



**RWE Renewables UK Dogger Bank
South (West) Limited**

**RWE Renewables UK Dogger Bank
South (East) Limited**

**Dogger Bank South Offshore
Wind Farms**

**The Applicants' Response to East Riding of
Yorkshire Council's Local Impact Report**

Document Date: January 2025

Application Reference: 11.3

Revision Number: 01

Classification: Unrestricted



Company:	RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited	Asset:	Development		
Project:	Dogger Bank South Offshore Wind Farms	Sub Project/Package	Consents		
Document Title or Description:	The Applicants' Response to East Riding of Yorkshire Council's Local Impact Report				
Document Number:	005626340-01	Contractor Reference Number:	PC2340-RHD-ZZ-ZZ-RP-Z-018g		
<p><i>COPYRIGHT © RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited, 2024. All rights reserved.</i></p> <p><i>This document is supplied on and subject to the terms and conditions of the Contractual Agreement relating to this work, under which this document has been supplied, in particular:</i></p> <p>LIABILITY</p> <p><i>In preparation of this document RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited has made reasonable efforts to ensure that the content is accurate, up to date and complete for the purpose for which it was contracted. RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited makes no warranty as to the accuracy or completeness of material supplied by the client or their agent.</i></p> <p><i>Other than any liability on RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited detailed in the contracts between the parties for this work RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited shall have no liability for any loss, damage, injury, claim, expense, cost or other consequence arising as a result of use or reliance upon any information contained in or omitted from this document.</i></p> <p><i>Any persons intending to use this document should satisfy themselves as to its applicability for their intended purpose.</i></p> <p><i>The user of this document has the obligation to employ safe working practices for any activities referred to and to adopt specific practices appropriate to local conditions.</i></p>					
Rev No.	Date	Status/Reason for Issue	Author	Checked by	Approved by
01	January 2025	Submission for Deadline 1	RHDHV	RWE	RWE

Contents

1	Introduction	8
1.1	Responses to East Riding of Yorkshire Council Local Impact Report	9

Tables

Table 1-1	– Applicants’ response to East Riding of Yorkshire Council’s Local Impact Report	9
-----------	--	---

Glossary

Term	Definition
Baseline	The existing conditions as represented by the latest available survey and other data which is used as a benchmark for making comparisons to assess the impact of the Projects.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Effect	Term used to express the consequence of an impact. The significance of an effect is determined by correlating the magnitude of the impact with the value, or sensitivity, of the receptor or resource in accordance with defined significance criteria.
Environmental Statement (ES)	A document reporting the findings of the EIA and produced in accordance with the EIA Directive as transposed into UK law by the EIA Regulations.
Expert Topic Group (ETG)	A forum for targeted engagement with regulators and interested stakeholders through the EPP.
Haul Road	The track along the Onshore Export Cable Corridor used by traffic to access different sections of the onshore export cable route for construction.
Impact	Used to describe a change resulting from an activity via the Projects, i.e. increased suspended sediments / increased noise.
Landfall	The point on the coastline at which the Offshore Export Cables are brought onshore, connecting to the onshore cables at the Transition Joint Bay (TJB) above mean high water.
Onshore Converter Stations	A compound containing electrical equipment required to transform HVDC and stabilise electricity generated by the Projects so that it can be connected to the electricity transmission network as HVAC. There will be one Onshore Converter Station for each Project.

Term	Definition
Onshore Development Area	The Onshore Development Area for ES is the boundary within which all onshore infrastructure required for the Projects would be located including Landfall Zone, Onshore Export Cable Corridor, accesses, Temporary Construction Compounds and Onshore Converter Stations.
Onshore Substation Zone	Parcel of land within the Onshore Development Area where the Onshore Converter Station infrastructure (including the haul roads, Temporary Construction Compounds and associated cable routing) would be located.
Order Limits	The limits within which the Projects may be carried.
Receptor	A distinct part of the environment on which effects could occur and can be the subject of specific assessments. Examples of Receptors include species (or groups) of animals, plants, people (often categorised further such as 'residential' or those using areas for amenity or recreation), watercourses etc.
Temporary Construction Compound	An area set aside to facilitate construction of the Projects. These will be located adjacent to the Onshore Export Cable Corridor and within the Onshore Substation Zone, with access to the highway.
The Applicants	The Applicants for the Projects are RWE Renewables UK Dogger Bank South (East) Limited and RWE Renewables UK Dogger Bank South (West) Limited. The Applicants are themselves jointly owned by the RWE Group of companies (51% stake) and Masdar (49% stake).
The Projects	DBS East and DBS West (collectively referred to as the Dogger Bank South Offshore Wind Farms).

