properly factor scheme variance between operational and decommissioning stages? (ii) Applicant –when are any updates expected giving a further assessment of the effects of the variance? Explain any position to the contrary of not providing updates. (iii) SCC/Relevant Planning Authorities - Have your overarching preferences been met with respect to ecological impacts including avoidance, mitigation, and compensation triggers/outcomes? If not explain the specific reasons why.
Q10.1.7	The Applicant	<p>Offshore Pre-construction Surveys For ornithological impacts confirm/signpost the timing, scope, and a ‘full’ species list of all anticipated pre-construction survey work to take place.</p>
Q10.1.8	The Applicant	<p>Offshore Construction Monitoring</p> <ul style="list-style-type: none"> (i) Having regard to the Offshore In-Principal Monitoring Plan (IPMP) [APP-245] would the first four piles monitored be the worst-case scenario piles? (ii) If so, how is this to be formally demonstrated as committed to at Examination stage? Provide all IPMP updates necessary to ensure this.

ExQ1	Question to:	Question:
		<p>(iii) Signpost/list the precise noise mitigation methods to be imposed during any pre-commencement piling activity for the worst-case scenario conditions identified by the ES and clarify how the mitigation would differ moving to better case scenarios.</p> <p>(iv) Would the mitigation be 'tailored' accordingly?</p> <p>(v) How would any commitment to tailoring be appropriately formalised?</p>
Q10.1.9	The Applicant	<p>Offshore Construction Monitoring –for marine mammals There appears inadequate justification to explain why the cumulative sound exposure of two piles is not required in the outline Marine Management Mitigation Protocol (MMMP).</p> <p>The ExA notes that the MMO strongly recommends that mitigation is required prior to piling of foundations at each pile location, and the mitigation requirements should be based on the predicted ranges for the cumulative exposure for three monopiles and six pin piles installed sequentially (or the worst-case number of monopiles/pin piles installed in 24-hours). The Applicant is asked to either provide robust justification or include the additional mitigation into the MMMP.</p> <p>For underwater sound monitoring during construction the MMO is seeking confirmed 'plots' to enable noise monitoring comparisons (for comparable hammer strike energies) be provided with the associated envelopes of variability. The ExA requests that this step is incorporated into the outline MMMP.</p>
Q10.1.10	The Applicant	<p>Offshore Construction –winter piling Paragraph 73, Outline Project Environmental Management Plan [APP-241] states “In order to reduce impacts to Downs herring the Applicant is committed to restrict piling activities during a suitable period between 1 November and 31 January, the duration of which will be discussed with the MMO and their advisors.”</p> <p>Clarify what the restrictions to piling activities will be and how these have been determined?</p>
Q10.1.11	The Applicant	<p>Ornithology/in-combination effects The RSPB via its RR makes the following conclusions about the project in-combination with other plans and projects:-</p>

ExQ1	Question to:	Question:
		<p>(i) There will be an adverse effect on site integrity on the following features of the Alde-Ore Estuary SPA: The impact of collision mortality on the Lesser Black-Backed Gull population;</p> <p>(ii) There will be an adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA from: the impact of mortality arising from collision and distributional change combined on the Kittiwake population; the impact of mortality arising from distributional change on the Guillemot population; and the impact of mortality arising from distributional change on the Razorbill population.</p> <p>(iii) A potential (not able to be discounted) adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA from: the impact of mortality arising from collision and distributional change combined on the Northern Gannet population; and the impact of combined collision and displacement mortality on the seabird assemblage;</p> <p>(iv) A potential (not able to be discounted) adverse effect on site integrity on the following features of the Outer Thames Estuary SPA in terms of: the impact of distributional change on the Red-throated Diver population, arising from vessel movement during construction, decommissioning and operations and maintenance.</p> <p>Confirm the areas of agreement/disagreement with the RSPB's conclusions. In doing so signpost relevant parts of the ES/any ongoing survey work or information components which will be updated considering all ornithological concerns made.</p>
Q10.1.12	<p>The Applicant RSPB Natural England Nature Scotland IPs</p>	<p>Ornithology/methodology Applicant – provide the following to the Examination:-</p> <p>(i) Clarification/ further explanation of the specific methodology for all digital aerial survey work applied in the examination inclusive of regard to industry best practice (and what this entails) having regard to the full RR commentary of RSPB and NE. This should include: how spatial autocorrelation has been evaluated; disturbance from the survey itself; all quality assurance measures adopted.</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> (ii) A fuller explanation/account of the methodology of applying macro-avoidance correction factor to predicted Northern Gannet populations and the rationale to the Applicant's steps/choices in this regard including best practice advice. This should include regard to: season variation. (iii) Signpost in the ES/ further clarify why Kittiwake collision mortality has been excluded at Flamborough and Filey Coast SPA having regard to the findings/experience of recent Belgian offshore windfarms toward collision rates referred to by other Examination parties. (iv) Clarify/sign post the full and precise conservation 'objectives' of the Outer Thames Estuary SPA considered by the ES. (v) Provide an update regarding the potential for wider ecological impacts through changes in water column stratification arising from the wind farm which 'may' affect birds of prey. (vi) RSPB/IPs – with respect to the above points (i)-(v) whatever additional comments you wish to make are invited. Highlight any specific conservation objectives of the Outer Thames Estuary SPA that may be missing from the Applicant's assessment (if that is the case). (vii) NE/NS/RSPB –the applied reduction of 70% to the baseline densities inputted into the Northern Gannet collision risk modelling to account for macro avoidance by amending the avoidance rates used in the collision risk modelling agreed at scoping stage is contended by the RSPB. What are the specific technical reasons NE have endorsed this approach, but the RSPB do not consider it appropriate?
10.2 Ecological Enhancement		
Q10.2.1	The Applicant All relevant Councils IPs	<p>Ecological Enhancement/ BNG Strategy</p> <p>The ExA notes the content of the submitted BNG Strategy, July 2024 [APP-257]. The statutory provisions relating to BNG in Nationally Significant Infrastructure Projects (NSIPs) (i.e. section 99 and Schedule 15 of the 2021 Act) are not yet in effect and are not anticipated to come into effect until late 2025.</p> <p>Nonetheless, biodiversity interests and the wider policy/ statutory context those interests sit within, remain important and relevant considerations whereby significant enhancement could still potentially be secured. In that the context:-</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> (i) The report sets out the strategy of assessing and securing BNG for ‘onshore’ elements on land and a minimum 10% BNG delivery is referred to. The figure is low. Could a more ambitious percentage figure not be pursued? What are the precise reasons why a more ambitious upper/lower figure band has not been utilised the starting point. (ii) Can the Applicant set out how potentially it could further boost and achieve meaningful overall biodiversity enhancements above the minimum 10% level it is referring to? Is it technically/financially possible to do that? If not, state why not. (iii) Explain what scope remains for the proposed DCO Scheme to further complement existing ecological and biodiversity initiatives within the local areas the scheme passes through. If relevant local/ regional or national initiatives have not been fully considered to date, provide an update on how potential integration could be achieved. (iv) Does the Applicant agree that s106 (Town and Country Planning Act 1990) obligation/agreement use involving a commuted sum mechanism or other bespoke mechanisms via s111 (Local Government Act 1972) to facilitate local biodiversity enhancements may be a feasible/ suitable option available? If not explain why not.
Q10.2.2	The Applicant All relevant Councils IPs	<p>Ecological enhancement/BNG Strategy</p> <p>The ExA highlights that the UK Biodiversity Action Plan was superseded but relevant woodland priority status remains under the Natural Environment & Rural Communities Act 2006 (NERC) Sect 40 with a “Duty to conserve and enhance biodiversity” and Sect 41 – “List of habitats and species of principle importance in England”.</p> <p>The Forestry Commission via its representation have suggested further woodland planting, with maintenance being secured for a period of 10 years. Hedgerows, individual trees and woodlands within a development site should also be considered in terms of their overall connectivity between woodlands affected by the development.</p> <p>For example, the creation of some larger woodland blocks and hedgerow/hedgerow trees between the existing woodland blocks on site, to ensure maximum gains to</p>

ExQ1	Question to:	Question:
		<p>increase habitat connectivity and benefit biodiversity across the whole site, not solely in specific areas just to be used as screening could be undertaken. This could involve banded areas also.</p> <p>The ExA is seeking the Applicant to fully explore such options within the Examination period alongside the subsequent mechanisms of delivery with the overarching aim of maximising nature recovery.</p>
Q10.2.3	<p>All relevant Council's (including Suffolk County Council/ East Suffolk District Council/ Essex County Council) Essex Wildlife Trust RSPB Natural England Forestry Commission National Trust Marine Management Organisation IPs</p>	<p>Ecological Enhancement/ BNG Strategy</p> <ul style="list-style-type: none"> (i) All relevant Council's (including Suffolk County Council/East Suffolk District Council/Essex County Council)/Essex Wildlife Trust/RSPB/NE/Forestry Commission/National Trust/IPs submit your views on seeking any further ecological enhancement/ facilitating BNG, or wider environmental gains inclusive of any future proofing (even if dual purpose for meeting wider design principles, climate change/adaption and resilience purposes) which may be desirable including regard expected local climatic conditions. (ii) Submit your views on boosting the level of BNG or other ecological enhancement proposals that could be delivered factoring all relevant local initiatives and scope to secure betterment. This may be linked to existing development plans, planned revisions to those, or stand-alone initiatives. (iii) Explain what scope remains for the scheme to further complement existing ecological enhancement initiatives within the local areas the scheme passes through; or which may be relevant to in-combination considerations; or wider ecological enhancement possibility. (iv) If relevant local/ regional or national initiatives have not been fully considered to date, provide an Examination update on how potential integration could be achieved. (v) The ExA specifically highlights that the scheme is projected to deliver a net loss for watercourses. Thus, further consideration should be given to BNG for watercourses in tandem with the above. (vi) NE – Biodiversity credits. The ExA acknowledges the Applicant's intention that if 'bespoke' mechanisms of off-site habitat enhancement or creation cannot be achieved in area habitat and hedgerow modules through consultation with relevant bodies and stakeholders on or off-site, biodiversity credits could be