Acronyms

Term	Definition
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
ECoW	Ecological Clerk of Works
ERYC	East Riding of Yorkshire Council
ES	Environmental Statement
ETG	Expert Topic Group
ExA	Examining Authority
GVA	Gross Value Added
HAA	Heavy Anti-Aircraft
HAP	Humber Archaeology Partnership
HDD	Horizontal Directional Drilling
IACPC	Impact Assessment Conservation Payment Certificate
INNS	Invasive Non-Native Species
ISH ₂	Issue Specific Hearing 2
LIR	Local Impact Report
LoNI	Letter of No Impediment
NSRs	Noise Sensitive Receptors
OCoCP	Outline Code of Construction Practice
OCPRP	Communications and Public Relations Procedure
OWSI	Outline Written Scheme of Investigation
RCA	River Condition Assessment

Term	Definition
TA	Transport Assessment
TPP	Tree Protection Plan
SPZs	Source Protection Zones
SSSI	Sites of Special Scientific Interest
ZTV	Zone of Theoretical Visibility

1 Introduction

1. The Local Impact Report (LIR) from East Riding of Yorkshire Council (ERYC) was received by the Applicants on 6th January 2025.
2. The Applicants' have reviewed the points raised by ERYC in their LIR and provided responses, as required, in **Table 1-1** below.

1.1 Responses to East Riding of Yorkshire Council Local Impact Report

Table 1-1 – Applicants’ response to East Riding of Yorkshire Council’s Local Impact Report

I.D.	Key Issues	Applicants’ Response
Principle of Development and Policy Background		
7.2	<p><u>Local Planning Policy</u></p> <p>The ERLP SD contains various policies which are relevant to the proposal. The whole site lies within the Open Countryside. The relevant policies include policies specific to development within the Countryside, the principles of energy production proposals and sustainable development, and more generic policies which although not specifically referencing energy schemes have overarching considerations which should be assessed as part of the identified potential impacts.</p>	The Applicants acknowledge this comment and no action is required.
7.3	<p><u>Local Plan Update</u></p> <p>The Local Plan Update was submitted to the secretary of state on 31 March 2023 and an examination is underway. Hearing sessions took place in October and November 2023, but the examination process is ongoing. The Inspector is yet to issue any interim statement that would assist in determining whether particular policies are likely to be found sound or otherwise. Public consultation on potential modifications will be required. Therefore, the weight to be given to the policies contained within the Local Plan Update will continue to vary on a case-by-case basis and the NPPF provides guidance on assigning weight. Having regard to this, officers consider that the weight of policies within the Local Plan Update ranges from none to limited, reflecting the fact that there are some unresolved objections, and the examination is ongoing.</p>	The Applicants acknowledge this comment and no action is required.
7.4	<p><u>National Planning Policy</u></p> <p>NPS for Energy (EN-1), NPS for Renewable Energy Infrastructure (EN-3) and NPS for Electricity Networks Infrastructure (EN-5) provide guidance on the assessment of offshore windfarm infrastructure. The main thrust of the NPS’s is the promotion of the urgency to increase renewable energy principally through solar and wind development but weighed against consideration of the impacts on health and public safety, defence, irreplaceable habitats or risk to the achievement of net zero.</p>	The Applicants acknowledge this comment and no action is required.
7.5	<p><u>Conclusion</u></p> <p>In summary national policy statements and the ERLP SD policies promote sustainable development and renewable energy schemes where they are in an appropriate location. The site is classed as countryside, but Policy S4 is supportive of energy sector development subject to assessment of specific local impacts outlined in policy EC5. These policies reflect national advice which recognises that there is a need to support renewable energy production but that the wider benefits need to be weighed against residual harm. Therefore, whilst the ERLP SD supports the principle of the development the local impacts are addressed through more specific policies and are assessed below.</p>	The Applicants acknowledge this comment and no action is required.
Design, Landscape and Visual Assessment		
7.6	<p><u>Landscape and Visual Assessment</u></p>	The scope of the Landscape and Visual Impact Assessment, presented in Chapter 23 Landscape and Visual Impact Assessment [APP-192], was agreed with ERYC