ExQ1	Question to:	Question:
		<p>purchased through NE’s register. Is there confidence from NE that scope for such contingency can/should be reasonably relied upon in those circumstances?</p> <p>(vii) The Applicant – Does the Applicant consider the use of the register to be ‘likely’? What is the expected probability, at this stage, of the register mechanism being required and is it the Applicant’s preferred/expected position to rely on the register mechanism or not? The Applicant is invited to demonstrate the likelihood/need for such an option being utilised within the Examination period.</p>
Q10.2.4	<p>The Applicant Natural England Marine Management Organisation Crown Estate IPs</p>	<p>Ecological enhancement/Marine Net Gain (MNG) The ExA notes that Chapter 2 of the UK Marine Policy Statement (2011) states that the vision for the marine environment is for ‘clean, healthy, safe, productive, and biologically diverse oceans and seas’. The UK high level marine objectives published in April 2009 set out the broad outcomes for the marine area in achieving this vision, and reflect the principles for sustainable development.</p> <p>In that context, UK Government consultation June 2022 sought views on the high-level principles of MNG. This showed broad support for MNG as well as a range of recommendations around what MNG could cover, how it could be applied to developments and which Net Gain interventions would be most appropriate at sea. Defra’s “Consultation outcome Government response updated 9 December 2023” is a relevant consideration.</p> <p>The ExA is aware MNG could represent a feasible opportunity/consideration for delivering nature recovery/ecological enhancement at sea even at a nascent stage. Moreover, based on public consultation statements an industry wide Offshore Wind Environmental Improvement Package to support the accelerated deployment of offshore wind is anticipated to potentially come forward.</p> <p>(i) Applicant/NE/Marine Management Organisation/Crown Estate/IP’s – Is it possible/feasible (in principle) for a MNG strategy to be produced for this development to compliment the onshore BNG Strategy; or in the interests of</p>

ExQ1	Question to:	Question:
		<p>pursuing other offshore ecological enhancements possible currently? If not, why not?</p> <p>(ii) Applicant/NE/IP's – Clarify/signpost what cross-cutting work with NE/Crown Estate/MMO or other consultees has occurred to explore due offshore ecological enhancement opportunity? If it has not occurred, state why not.</p> <p>(iii) NE – At what stage are the ongoing investigations to which habitats and species have the most potential for restoration, recovery and enhancement through the Marine Restoration Potential and Enhancement Project?</p> <p>(iv) NE – At what stage/status/availability is the mapping provision for Marine Irreplaceable Habitats and would this be relevant to have regard to?</p> <p>(v) Applicant/NE – Is it technically possible, presently, to measure and compare marine development impacts which allows robust/meaningful marine environmental gains (or offsets) to be delivered from this development?</p>
<p>10.3 Habitats Regulations Assessment</p>		
<p>Q10.3.1</p>	<p>The Applicant IPs Natural England Nature Scotland RSPB National Trust</p>	<p>Habitats Regulations/Derogation Implications</p> <p>(i) IPs/NE/Nature Scotland (NS)/RSPB/National Trust – Have all relevant designated sites (including SACs/SPAs/Ramsar sites) been properly addressed inclusive of all defining features within the Applicant's ES and associated material? If not, state why not.</p> <p>(ii) The ExA notes that the Provision of Evidence Annex 1A HRA Compensation Consultation [APP-185] does not appear to have included NS as a consultee (even on a precautionary basis). Give your reasoning for this omission (deliberate or otherwise).</p> <p>(iii) IPs/NE/NS – Has the consultation undertaken been adequate? If not, explain your views for the Examination record.</p>
<p>Q10.3.2</p>	<p>Natural England IPs</p>	<p>Orfordness Shingle Street Special Area of Conservation</p> <p>(i) The ExA requests NE give their precise/detailed reasons why they consider there to be an adverse effect on integrity to the Orfordness Shingle Street Special Area of Conservation.</p> <p>(ii) What are NE's views of how any concerns could be potentially remedied?</p> <p>(iii) All relevant Councils/IPs make whatever comments you wish to in relation to this matter.</p>

ExQ1	Question to:	Question:
Q10.3.3	Natural England The Applicant	<p>Without prejudice derogation Flamborough and Filey Coast SPA/Gannet The RSPB seek a derogation case for 'gannet' in relation to the Flamborough and Filey Coast SPA.</p> <ul style="list-style-type: none"> (i) Do NE agree with this position? Clarify the reasons why either way. (ii) Applicant – the ExA highlights that a without prejudice derogation case for Gannet may be required to be submitted during the Examination period and seeks precautionary provision to be made.
Q10.3.4	The Applicant Five Estuaries Offshore Windfarm Limited	<p>Alde Ore Estuary SPA/Lesser Black-Backed Gull (LBBG) impacts Natural England (RR point F25) highlights that the Applicant has used population counts relating to the Alde Ore Estuary SPA which does not follow best practice.</p> <ul style="list-style-type: none"> (i) Has apportioning been further discussed with NE and Five Estuaries? If not, why not? The ExA notes NE's point that the estimated project alone impacts to LBBG at AOE SPA should be reduced. (ii) What matters are being discussed/collaborated on with Five Estuaries Offshore Wind Farm Limited. The ExA requests that the Applicant explains all stages are anticipated and will require updates throughout the Examination.
Q10.3.5	Natural England	<p>Alde Ore Estuary SPA & Ramsar impacts For the Alde Ore Estuary SPA and Ramsar NE cite wetland invertebrate and plant assemblage as other qualifying features in the submitted RR, yet only LBBG is then focused on. Do NE have any outstanding concerns regarding any other qualifying features?</p>
Q10.3.6	The Applicant	<p>Avoidance/Mitigation/Alternatives The ExA notes there are a range of additional avoidance/mitigation measures identified by NE which could be adopted by the Applicant to reduce the project's overall environmental impacts. This extends to a reduction in the Rochdale Envelope currently applied.</p> <ul style="list-style-type: none"> (i) Can the Applicant confirm whether it is considering such additional avoidance/mitigations to be committed to and their incorporation within the dDCO? The Applicant's rationale is sought for its intended approach either way. (ii) The Applicant is requested to update/signpost the ES/environmental information to reflect avoidance strategy and 'all' additional avoidance/mitigation(s) provisions

ExQ1	Question to:	Question:
		<p>triggered by ecological impacts to be committed to on a without prejudice basis or otherwise.</p>
Q10.3.7	The Applicant	<p>Noise impacts – harbour porpoise</p> <ul style="list-style-type: none"> (i) The ExA requests that the Applicant provide an updated assessment on noise impacts to harbour porpoise using the Effective Deterrent Radius approach as set out in the best practice guidelines Phase III by NE, by Deadline 2, and shared with NE. (ii) The Applicant is requested to confirm if the outcomes of using the Effective Deterrent Radius approach affect the conclusions of its assessment on harbour porpoise. (iii) Noise assessment locations are referred to in the ‘East’ and ‘South’. However, locations in the South and ‘North’ would reflect the Worst Case Scenario as there is more overlap in these locations. The ExA requests that the Applicant updates the worst case scenario assessment using North and South piling locations for simulating scenarios and revisit mitigation measures arising from those. (iv) Can the Applicant clarify/confirm why it does not propose to use noise abatement systems at this stage? If the noise assessment of North and South piling is undertaken it may well be warranted relative to the worst case scenario.
Q10.3.8	The Applicant	<p>Compensation – Alde Ore SPA & Ramsar/LBBG</p> <p>NE cite that adverse effects on the integrity of the Alde Ore Estuary SPA <u>and</u> Ramsar cannot be excluded for impacts on LBBG. Nonetheless, the Applicant’s compensation document only discusses the SPA. The Applicant is requested to clarify if it is intended compensation for both designated sites and correct any variance.</p>
Q10.3.9	<p>The Applicant Five Estuaries Offshore Windfarm All relevant Councils National Trust</p>	<p>Compensation - all ornithology</p> <p>NE/RSPB RR’s combined consider that compensation measures would be required for the following species: 1. Lesser Black Backed Gull (LBBG); 2. Kittiwake; 3. Northern Gannet; 4. Guillemot; 5. Razorbill; and 6. Red-throated Diver, should the Secretary of State decide to consent the Application as it is currently proposed.</p> <p>The Applicant has identified potential compensation measures for impacts on the following species: - Kittiwake (due to collision risk impacts on the Flamborough and Filey Coast SPA) - Guillemot and Razorbill (due to displacement impacts on the Flamborough</p>

ExQ1	Question to:	Question:
		<p>and Filey Coast SPA) – LBBG (due to collision risk impacts on the Alde-Ore Estuaries SPA); and Red-Throated Diver (due to displacement impacts on the Outer Thames Estuary SPA).</p> <p>All of those compensation measures, with the exception of those for LBBG, are proposed on a “without prejudice” basis. Nonetheless, the ExA notes that the compensation proposals (on a without prejudice basis or otherwise) do not appear to be sufficiently advanced at this stage.</p> <p>Notwithstanding any potential HRA outcome, the ExA requests that compensation proposals are updated to allow due analysis/comment within the Examination period itself. This is to enable the likelihood of compensation effectiveness to be properly evaluated as well as ensuring potential choices have a holistic basis. The following information is therefore required: -</p> <ul style="list-style-type: none"> (i) The precise/detailed ecological compensation package expected to be committed to for all relevant species including location/design/how effective delivery would be secured against any delivery risks (collaboration with other windfarm operators and potential operators in the vicinity is also invited to be committed to). Alongside existing Ramsar/SPA/SAC site management obligation expectations. (ii) The precise mechanisms by which ‘all’ detailed ecological compensation proposals evidenced to the Examination would be formally secured within the DCO ‘if’ the ExA recommended this being undertaken to the Secretary of State. (iii) Confirmation from relevant Councils (host Councils, or otherwise, including East Suffolk Council) of the sufficiency of the mechanism and details committed to accounting for collaboration with them where it is appropriate and beneficial to wider ecological interests. (iv) All relevant Councils (including East Suffolk Council) /Five Estuaries Offshore Windfarm make whatever comments you deem to be necessary on the scheme’s compensation proposals. This would include any suggestions to maximise optimal wider natural resource/nature recovery outcomes.
Q10.3.10	The Applicant	Compensation – LBBG

ExQ1	Question to:	Question:
		<p>The Applicant’s proposed compensation for LBBG in relation to the Alde-Ore Estuary Special Protection Area (SPA) is set out in submitted document [APP-188] – 7.2.2 Appendix 2. It is noted that the mechanism for securing the LBBG compensation is set out in Schedule 15 of the draft Development Consent Order [APP-005].</p> <p>The ExA acknowledges that the National Trust advocates it would not support proposals that would give rise to an adverse effect on the integrity of the LBBG feature of the Alde-Ore Estuary SPA without satisfactory compensation.</p> <p>The ExA is therefore seeking to invite compensation proposals (species wide) which demonstrably avoid a ‘piece meal’ approach in the various site options referred to by the National Trust or by any other parties. Limitations arising from any ‘inalienable’ land considerations are a further factor for the Examination.</p> <p>What does the Applicant propose to ensure a ‘holistic approach’ is pursued as well as demonstrating an effective overall compensation package is capable of being procured?</p>
Q10.3.11	The Applicant	<p>Compensation/Monitoring – LBBG</p> <ul style="list-style-type: none"> (i) Paragraph 6 of Annex 2 Outline LBBG Compensation Implementation and Monitoring Plan (LBBG CIMP) [APP-189] indicates that the document will be developed in consultation with stakeholders through a Steering Group. Is there due scope to obtain relevant Steering Group input within the Examination period? The ExA requests such a step to be committed to. (ii) Provide an update to on the development of the Applicant’s preferred measure of delivery of breeding enhancement (Paragraph 104, Appendix 2 LBBG Compensation Document [APP-188]) and any alternative measures warranted, to include consultation with the steering group and timescales for the next steps.
Q10.3.12	RSPB Natural England IPs	<p>Compensation - Kittiwake</p> <p>The RSPB via its RR disagrees with the approach of excluding compensated for projects from ‘in-combination’ assessment considering paragraphs 17 and 18 in APP-192 (Habitats Regulations Assessment Appendix 4, Kittiwake Compensation Document).</p>

ExQ1	Question to:	Question:
		<p>Although a further submission is indicated as expected from the RSPB, the ExA requests full and early specific clarification (by no later than Deadline 2) as to why the RSPB make such conclusions. Applicant/NE/IPs make whatever comments you deem necessary.</p>
Q10.3.13	The Applicant	<p>Mitigation/Compensation – Red-throated Diver</p> <ul style="list-style-type: none"> (i) Can the Applicant confirm if construction/decommissioning/maintenance activity would take place outside of November – March inclusive and how this is to be committed to formally? (ii) If there is expected variation to the above the ExA requests a full justification. (iii) The compensation proposal should be updated accordingly.
Q10.3.14	The Applicant	<p>Unexploded ordnance – Red-throated Diver</p> <p>Can the Applicant confirm if unexploded ordinance provision would be restricted to not take place within winter months given likely impacts on Red-throated Diver and the Outer Thames Estuary SPA?</p>
Q10.3.15	The Applicant	<p>Compensation/Monitoring - Harbour Porpoise</p> <p>As per NE RR, can the Applicant confirm if it has considered options for monitoring of harbour porpoise, other than the 700m radius for monitoring currently set out in the MMMP [APP-242]. Also provide an update for any discussions held with NE on this matter.</p>
Q10.3.16	The Applicant MMO	<p>Compensation - Site Implementation Plans</p> <ul style="list-style-type: none"> (i) NE advise that Site Implementation Plans are submitted to the MMO for consideration. Has this happened? (ii) Either way, the ExA requests a clear/committed timescale to be set out by the Applicant to allow facilitation of due documentation agreement with the MMO within the Examination period itself by Deadline 2.
Q10.3.17	The Applicant Natural England Local Authorities	<p>Compensation/ecological enhancement - all relevant species/dDCO</p> <p>The ExA acknowledges the species and the extent of the provisions within Schedule 15 of the dDCO [APP-005] pertaining to ‘compensation to protect the coherence of the national site network’ as well as their subsequent limitation.</p> <ul style="list-style-type: none"> (i) If any further compensation strategy documentation is accepted or sought either by the ExA or the SoS through necessity, how would such provision be formally secured and delivered by the dDCO?

ExQ1	Question to:	Question:
		<p>(ii) Does the dDCO allow sufficient flexibility for any fuller without prejudice compensation package to be secured and delivered if it is required?</p> <p>(iii) The ExA's considerations of such provisions would also extend to the nature of financial contribution mechanisms indicated as being potential options which would be reliant on secondary legislation yet to be issued by Government. In light of that situation has potential s106 Town and Country Planning Act 1990 or s111 of the Local Government Act 1972 or similar bespoke obligation/agreement use been fully factored as potential options for both compensation and ecological enhancement? If not state why not.</p> <p>(iv) NE/Local Planning Authorities do you have any comments to make on this issue?</p>
11 Flood Risk, groundwater and surface water		
Q11.1.1	The Applicant	<p>Flood risk assessment ES Appendix 21.3 Flood Risk Assessment [APP-121]:</p> <p>(i) Consideration not provided in relation to the cable and surround becoming an unintentional flow route for ground water, sea water or surface water and possible flood risk consequences.</p> <p>(ii) Consideration not provided as to the practicality of regulated surface water discharge rates of 1 l/s into watercourses</p> <p>The Applicant should explain how these points have been considered.</p>
Q11.1.2	The Applicant	<p>Well water contamination Various IPs have raised, through their RRs, the issue of water supply (see various examples such as [RR-203], [RR-226], [RR-331]). In areas such as Little Bromley and Ardleigh, examples of well water reliance have been cited, where no mains connection is supplied. How has the proposed development taken account of these residents whose water supply is only guaranteed through well water supply? Please explain the guarantees to continuity of supply, as well as to quality and quantity of sources, and how these have been taken into account.</p>
Q11.1.3	The Applicant, Environment Agency, Essex CC (Lead Local Flood Authority)	<p>Other Flood Risk Has the Applicant adequately addressed matters relating to risk of flooding from all sources including those which are outwith the EA's responsibility?</p>

ExQ1	Question to:	Question:
Q11.1.4	The Applicant, Environment Agency	<p>Protective Provisions and Environmental Permitting Regulations – engagement with EA</p> <p>The ExA notes the at the time of submitting its RR [RR-091] the EA had not been engaged regarding the content of Protective Provisions. Nor is there an in-principle agreement to disapply the provisions of the Environmental Permitting Regulations in respect of flood risk activity permits required for the crossings of main rivers. The RR also states that the EA will not consent to disapplication of the Environmental Permitting Regulations in respect of abstraction and dewatering activities.</p> <ul style="list-style-type: none"> (i) Please can both the Applicant and the EA provide an update and how this may be resolved during the Examination. (ii) Please can the Applicant provide a comment on the disapplication of the Environmental Permitting Regulations in respect of abstraction and dewatering facilities. Is there sufficient availability for abstraction of water for the purposes of HDD where required?
Q11.1.5	The Applicant	<p>Village Drainage – Little Bromley</p> <p>IPs have drawn attention to a high water table at Little Bromley, and during wet periods in this can result in localised flooding and drainage problems [RR-203]. Please can the Applicant explain how this has been assessed, and/or if necessary signpost to relevant sections of the FRA.</p>
Q11.1.6	The Applicant	<p>Agricultural water supply in Little Bromley</p> <p>IPs (e.g. [RR-331]) have raised concerns regarding the impact of the proposed development on the importance of soil to farming businesses. Where agricultural water supply is also reliant on wells and springs, how has the Applicant considered the effects of the proposed development on water supply?</p>
Q11.1.7	The Applicant	<p>The schedule of mitigation</p> <p>The schedule of mitigation does not specify where the water quality monitoring proposals would be set out, or how this process would be secured. Please provide clarification and explanation of both these aspects.</p> <p>The Applicant has indicated that monitoring of groundwater is ongoing. Provide a plan or annotate the existing plans identifying the monitoring locations in and around the OECC and OnSS?</p>