I.D.	Key Issues	Applicants' Response
	<p>As part of the Environmental Statement a Landscape and Visual Impact Assessment has been carried out. The ES considers the potential significant effects on landscape and visual receptors arising from (i) construction of the landfall and onshore export cable, and (ii) construction and operation of the converter stations. Landscaping mitigation is identified and assessed for each. The ES considers landscape designations, landscape character, and visual receptors. Mitigation is provided including retaining established vegetation/features that contribute to landscape character and visual amenity and proposed enhancement which are in keeping with the relevant character areas. The overall objective of the landscape design is to integrate the scheme into its landscape setting and avoid or minimise adverse landscape and visual effects as far as practicable.</p>	<p>through a series of Expert Topic Group (ETG) meetings, as set out in the Statement of Common Ground with ERYC [document reference 9.2].</p> <p>Figure 23-8 [PDA-010] shows the indicative landscape planting proposals that will be implemented to assist in integrating the Onshore Converter Stations into the landscape. A revised landscape mitigation plan will be submitted at Deadline 2 to reflect the Project Change Request 2 [AS-152], at the Substation Zone which has now been accepted [PD-012]. The detail of the landscape planting proposals will be subject to approval by ERYC, controlled by Requirement 10 and 11 of the Development Consent Order (DCO).</p>
7.7	<p><u>Landfall and Export Cable Corridor</u></p> <p>Due to the flat nature of the area and prevalence of trees and hedges the landscape and visual study area has been limited to a 1km buffer. The proposals will require loss of some hedgerows and trees which will have some impact on the landscape, but the route has been designed to avoid established trees and hedgerows wherever possible. As the above ground works would be temporary mitigation would include reinstatement of land to its former condition and replacing trees and hedges. An Outline Landscape Management Plan has been submitted and final details would be required through a condition of the DCO. This approach is considered reasonable.</p>	<p>The Applicants acknowledge this comment and no action is required.</p>
7.8	<p><u>Onshore Converter Stations</u></p> <p>These will be large, permanent buildings and substantial screening will be needed to integrate them into the landscape. A 5km radius has been used for the landscape and visual study area, with Zones of Theoretical Visibility (ZTV) established and photomontages from each of the identified viewpoints submitted to aid assessment of the visibility and need for and effect of proposed mitigation. The viewpoints are from:</p> <p>Viewpoint 1: Butt Farm.</p> <p>Viewpoint 2: Copleflat, Bentley.</p> <p>Viewpoint 3: Broadgate from Beverley 20 footpath route.</p> <p>Viewpoint 4: Oriel Close, Broadgate.</p> <p>Viewpoint 5: Walkington.</p> <p>Viewpoint 6: Footpath route, Risby.</p> <p>Viewpoint 7: Woodmansey.</p> <p>Viewpoint 8: Beverley Minster Tower.</p> <p>Cultural viewpoints from:</p> <p>Butt Farm WWII anti-aircraft batter scheduled monument.</p> <p>Risby Hall registered park and garden.</p> <p>Scheduled monument and listed building at Black Mill (on Beverley Westwood).</p>	<p>The landscape and visual impacts of the Onshore Converter Stations are set out in Chapter 23 Landscape and Visual Impact Assessment [APP-192].</p> <p>Figure 23-8 [PDA-010] shows the indicative landscape planting proposals that will be implemented to assist in integrating the Onshore Converter Stations into the landscape. A revised landscape mitigation plan will be submitted at Deadline 2 to reflect the Project Change Request 2 [AS-152], at the Substation Zone which has now been accepted [PD-012]. The detail of the landscape planting proposals will be subject to approval by ERYC, controlled by Requirement 10 of the DCO.</p> <p>The study area and viewpoint locations were agreed with ERYC through a series of ETG meetings, as set out in the Statement of Common Ground [document reference 9.2], ID 104 and ID 105.</p>