ExQ1	Question to:	Question:
Q11.1.8	The Applicant, Environment Agency	<p>Environment Agency concerns regarding third party risk of flooding ES Appendix 21.3 [APP-121] confirms that all main rivers and the majority of ordinary watercourses will be crossed using HDD methods as set out in Appendix 5.1 Crossing Schedule. However, haul road crossing and the remaining trenched crossings and any associated flood risk will not be considered until the detailed design stage post consent. These have the potential to interfere with the flow of flood water can increase the risk of flooding to third parties. The EA [RR-091] disagrees with the approach. Please can the Applicant advise as to how these associated risks to third parties have been, or will be assessed. The EA is also invited to provide further comment.</p>
Q11.1.9	The Applicant, Environment Agency	<p>Groundwater impacts - Mitigation ES Ch19 - Ground Conditions and Contamination [APP-033], at Table 19, includes the Code of Construction Practice to be secured by requirement, as mitigation, whilst embedded mitigation is provided through a Piling Risk Assessment. The ExA notes that the EA wishes to be consulted on both these forms of mitigation, in the interests of potential impacts on groundwater and the source protection zone. Please can the Applicant and EA provide a comment on progress to any form of agreement.</p>
Q11.1.10	The Applicant, Environment Agency	<p>Landfall – flood protection measures Landfall is at a point where drawings for the flood defence pre-date the formation of the Environment Agency and therefore there may be some variation to what is shown on the drawings and information held by the EA. Crossing flood defences can cause harm including for future potential works and needs. The EA [RR-091] confirms that these can be agreed post-consent, but is seeking an approach similar to discussions progressing with the Five Estuaries OWF proposal. Please can the Applicant and EA provide a progress update on these parallel discussions, and advise how this issue is being considered within the application.</p>
<p>12 Historic Environment & Archaeology</p>		
Q12.1.1	The Applicant	<p>NPS EN-1: Balancing Exercise Paragraph 5.9.32 of NPS EN-1 requires a balancing exercise to be carried out where a proposal would result in less than substantial harm to the significance of designated heritage assets. It is the Applicant's view that the proposed development would not result in any substantial harm to designated heritage assets. Please can the Applicant</p>

ExQ1	Question to:	Question:
		explain how the identified less than substantial harm to the significance of the designated heritage assets has been balanced.
Q12.1.2	The Applicant	<p>Level and scale of Harm to Heritage Assets Please confirm that the following designated built heritage assets have been assessed as experiencing less than substantial harm to significance (at lower end of scale):</p> <ul style="list-style-type: none"> - Great Holland Mill House - Hempstalls Farm House - Abbots Hall - Great Holland Lodge - Church of St Mary's - Bounds Farmhouse - Jennings Farmhouse
Q12.1.3	The Applicant Local Authorities	<p>Jennings Farm</p> <p>(i) It is unclear whether or not the ES considers that Jennings Farm would experience an effect during the operational phase, or, whether an effect would also be experienced during the construction phase. Please provide any commentary necessary to account for the impact on Jennings Farm during the construction phase, and confirm whether or not a revision is required to the summary of effects contained within the ES. Please either rectify the omission, or explain what is required in your view to rectify this, or why you consider it has been addressed.</p> <p>The ExA understands that Jennings Farmhouse (Grade II Listed) no longer has an associated farm. Nonetheless, its setting within an agrarian landscape may still allow an appreciation of its historical functional connection to the surrounding landscape. Please can the Applicant and Local Authority provide commentary on the effect of proposed mitigation planting which, whilst seeking to screen the proposed development from Jennings Farmhouse, could curtail views of a previously open agrarian landscape which surrounds the farmhouse and could also be seen to contribute to its significance.</p>
Q12.1.4	ECC and Local Authorities	<p>Survey Data</p> <p>Please comment on the extent to which the provided desk-based research and non-intrusive evaluation is sufficient, and provide commentary on any gaps or data that is missing in order to form comprehensive views on the archaeological survey.</p>

ExQ1	Question to:	Question:
Q12.1.5	The Applicant	<p>Trial Trench Evaluation To what extent has trial trench evaluation and geoarchaeological assessment at the substation site sufficient to assess cultural heritage across the entirety of the OECC route? Is the Applicant proposing a further, more extensive, programme of trial trenching across the OECC?</p>
Q12.1.6	The Applicant, ECC	<p>Offshore Archaeological Exclusion Zones (AEZ) To what extent is ECC content with off-shore geophysical survey, and potential Archaeological Exclusion Zones? Given that previously unidentified sites or features of interest or significance may also be present in as yet unsurveyed areas, what assurance is there that AEZs would allow further sites to be avoided?</p>
Q12.1.7	The Applicant and Local Authorities	<p>Construction Phase – Disturbance of Archaeological Remains During the construction phase there is identified potential disturbance to both on and off-shore archaeological remains. Activity at the substation and along the cable trench could impact on archaeological and geoarchaeological remains. Please provide a commentary on the extent to which proposed mitigation has addressed these impacts.</p>
Q12.1.8	The Applicant	<p>Non-intrusive survey - Methodology To what extent are the non-intrusive survey sufficient as a methodology to provide an assessment of significance, and identify potential adverse effects on any heritage asset, in particular those which are sub-surface?</p>
Q12.1.9	The Applicant	<p>Archaeology ECC and TDC [RR-093] believe that the impact on the historic environment, specifically archaeology, cannot be effectively managed based on the level of investigation and information submitted and that the district contains nationally significant archaeological remains and a diverse built heritage resource. They state that the proposal therefore has potential to impact on both known and presently unknown heritage assets whose significance remains difficult to state with confidence at this time. ECC believes that to determine the impact of the proposal on archaeological remains and provide an effective mitigation strategy further assessment is required.</p> <p>Please confirm how much of the onshore area has now been assessed by trail trenching and geophysical survey. Please explain why the level of information submitted is considered sufficient to determine impacts on archaeological remains.</p>

ExQ1	Question to:	Question:
Q12.1.10	The Applicant	<p>St Mary's Church Various IPs have expressed concern that the proposed development and associated facilities will disrupt day-to-day village life including at the village social gathering point of St Mary's Church (Grade II* Listed). There is a concern that the Church will be virtually cut off and in danger of serious damage due to the HGV traffic.</p> <p>Please provide a comment on the impact on the Church, and any additional commentary relating to how the impact of underground cabling and proposed haul road may affect this, and how the impact on village amenity has been addressed by the ES.</p>
Q12.1.11	The Applicant	<p>Impact on Foundations of Listed Buildings An IP [RR-203] has raised concerns regarding the lack of substantial foundations at properties along the proposed route of construction, and that in particular Mulley's Cottage (Grade II Listed) has no foundations. Please can the Applicant provide a comment on the impact of the proposed development on the property (and others if necessary) regarding how the impact of vibration has been assessed.</p>
Q12.1.12	The Applicant, Historic England	<p>Historic England Relevant Representation: RR-130 Historic England has registered as an IP and the Applicant will be aware of RR-130 which contains 21 points to be addressed. This includes:</p> <ul style="list-style-type: none"> (i) A marine geotechnical survey work has not been conducted. Please clarify how the Outline Offshore Written Scheme of Investigation (WSI) provides for geoarchaeological analysis of geotechnical survey materials. Additionally, confirm that geoarchaeological investigations would be secured through the DCO and draft Marine Licences. (ii) Some archaeological evaluation work has been undertaken, for example geophysical survey, to determine the significance and therefore the degree of harm to those assets. Historic England raised concerns during the pre-application process (See comments in Table 25.1) about the limited extent of many surveys, in the context of the large scale of the scheme. Please set out how the Application information overcomes Historic England's concerns whether the detailed magnetometry technique adopted is suitable for all of the diverse local topographies, pedologies, hydrologies, archaeologies and geologies along the route.

ExQ1	Question to:	Question:
		<p>(iii) At present the values set out in Chapter 25, Table 25.11 and assigned to individual heritage assets is, in Historic England’s view, are based on a partial assessment because of the limited locations of the field evaluation undertaken. Please clarify whether these heritage values are therefore only interim or draft, and set out any risk to any implementation stage of the project.</p> <p>(iv) The Outline Code of Construction Practice (APP-248) does not address archaeology other than by cross-reference to the Onshore WSI. Please amend the CoCP to include a section on archaeology, so that headline principles around its role in site inductions, the timings, scope and implementation of fieldwork, as well as protocols for unexpected discoveries, public engagement, County Archaeologist sign-off of investigations, and the monitoring and maintenance of no dig areas are highlighted within.</p> <p>(v) Draft Development Consent Order 19. The Draft Development Consent Order (APP-005), Schedule 1, Part 3, Requirement 11(1) – Onshore Archaeology. In addition to submission to the LA, Historic England has recommended that the approval of the document is sought from both the County Council (ECC Place Services) and Historic England. Please amend to confirm that consultation will also be undertaken with these organisations.</p> <p>Please can the Applicant and Historic England provide an update to all of the outstanding points.</p>
Q12.1.13	The Applicant and Local Authorities	<p>Mitigation</p> <p>(i) The primary mitigation for heritage is avoidance. Further details and design of the proposed development would emerge over time, post consent. To what extent would avoidance of heritage assets be a practical option, taking into account all other factors which need to be considered in design and engineering of the proposed works?</p> <p>(ii) The OWSI provides mitigation strategies including a programme of archaeological evaluation completed across the scheme post consent to inform the nature of mitigation. However, details of coverage and extent if trenching and locations are not yet confirmed. Therefore, please provide a commentary on how the gaps in data would be completed and ground truthed.</p>

ExQ1	Question to:	Question:
Q12.1.14	The Applicant	<p>Historical and Archaeological landscape surrounding Ardleigh IPs through their RRs (RR-160) have raised concern regarding the impact of the proposed development on Ardleigh which is reported as having “<i>a rich historical and archaeological landscape, which would be ruined by the building of the substation here</i>”. More historic artefacts remain to be found. Roman roads and Bronze Age burial sites are also nearby. Please set out the measures which the Applicant considers form part of the proposal which mitigate or provide assurance that such artefacts have been considered through the application.</p>
Q12.1.15	The Applicant	<p>Cumulative Effects The OECC, substation and cable routes would follow and share the same or similar onshore locations as Five Estuaries OWF proposal. How would the proposed North Falls OWF avoid archaeological remains of high significance without the use of intrusive fieldwork? This would be particularly important for any paleolithic sites on, or off-shore.</p>
13 Human Health		
Q13.1.1	The Applicant	<p>Onshore air quality management The OCoCP [APP-248] identifies control measures to be applied in order to ensure that any potential effects upon receptors that are potentially sensitive to air and dust emissions are adequately mitigated.</p> <ul style="list-style-type: none"> (i) Regarding dust management, please clarify what the suitable levels described in paragraph 154 are, how they will be monitored and whether this been agreed with the relevant local planning authority? (ii) What air quality monitoring regime will be undertaken on the site to ensure that the mitigation is effective and has this been agreed with the relevant local planning authority?
Q13.1.2	LAs	<p>Onshore air quality management The OCoCP [APP-248] identifies control measures to be applied in order to ensure that any potential effects upon receptors that are potentially sensitive to air and dust emissions are adequately mitigated.</p>

ExQ1	Question to:	Question:
		Please confirm if you are content with the air quality management proposals in paragraphs 148 to 158 (inclusive) and that the measures to be included are sufficiently precise and enforceable?
Q13.1.3	The Applicant	<p>EN-1, 5.7 Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation</p> <p>(i) To what extent has EN-1 Section 5.7 Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation been considered in the ES?</p> <p>(ii) In developing the measures specific to Non-Road Mobile Machinery in the OCoCP [APP-248] paragraph 158, with reference to EN-1 paragraph 5.7.9, what consideration has been given to making the use of low emission mobile plant during construction mandatory?</p>
14 Landscape, Visual and Seascape Effects		
Q14.1.1	The Applicant	<p>Onshore Substation</p> <p>Please explain the rationale for the siting of the proposed substation, including an explanation of the rationale for the siting orientation for the proposed Onshore substation.</p>
Q14.1.2	The Applicant and Five Estuaries Offshore Windfarm Limited (VEOWFL)	<p>Onshore Substation Zone</p> <p>Various IPs, through their RRs have expressed concern regarding the layout of the VEOWF and NFOWF substations including [RR-134], [RR-142], [RR-143], [RR-334]. In particular they draw attention to the irregular position of both North Falls and Five Estuaries substations. IPs have requested that the positioning to be reconsidered, which could safeguard some agricultural land. Please can the Applicant, and VEOWFL clarify any steps taken to collaborate on design of OnSSs. Please explain why there is a difference of approach, and how any issues of incompatibility between the different designs could be reconciled were two DCOs to be made and both projects were to be implemented.</p>
Q14.1.3	The Applicant, Suffolk & Essex Coast & Heaths National Landscape Partnership (SECHNLP)	<p>Duty to seek to further the purpose of conserving and enhancing the natural beauty of the area</p> <p>In its RR, SECHNLP [RR-316] refers to the obligation on relevant authorities to seek to further the purposes of an AONB when undertaking activities, as written in section 245 of the Levelling Up and Regeneration Act (2023). SECHNLP consider this an active duty.</p>

ExQ1	Question to:	Question:
		Please explain how this duty to further the purpose of conserving and enhancing the natural beauty of the area could be considered compatible with OWF proposals.
Q14.1.4	The Applicant	<p>Landscape Value Please provide further explanation regarding the landscape value attributed to Bromley Heaths, which is valued as medium due to the absence of national, county or district level landscape designations. It appears that the conclusion is based solely on local landscape designations which should not be the only criteria.</p>
Q14.1.5	The Applicant, and other IPs	<p>Impact on AONB and Heritage Coast The ExA notes Natural England's concern that NFOWF has the potential to significantly impact the special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (SCHAONB) and Suffolk Heritage Coast (SHC), in particular when acting cumulatively with other existing, consented and proposed OWF projects.</p> <ul style="list-style-type: none"> (i) To what extent is the Applicant satisfied that the assessment provided is robust, and what further information does it expect to provide in this regard. (ii) Please set out how, in your view, whether or not the proposals comply with local and national policy, in particular the obligation on relevant authorities to 'seek to further the purposes of an AONB' when undertaking activities, required by section 245 of the Levelling Up and Regeneration Act (2023). Please refer to relevant Defra guidance published 16 December 2024 where relevant.
Q14.1.6	The Applicant	<p>Magnitude of Effect – Onshore Substation The landscape effects on the site of the OnSS and its immediate setting would be permanently changed from an open agricultural landscape, which is the defining characteristic of the area. Whilst mitigation planting seeks to reduce visual effects, how has character of the landscape been weighed within the magnitude of effects to non-significant?</p>
Q14.1.7	The Applicant and Local Authorities, and other IPs	<p>Mitigation Planting at 15 Years – Onshore Substation The LVIA identifies beneficial effects of planting after 15 years. VP02 and VP03 reduce in impact at the 15 year point to minor and not significant, and moderate respectively [APP-044]. Please provide further comment on the benefits, especially with regard to winter months. Please distinguish between the mitigation and screening of planting</p>

ExQ1	Question to:	Question:
		which seeks to obscure the view of the proposed OnSS and how this effects the open agricultural character of the landscape.
Q14.1.8	The Applicant and other IPs	<p>Onshore Substation – Screening impact on surrounding residential receptors The ExA is aware of a difference in approach to screening of the proposed OnSS within the VEOWF proposal and that of NFOWF. Please set out the principal differences and any rationale for the approach, as well as any measures taken to incorporate elements within either scheme which would mitigate these visual impacts.</p>
Q14.1.9	The Applicant and VEOWF	<p>Onshore Substation – Co-ordination The Co-ordination Report [APP-236] section 8.4 relates to landscape and visual shared mitigation, enhancement and mitigation measures.</p> <p>(i) Please explain further the different landscape concepts for VEOWF and NFOWF for the onshore substations and why the same concept could not be utilised for this location.</p> <p>(ii) Paragraph 8.4.3 states that whilst each project will have their own outline planting schemes for the onshore substations, VEOWF and NFOWF are co-ordinating their approaches to landscape screening. In the light of oral submissions made by IPs on the issue of the proposed screening for the onshore sub-station at OFH1, please identify and explain how the approaches to landscape screening can be said to be co-ordinated and how a coherent design approach to landscaping in this location can be ensured and secured by the dDCO.</p>
Q14.1.10	The Applicant	<p>Onshore Substation – Screening Please submit indicative cross section of planting at the OnSS.</p>
Q14.1.11	The Applicant and Local Authorities	<p>Suffolk Seascape Sensitivity Study to Offshore Wind Farms SCC states that at previous consultation stages, it was concerned that the proposed development had not addressed the potential harm on the Suffolk Coast & Heaths National Landscape [RR-318] It has referred to 2 no. commissioned studies (Suffolk Seascape Sensitivity Study to Offshore Wind Farms and a 2023 addendum). Its conclusion, based on the assessment is that SCC finds that there is not likely to be a significant effect on seascape and landscape or the SCHNLA. Please can a copy of the Assessment be submitted to the ExA, together with any necessary supporting information or narrative.</p>
Q14.1.12	The Applicant	Landscape Impact – Dedham Vale AONB

ExQ1	Question to:	Question:
		<p>IPs including ESC [RR-084] have expressed concerns that the proposed substation search area is located to the south of the Dedham Vale AONB and therefore may adversely contribute towards its setting. How has the Applicant carefully considered the siting and design impacts on the AONB, given the flexibility within the submitted design parameters.</p>
Q14.1.13	The Applicant	<p>Zone of Theoretical Visibility - Outer limits of significance for Seascape, Landscape and Visual Impacts (SLVIA) receptors There is no justification provided for the 30km Zone of Theoretical Visibility used to establish the outer limit of significance for SLVIA receptors, as described in Table 29.15 [APP-043]. Figure 29.1.6b [APP-077] shows that at the coast, 40km from the proposed array, 31-34 WTGs may still be visible. Natural England has stated in its RR [RR-243] that it requires further consideration and assessment to demonstrate that no significant impacts could arise beyond 30km on the special qualities of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (SCHAONB) and Suffolk Heritage Coast (SHC), could arise beyond 30km. NE also draws attention to significantly larger ZTV used on other projects for similar size turbines. Please can the Applicant respond, and clarify whether or not an increased ZTV should be assessed. Please also confirm any risks to underestimation of the significance of impact on receptors.</p>
Q14.1.14	The Applicant	<p>Cumulative Effects</p> <ul style="list-style-type: none"> (i) Tendring Colchester Borders Garden Community (TCBGC) is a major allocation within the TDC adopted Local Plan and emerging DPD. Please advise on the possible cumulative impacts on Tendring Landscape of the proposal.
Q14.1.15	Local Authorities	<p>Public Rights of Way (PROW) - Mitigation The approach to mitigation for impact on the PROW network is set out in the Outline Public Rights of Way Management Plan (OPRoWMP) [APP-252] covering a temporary closure and diversion process. Please provide commentary on the approach, including</p> <ul style="list-style-type: none"> (i) Is sufficient information provided to identify/locate PROWs to provide required notices? (ii) Is sufficient notice of temporary diversions provided, including the recipients of notices?
Q14.1.16	The Applicant	<p>Visual impact of lighting</p>