I.D.	Key Issues	Applicants' Response
7.9	<p>ERYC officers have agreed the viewpoints as appropriate but have suggested further montages are required from the A164 traveling northwards to the Jocks Lodge crossing to identify and demonstrate how the scheme would relate to proposed mitigation for the A164/Jocks Lodge improvement works. At the current time there has been substantial tree felling along the western side of the A164 which has opened up extensive views to the west.</p>	<p>An additional viewpoint location on the A164 has been identified to take account of the change to the baseline arising from the A164/Jocks Lodge improvement works. The viewpoint location is on the cycleway/footpath at grid reference 501391, 435224, close to the Dunflat Road junction. A photomontage visualisation for this location will be submitted at Deadline 2, which will also include the changes to the Onshore Converter Stations included in Project Change Request 2 [AS-152].</p> <p>Landscape drawings for the A164/Jocks Lodge improvement works (planning ref. 23/30277/CONDET) show hedgerow and tree planting along the western side of the widened A164, as well as planting around a new drainage basin, and retained woodland around the Coppleflat Lane junction.</p>
7.10	<p>The montages indicate the converter stations will be very visible from Butt Farm and Butt Farm anti-aircraft battery scheduled monument to the north, Bentley to the south, and from Broadgate. An Indicative Landscape Plan has been submitted which proposes woodland and hedgerow planting to the north and south of the converter station site to help screen the buildings and integrate into the existing landscape, and from the east to screen and soften views. Existing woodland is also shown to be protected and enhanced, subject to details to be required through the Landscape Management Plan. These include Bentley Moor Wood which is classed as ancient woodland and is within the converter station zone, and Eleven Acres Plantation and Johnson's Pit which adjoin the site. A hedgerow to the south of Butt Farm caravan site is also indicated to be retained. Year 10 montages with mitigation planting indicated are provided in some cases which indicate improved screening.</p>	<p>Figure 23-8 [PDA-010] shows the indicative landscape planting proposals that will be implemented to assist in integrating the Onshore Converter Stations into the landscape. In particular, screening is designed to mitigate impacts on views from Butt Farm and Bentley village, as the closest residential receptors. A revised landscape mitigation plan will be submitted at Deadline 2 to reflect the change request. This revised plan was included in the Project Change Request 2 [AS-152] and was shared with ERYC at a briefing meeting on 21 November 2024. The detail of the landscape planting proposals will be subject to approval by ERYC, controlled by Requirement 10 of the DCO.</p>
7.11	<p>It was agreed at pre-application stage that the photomontage for Viewpoint 3 would be updated to illustrate earthworks along the access track. This visualisation is presented as Figure 23-9 in Volume 7 (application ref:7.23.1). This has been done, however comparing VP3 to the plan and LVIA text two points arise:</p> <p>a. The ten-year view does not indicate any screen planting to the north of the sub-station, which is shown on the Indicative Landscape Plan</p> <p>b. The LVIA (para 233) notes that: <i>A TCC [Temporary Construction Compound] would be located immediately adjacent to the viewpoint throughout the construction works...</i> The Works Plan (Onshore) Page 18 of 19, also shows a Temporary Construction Compound occupying much of the field to the right-middle-ground of Viewpoint 3. This suggests that the construction effects could usefully be illustrated from this viewpoint.</p>	<p>The Year 10 visualisation for Viewpoint 3 does include mitigation planting to the north of the Onshore Converter Station. This is difficult to see in the image for two reasons:</p> <ol style="list-style-type: none"> 1. The topography rises from the viewpoint, then falls towards the onshore converter station. The screen planting would be located at a point lower than the foreground topography, and along with the lower parts of the onshore converter station would be partly out of sight. 2. The photograph shows a winter view. During winter, deciduous planting would lose its leaves, reducing its screening function. The upper branches of mitigation planting are shown in the visualisation but are not clearly visible due to distance and the scale of the image on paper. <p>The screen planting would be more visible during summer, and would continue to mature beyond Year 10, increasing its screening effect in the long term.</p> <p>As part of the Project Change Request 2 [AS-152], the Onshore Converter Stations will be reduced in extent, and the massing will be less visible in this viewpoint. Updated visualisations showing the revised Onshore Converter Station will be presented at Deadline 2.</p> <p>An additional visualisation for Viewpoint 3 showing the extent of the Temporary Construction Compound, and a 2.5m fence, forms Appendix A of this document.</p>