ExQ1	Question to:	Question:
		<p>A number of RRs, particularly those in close proximity to the OnSS have stated that they currently enjoy open, agricultural views. Many roads have no street lighting, and there are concerns around security and lighting during night-time, creating added visual impact, and reducing enjoyment of night sky. Please can the Applicant set clarify the measures and mitigation proposed to reduce the impact of this aspect of the proposal.</p>
Q14.1.17	The Applicant, National Trust	<p>Orford Ness – landscape impact Orford Ness is a National Trust (NT) National Nature Reserve wholly within the Suffolk Coast and Heaths National Landscape. The NT, in its RR [RR-241] describes this as a focal point within the area of the Alde-Ore estuary, and that it is also the location for designated heritage assets including listed buildings and scheduled monuments. Please can the Applicant set out or signpost to the assessment if the visual impact of the proposed measures on this landscape and associated heritage assets. The NT is also invited to comment further with specific concerns.</p>
Q14.1.18	The Applicant	<p>Farm Woodland Premium Scheme The Forestry Commission, in its RR [RR-102] notes the use of trenchless HDD crossing techniques and that buffers and protection measures proposed. It has drawn attention a 1.28ha area of woodland within the area marked for the Project’s National Grid Connection Point that was established or managed with the support of the Farm Woodland Premium Scheme (FWPS). It is understood that this grant is still in obligation. Please can the Applicant clarify how it would address any grant repayment required arising, should the terms of the funding agreement be breached.</p>
Q14.1.19	The Applicant	<p>Hedgerows Please clarify the definition the Applicant has used for important hedgerows within the landscape and visual assessment? Additionally, please confirm whether or not the status of any hedgerows would be likely to change between now and when construction would start. As a worst-case scenario, how many metres of hedgerow would be removed across the whole of the Order Limits? Please clarify whether there is sufficient opportunity space in the Order Limits to accommodate replanting at similar levels to that lost.</p>
Q14.1.20	The Applicant	<p>Replacement Trees and Hedgerows Are there instances where the removal of trees or hedgerow that cannot be replanted in the same location would have a harmful effect on landscape character?</p>

ExQ1	Question to:	Question:
15 Navigation and Shipping		
Q15.1.1	The Applicant	<p>Potential concurrent working in the Sunk area Further to the Harwich Haven Authority’s RR [RR-126] concerning potential concurrent offshore works for the Proposed Development, the proposed VEOF and National Grid’s Sea Link, provide an indicative timetable for the offshore construction works for the three previously mentioned projects. The indicative timetable should show any expected concurrency for the three projects’ offshore construction works.</p>
Q15.1.2	The Applicant	<p>Navigational Risk Assessment (NRA) indicative worst-case layout With reference to the NRA, Section 6.2.1 Indicative Worst-Case Layout [APP-106], explain the reasoning for the minimum crosswind and downwind spacing between Wind Turbine Generators (WTGs) of 944 metres and 1,180 metres respectively, and provide and explain the reasoning for the minimum spacing between the WTGs and the Offshore Substation Platforms (OSPs)?</p>
Q15.1.3	Trinity House, UK Chamber of Shipping and any other IP	<p>Navigational Risk Assessment methodology Are you content with the methodology that has been applied to assess the Proposed Development’s shipping and navigational risks in the submitted NRA Chapter 3 in [APP-106]? The ExA notes the MCA responded in their RR [RR-048] that: “<i>A completed MGN 654 Checklist has been provided as part of the NRA, and we are content the recommended NRA methodology process has been followed.</i>” However, the views of other stakeholders on this matter are sought.</p> <p>If you are not content, what are your concerns and how might they be addressed?</p>
Q15.1.4	Trinity House, UK Chamber of Shipping and any other IP	<p>NRA data sources Are you content that the NRA has been informed by the correct sources of data (Chapter 5 in [APP-106])? The ExA notes the MCA confirmed in their RR [RR-048] that “<i>MCA is content that the traffic data collection is suitable for the assessment.</i>” However, the views of other stakeholders on this matter are sought.</p> <p>If you are not content, what other data do you think should be taken into account when assessing the navigational and shipping risks associated with the Proposed Development?</p>

ExQ1	Question to:	Question:
Q15.1.5	Trinity House, Maritime and Coastguard Agency, UK Chamber of Shipping Interested Parties	<p>Navigational Safety Paragraph 852, Chapter 21 Summary, from the NRA Part 2 of 3 [APP-107] states that <i>“The significance of risk has been determined as either Broadly Acceptable or Tolerable for all shipping and navigation hazards assessed. With additional mitigation measures applied, the residual risk is Broadly Acceptable or Tolerable with Mitigation for all shipping and navigation hazards and ALARP.”</i></p> <p>(i) Are you satisfied that the Proposed Development, subject to implementation of management plans and the level of mitigation proposed by the Applicant, reduces the risks to navigational safety to ‘as low as reasonably practicable’ (ALARP)?</p> <p>(ii) Are you content with the NRA and that the MGN 654 checklist has been satisfactorily completed to demonstrate compliance? If not, what more needs to be done to give you reassurance?</p>
Q15.1.6	Maritime and Coastguard Agency, Trinity House, UK Chamber of Shipping	<p>Layout principles - search and rescue Are you satisfied that the dDMLs contained with the dDCO would secure the necessary commitments to enable safe and practical search and rescue operations? If not, what additional wording/ drafting would you wish to see inserted?</p>
Q15.1.7	The Applicant	<p>Cable depth in Sunk Area In your response to Harwich Haven Authority’s RR [RR-126] include confirmation that their concerns below have been addressed and if not, what actions are proposed:</p> <p>(i) “The cable (and any covering material e.g. rock armour) must be at least 22 metres below Chart Datum to allow future vessel with a draught of 20 metres.”</p> <p>(ii) “In the Sunk area, cable depth needs to consider that the world’s largest vessels may anchor and dredge anchors in emergency scenario.”</p>
Q15.1.8	The Applicant	<p>Impacts on communication and shipborne and shore-based radar systems</p> <p>(i) Confirm that both shipborne and shore-based radar systems have been considered in the NRA Part 2 of 3 [APP-107] or elsewhere in other application documents. NRA Annex C Hazard Log includes <i>“Interference with Marine Navigation, Communication and Position Fixing Equipment”</i> for the project in isolation.</p>

ExQ1	Question to:	Question:
Q15.1.9	The Applicant	<p>(ii) Has the Cumulative case also been considered? If so, what was the outcome?</p> <p>Maritime database EN-3 Paragraph 2.8.188 states that: <i>“Applicants should refer in assessments to any relevant, publicly available data available on the Maritime Database.”</i> This doesn’t appear to be referenced in either ES Chapter 15 Shipping and Navigation [APP-029], or the NRA [APP-106-108].</p> <p>Please indicate whether the Maritime Database has been referred to and, if not, why not?</p>
Q15.1.10	UK Chamber of Shipping	<p>Deviation of routes for vessels Paragraph 487 of the Navigational Risk Assessment [APP-107] summarises that for commercially routed vessels: <i>“...the worst case deviations are low, with changes within the study area estimated at 1%....”</i>. Table 14.4 [APP-107] presents the cumulative routeing summary as <1% increase and 3% increase for Routes 10 and 42 respectively.</p> <p>Do you agree with the estimated 1% as a likely worst case deviation of existing commercial vessel routes due to construction of NFOWF and the cumulative routeing summary, and if so, what would be the impacts of this to the shipping industry that uses this area?</p>
Q15.1.11	The Applicant	<p>Provision to formally remove the Galloper Recommended Ferry Route ES Chapter 15 [APP-029] Table 15.1 Consultation responses (page 30) records the following from the Applicant’s meeting with the MCA dated 27 June 2024: <i>Comment: “The MCA stated provision would need to be in place to formally remove the Galloper Recommended Ferry Route before construction commenced.”</i> <i>Response: “Consultation has been undertaken with the Belgian Authorities to discuss the Galloper Recommended Ferry Route. This process will be progressed at the appropriate time with the IMO in consultation with the relevant stakeholders as the Project moves forward.”</i></p> <p>(i) Provide an update on the consultation undertaken and timescales for next steps to include any further risk assessments required.</p>

ExQ1	Question to:	Question:
		(ii) What are the implications if agreement cannot be reached before the close of examination?
Q15.1.12	The Applicant	<p>Further mitigation required for recreational craft The NRA [APP-107] Annex C Hazard Log records the following additional comments on pages 281-282 and 291-292: <i>“The MCA noted concern that recreational vessels would be displaced into the TSS lanes and therefore increase potential for encounters with commercial vessels. The potential for a marked channel for recreational vessel use was discussed.”</i> The Further Mitigation Required presented includes: ‘e.g., a marked channel or line of orientation aligning with typical recreational vessel transits.</p> <p>Has agreement been reached with RYA and MCA on the most effective option and how this will be secured in the DCO?</p>
Q15.1.13	The Applicant	<p>Concerns about offshore buried cables becoming exposed Concerns raised by Harwich Harbour Fishermen’s Association in their RR [RR-125] include sections of cables on other existing wind farms where cables were originally buried but have become exposed.</p> <p>How will this risk be mitigated for the Proposed Development to prevent cables becoming a snagging hazard to fishing vessels?</p>
Q15.1.14	The Applicant	<p>Offshore buried cable depth Clarify if the <i>“target minimum export cable burial depth is 0.6m”</i> with reference to the Table 2-3, Cable Statement [APP-262] or <i>“burying offshore export cables where practicable to a minimum burial depth of 0.5m”</i> with reference to Table 4.1, Outline Fisheries Liaison and Coexistence Plan (OFLaCP) [APP-244]?</p>
16 Socio-economic Effects		
Q16.1.1	The Applicant	<p>East Suffolk and Essex coast visibility of North Falls Offshore Wind Farm Paragraph 116 of ES Chapter 32 Tourism & Recreation [APP-046] states <i>“There are several areas of the East Suffolk and Essex coast which will have no to visibility of North Falls due to their location.”</i> The Applicant should confirm the wording of this sentence.</p>
Q16.1.2	The Applicant	Accommodation for non-resident workforce

ExQ1	Question to:	Question:
		<p>Under the heading of 32.6.1.3 of ES Chapter 32 [APP-046], it is suggested additional demand for accommodation from a non-resident workforce could affect accommodation available in the tourism sector but there appears to be no comment for the non-tourist rented sector.</p> <p>The Applicant should clarify if this has been considered.</p>
Q16.1.3	The Applicant	<p>National Federation of Fishermen’s Organisation’s concerns Provide here or in your SoCG, your response to concerns in the National Federation of Fishermen’s Organisation’s RR [RR-238] to include confirmation about how the concerns extracted below have been addressed and if not, what further action is proposed:</p> <ul style="list-style-type: none"> (i) <i>“Further displacement of commercial fishing in the region will result in economic harm, through direct displacement, loss of earnings from the ground and additional operating costs due to increased steaming times during construction and operation of the project as well as contributing to the spatial squeeze on fisheries in the region.”</i> (ii) <i>“Concerns about the lack of contemporary and site-specific data presented in the fish and shellfish ecology assessments, and a lack of focus on key commercial species that have a range that overlaps with the development area, specifically shellfish.”</i> (iii) <i>“We feel that the commercial fisheries assessment underestimates the impacts at almost every stage.”</i> (iv) <i>“Displacement effects are assessed as not significant for all fisheries assessed, we disagree with this assessment.”</i> (v) <i>“If it is not actually safe to return to fish due to cables becoming exposed then this mitigation strategy needs reviewing with alternatives suggested.”</i>
Q16.1.4	The Applicant	<p>Restrictions to Fishing Paragraph 40, Outline Fisheries Liaison and Coexistence Plan (OFLaCP) [APP-244] includes <i>“that North Falls does not intend to apply for restrictions on fishing activity within the offshore project area beyond necessary safety zones.”</i></p>

ExQ1	Question to:	Question:
		<p>Clarify the extent of any restrictions on fishing fleets within the wind farm areas once they are operational and whether the existence of the turbines would result in any significant impingement or practical difficulties on fishing activities in these areas?</p>
Q16.1.5	The Applicant	<p>Outline Skills and Employment Plan</p> <ul style="list-style-type: none"> (i) ES Chapter 31 [APP-089] and the OSEP [APP-253] refer to monitoring of the plan and the Applicant is requested to provide further clarification as to how the effective monitoring of the plan will be undertaken and the outcomes assessed? (ii) How will the Applicant be able to ensure that the objectives set out in the plan are achieved? (iii) How will the Applicant be able to respond to post construction evaluation exercises in respect of the objectives being met and what action will be taken if objectives are not met or the predicted outcomes not achieved? (iv) Does the information provided take account of the up to date Open Data provided by Essex County Council?
Q16.1.6	The Applicant and Local Authorities	<p>Supply Chain Plan</p> <ul style="list-style-type: none"> (i) Is there a draft Supply Chain Plan available [APP-045]? (ii) Are the local authorities satisfied with the proposals in respect of the Supply Chain?
Q16.1.7	The Applicant	<p>Tourist Accommodation</p> <p>ES Chapter 32 Tourism and Recreation [APP-046] refers to the Visit Britain accommodation stock audit of 2016.</p> <p>Is the Applicant aware of any proposals to produce a more up to date audit of the availability of tourist accommodation?</p> <p>Paragraph 215 of ES Chapter 32 Tourism and Recreation [APP-045] refers to the development of an accommodation plan, together with coordination with local businesses.</p> <ul style="list-style-type: none"> (i) Please clarify what action has been taken in respect of the community engagement to deal with the potential reduction on tourist accommodation as a result of the Proposed Development and the cumulative effects with other projects in the area.

ExQ1	Question to:	Question:
		(ii) What progress has been made in the development of an accommodation plan and how would such a plan be secured and monitored during implementation?
Q16.1.8	The Applicant	<p>Skills Strategy and Socio-Economic Issues Suffolk County Council raises numerous matters in their representation [RR-318]. Please provide responses to points raised in relation to:-</p> <ul style="list-style-type: none"> (i) Community benefits; (ii) Legacy opportunities; (iii) Documents and sources of data for the socio-economic assessment; (iv) Request for further work on the number and nature of employment opportunities during each phase of the project and the expected availability of labour; (v) Preparation of an Employment, Skills and Education Strategy; (vi) <i>“Need for a full assessment of environmental and socio-economic impacts of the cumulative effects of the project in conjunction with the other projects”</i>; (vii) <i>“lack of reference to the potential impact on businesses and supply chains of other construction projects in the local area and region due to additional workforce displacement and churn resulting from the project”</i>; and (viii) Further assessment of the cumulative effects of projects in the area.
17 Terrestrial Traffic and Transportation		
Q17.1.1	The Applicant	<p>Scope of the traffic and transportation issues assessed ES Chapter 27 Traffic and Transport [APP-041] focuses on the implications of the onshore works for terrestrial traffic and transportation.</p> <ul style="list-style-type: none"> (i) Are the offshore elements of the Proposed Development anticipated to generate any onshore vehicular movements, particularly during the construction phase? (ii) If yes, what would be the expected volume of onshore vehicular movements resulting from offshore activities during the construction and operational phases? Why do these not appear to have been acknowledged in the ES assessment of onshore traffic and transport implications? (iii) If yes to (i), has consideration been given to produce an Outline Port Construction Management Plan as has been requested by Suffolk County Council’s in their RR

ExQ1	Question to:	Question:
		[RR-318] to manage traffic impacts that arise at any port as a result of the offshore elements of the proposal.
Q17.1.2	National Highways, Essex County Council, Suffolk County Council and any other IP	<p>Assessment of onshore traffic and transport impacts Do you consider that the Outline Construction Traffic Management Plan (OCTMP) [APP-251] and the proposed approval as the CTMP under Requirement 9 of the DCO [APP-005] addresses all relevant issues, including cumulative effects, from the assessment of onshore traffic and transport impacts for the Proposed Development, as set out in ES Chapter 27 [APP-041] and Appendix 27.1 Transport Assessment [APP-165]?</p> <p>If not, what are your concerns and how might they be addressed?</p>
Q17.1.3	The Applicant	<p>Proposed mitigation - limiting Heavy Goods Vehicle (HGV) numbers ES Chapter 27 Traffic and Transport [APP-041], Table 27.42 presents proposed mitigation measures of “Commitment to limit HGV numbers no greater than the average HGVs per link” for Link 25 (B1032 from Holland Road to Kings Parade) & 35 (B1035 north of B1033 to Whitehall Lane). The OCTMP [APP-251] Appendix A: Peak Vehicle Movements Per Link – Option 2 and Appendix B: Peak Vehicle Movements Per Link – Scenario 1, only show mitigated flows for Links 20 and 35.</p> <p>(i) For Link 25, confirm if the HGV numbers in Appendices A and B, are in accordance with the above commitment? (ii) For Link 20, advise how the need for the mitigated flow has been derived?</p>
Q17.1.4	The Applicant	<p>HGV movements through Thorpe-le-Soken ES Chapter 27 [APP-041] identifies that there will be delivery time restrictions (outside of school start and finish times) for HGV movements through Thorpe-le-Soken and that these will be managed through the OCTMP [APP-251] which would be secured by the DCO. Has consideration also been given as to whether HGVs can safely pass in opposing directions given the potential for on-street parking and / or deliveries to businesses, which may temporarily restrict the available width at certain points along this route?</p>
Q17.1.5	The Applicant (All questions), Essex County Council (Questions (i) and 2 nd part(i))	<p>Proposed mitigation - enhanced maintenance and driver inductions ES Chapter 27 Traffic and Transport [APP-041], Table 27.42 for Impact 3: Highway Safety and Table 27.43 for Cumulative Effect 3: Highway Safety, state that: “Enhanced</p>

ExQ1	Question to:	Question:
		<p><i>maintenance measures as well as enhanced driver inductions”</i> are proposed as mitigation measures for Cluster 8 (St John’s Roundabout junction, A133/St John’s Road/London Road) and Links 22 (A133 south of the B1033 to Progress Way) and 23 (A133 south of Progress Way to the B1032).</p> <p>The OCTMP [APP-251], paragraph 84 states: <i>“With regard to Cluster 8 it is proposed that prior to the commencement of construction of the relevant phase, the condition of the road marking and surfacing upon the approach to the roundabout will be reviewed and if markings and high friction surfacing (on the A133 approach to the roundabout) are deemed to require refreshing, the Applicant will facilitate conversations with Essex County Council to prioritise the delivery of these maintenance measures.”</i></p> <p>(i) Given that the above maintenance measures have been identified as mitigation for safety reasons, can this be made into a commitment and secured in the OCTMP for this aspect? Can the wording be revised and agreed such that it is precise and enforceable.</p> <p>ES Chapter 27 Traffic and Transport [APP-041], Table 27.42 identifies that enhanced maintenance measures as well as enhanced driver inductions are proposed for separately for Cluster 8 and Links 22 & 23. Paragraphs 193 and 253 indicates that mitigation for Links 22 & 23 would be covered by enhanced driver inductions and training measures.</p> <p>(i) Please clarify what enhanced maintenance measures are proposed for Links 22 & 23, and are they sufficient?</p> <p>(ii) Given the reliance in the OCTMP on driver inductions and training, how will the effectiveness of these be measured?</p>
Q17.1.6	The Applicant	<p>Travel plan measures to reduce single occupancy vehicle trips</p> <p>The OCTMP [APP-251] states in paragraph 43 that: <i>“ES Chapter 27 Traffic and Transport (Document Reference: 3.1.29) assessed a worst case scenario of all employees travelling by vehicle, with a car share ratio of 1.5 employees per car (or three employees per every two cars).”</i> Furthermore, while Table 3.1 Personnel Travel Measures includes <i>“Identify car share, pick up locations”</i> and <i>“Walking / cycling facilities”</i>, these are qualified in paragraph 50 as measures that could be adopted.</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> (i) Given the importance of the above car share assumption in determining the effects from construction traffic, how will this be effectively implemented and controlled in the CTMP? (ii) To what extent will walking /cycling facilities be provided at the various construction compounds to support sustainable travel?
Q17.1.7	The Applicant	<p>Travel outside of known peak times (Light Vehicles) ES Chapter 27 Traffic and Transport [APP-041] paragraph 52 includes <i>“During this engagement it was agreed with the relevant highway authorities at an ETG meeting on the 05 September 2023 (detailed within ES Appendix 27.4 (Document Reference: 3.3.67)) that no detailed assessment of driver delay (capacity) would be required. The rationale for this agreement was a commitment by the Applicant to ensuring that 80% of employees arrive prior to the morning network peak hour (07:15 to 08:15) and depart before or after the evening peak hour (16:30 to 17:45).”</i></p> <p>Paragraph 52 of the OCTMP [APP-251] states that: <i>“The assessment of driver delay (capacity) presented within ES Chapter 27 Traffic and Transport (Document Reference: 3.1.29) is predicated upon industry experience that highlights that the majority of the construction workforce would arrive before the morning network peak hour of (07:15 to 08:15) and depart before or after the evening peak (16:30 to 17:45).”</i></p> <p>The OCTMP paragraph 53 includes: <i>“To ensure that there would not be an adverse impact upon capacity, the TMCo would limit these movements to no more than 20% of the peak daily LV demand (outlined in Appendix A).”</i></p> <ul style="list-style-type: none"> (i) Has consideration been given to how the workforce arrival and departure times might vary in the winter, due to shorter daylight hours, compared with the summer? (ii) What further mitigation could be implemented to retime travel outside of peak periods?
Q17.1.8	The Applicant (All questions) and Essex County Council (Question (iii))	<p>Bentley Road Improvement Works – Temporary provision of area for non-motorised user access (footway /cycleway) For Work No. 9 the dDCO [APP-005] includes <i>“temporary provision of area for non-motorised user access.”</i> Page 41 of ES Chapter Appendix 27 Traffic and Transport Consultation [APP-168] states:</p>

ExQ1	Question to:	Question:
		<p><i>“At this stage, following the completion of construction it is proposed that the road widening would be retained and transferred to Essex County Council and the footway/cycleway removed.”</i></p> <ul style="list-style-type: none"> (i) What is the anticipated timing and sequencing for the Bentley Road improvement works to include the installation and removal of the non-motorised user access and how will this be undertaken to minimise any disruption? (ii) How would this be affected by the three possible build out Scenarios for both NFOWF and VEOWFs, described in Paragraph 20 of ES Chapter 5 Project Description? (iii) Please confirm if ECC do not seek retention of the footway/ cycleway post works and / or is there other NMU facility that they consider beneficial?
Q17.1.9	The Applicant	<p>Highway Works Designs interaction with Hedgerow and Tree Preservation Order Plans</p> <ul style="list-style-type: none"> (i) Confirm if the Highway Works Designs included as Annex D, OCTMP [APP-251] take account of the Tree Preservation Order and Hedgerow Plan [APP-207]? (ii) Are there any conflicts and how will these be resolved? For example, Sheet 13 [APP-207] shows 13l to 13m - an important hedgerow to be retained, along the southwest side of Bentley Road near to Welhams Farm; however, this is not noted, shown or cross referenced on the Highway Works Design drawings Sheet 01 and 02 which show the proposed carriageway widening in this vicinity.
Q17.1.10	The Applicant	<p>Road Safety Audits (RSA)</p> <p>Appendix 27.1 Transport Assessment [APP-165] includes separate Stage 1 Road Safety Audit Designer’s Responses for Early Design of Ardleigh Road Junction and Bentley Road; the Audit Response Statements on pdf pages 438 and 455 respectively are incomplete and uncertified. ES Chapter 27 Traffic and Transport [APP-041] Table 27.4, page 20, states that: <i>“The TA also includes a Stage 1 Road Safety Audit for all the outline designs”</i>. The RSAs provided are limited to construction access junctions and haul road crossings, and do not appear to include the Bentley Road improvement works.</p> <ul style="list-style-type: none"> (i) Can fully completed and certified Audit Response Statements be provided for both of the above Designer’s Responses?

ExQ1	Question to:	Question:
		(ii) Has an RSA been undertaken for the Bentley Road improvement works and if so, was the proposal to remove the non-motorised user access (footway/cycleway) considered?
Q17.1.11	National Highways	<p>Update on level of risk in respect of the use of heavy Abnormal Indivisible Loads (AILs) on the A120 from Harwich.</p> <p>Further to your RR [RR-240], please can National Highways provide an update on the above level of risk associated with using the A120 from Harwich as a route for AILs given the expected future condition of the concrete road surface?</p>
Q17.1.12	The Applicant	<p>Possible abnormal load access in the event of substation transformer replacement</p> <p>ES Chapter 27 Traffic and Transport, paragraph 207 states: <i>“The Project’s transformers are designed not to require replacement during the lifetime of the Project and as such, operational access to the onshore substation for abnormal loads is not anticipated to be required, however in the unlikely event that replacement is required access would either be via the new National Grid access or if not available, the temporary haul road would be reinstated from Bentley Road. Should the Project’s transformers require replacement, traffic movements would be planned and managed to ensure there are no significant traffic and transport effects.”</i></p> <p>Can you advise if National Grid has agreed to provide access for the transformer replacement and, if not, what the proposed consenting process would be for reinstating the temporary haul road from Bentley Road?</p>
Q17.1.13	The Applicant	<p>Implications of the onshore cable route for railway services</p> <p>(i) How would the safe running of the Sunshine Coast Line train service during construction (and also any subsequent maintenance) of the onshore cable route be ensured where it intersects with the railway track between the Thorpe-le-Soken and Kirby Cross stations?</p> <p>(ii) Would there be any disruption to the timetable for this service as a result of the proposed works?</p>
Q17.1.14	The Applicant	<p>Sufficient provision for HGV parking facilities</p> <p>The OCTMP [APP-251] states that: <i>“Any HGVs which are projected to arrive on site prior to 0700 would be required to park at an appropriate lorry park, services and other</i></p>

ExQ1	Question to:	Question:
		<p><i>designated overnight parking locations until they can complete their journey within appropriate restrictions. These locations would be agreed with the relevant highway authorities prior to the commencement of construction and would be communicated to drivers within their delivery instructions (outlined within Section 2.4.1)</i>”.</p> <p>Essex Police’s RR [RR-094] states: <i>“The existing facilities for lorry parking for any duration is inadequate for vehicles servicing local businesses and the main ports in the Southeast of England. The A120 has no HGV parking facilities and the use of laybys along this road would not be encouraged. Essex Police request consideration to identifying and/or providing adequate facilities to ensure the safety of the construction workforce and all road users.”</i></p> <p>Given these concerns can more details be provided to ensure adequate facilities will be provided?</p>
Q17.1.15	Tendring District Council (TDC), Essex County Council (ECC)	<p>Methodologies – Noise and Vibration Do TDC and ECC agree with the Baseline Noise Survey, Road Traffic Noise Assessment, Construction Noise and Vibration calculations, and Operational Noise Calculations Methodologies adopted in the ES Chapter 26 [APP-040], including the predicted noise and vibration levels?</p>
Q17.1.16	The Applicant, TDC, ECC	<p>Assessment of vibration impacts due to construction traffic using public roads Paragraph 87 of ES Chapter 26 [APP-040] states: <i>“The DMRB LA111 states that “a maintained road surface will be free of irregularities as part of project design and under general maintenance, so operational vibration will not have the potential to lead to significant adverse effects”.</i> On this basis, the assessment of vibration impacts due to construction traffic using public roads has been excluded from the assessment scope.” Can the Applicant confirm that this approach has been agreed with ECC and TDC?</p>