I.D.	Key Issues	Applicants' Response
7.12	<p>It is a matter of concern that the significant effects of the 6-year construction period are not illustrated through photomontages. Based on the descriptions in section 23.3.4 of the LVIA it is difficult to see what mitigation effects would come to bear upon landscape and visual effects during the 6-year construction period. It is noted that there is a commitment to plant as early as possible in the Construction Phase, However, 1-5 year's planting growth may have a limited beneficial effect for some viewpoints, e.g. Viewpoints 1 and 2 which are the closest to the proposed works. There is no clear attempt to quantify the mitigation proposals in relation to the Construction Phase. It is particularly difficult to understand how any mitigation (e.g. around the substation) would benefit Viewpoint 3, with two temporary construction compounds in the fore- and middle-ground. ERYC would therefore recommend further visualisations are required and would also suggest that the planting scheme includes some more mature specimens to bring forward mitigation timescales, particularly to the north and south.</p>	<p>The effects of construction are temporary in nature, and the location and size of construction features and equipment will be agreed with the Contractor, prior to construction. It is therefore not considered proportionate to prepare photomontages showing the detail of construction works. An additional visualisation for Viewpoint 3 showing the extent of the Temporary Construction Compound, and a 2.4m fence forms Appendix A of this document. The fence would not exceed 2.4m in height, as stipulated in paragraph 263 of Chapter 5 – Project Description [APP-071]. Additional detail has also been added to Chapter 5 – Project Description [APP-071] at Deadline 1, to provide clarification on the likely dimensions of key equipment to be within the construction compounds. This has also been raised by the Examining Authority (ExA) in their Action Points from Issue Specific Hearing 2 (ISH2) (Day 2) held on Thursday 16 January 2025 [EV5-004] as Onshore Action Points 6 and 7 and in the supplementary agenda question ISH 2.9.9.</p> <p>Mitigation during the construction phase will focus on good site management as set out in the Outline Code of Construction Practice (Revision 3) [AS-114] (see Table 23-3 in Chapter 23 Landscape and Visual Impact Assessment [APP-192]). Construction effects are reported as being significant at a number of locations, including major adverse significance at Viewpoint 3 (see paragraph 253 of Chapter 23 Landscape and Visual Impact Assessment [APP-192]).</p> <p>In the longer term, construction works are temporary, and equipment will be gradually removed and the Temporary Construction Compounds restored towards the close of the construction phase. As construction effects reduce, they would be superseded by the operational phase effects reported in Chapter 23 Landscape and Visual Impact Assessment [APP-193].</p> <p>The details of the planting proposals as described in the Outline Landscape Management Plan (Revision 2) [AS-096], including species mixes and plant sizes, will be subject to approval by ERYC, controlled by Requirement 10 of the DCO.</p>
7.13	<p>The Outline Landscape Management Plan suggests using the existing woodlands as a base to design new planting around to form a natural setting. This approach is supported. Native species lists are also proposed and listed. The list is supported by the Council's ecology officer. ERYC would suggest that tree type should also be considered in relation to the most sensitive and prominent views of the converter stations, to ensure maximum screening and integration into the landscape can be achieved through eventual tree height and spread. ERYC officers have also suggested through pre-consultation discussions that the surface water drainage strategy should be influenced by opportunities to increase landscaping rather than being engineer led.</p>	<p>The details of the planting proposals, including species mixes and plant sizes, will be subject to approval by ERYC, controlled by Requirement 10 of the DCO.</p> <p>A landscape-led approach to drainage design is the Applicant's intention, as set out in the Design and Access Statement [APP-233] and the Outline Landscape Management Plan (Revision 2) [AS-096] in para 30, section 1.5.2 which states 'The SuDS design, set out in the Outline Drainage Strategy (Revision 2) [APP-237] would be approached in a landscape-led manner. Landscape professionals would work collaboratively with the SuDS engineers to produce a design which maximises landscape benefits. The detailed design would be progressed at to best integrate the SuDS into the landscape and provide enhanced ecological benefits, where possible.'</p>
7.14	<p><u>Construction Lighting</u></p> <p>It is recognised that night-time visualisations of the operational phase are not required as a result of there being no permanent lighting. However, the extent of construction lighting, whilst being designed to minimise light spillage etc (ref Outline Code of Construction Practice Volume 8, 5.11 Construction Site</p>	<p>The effects of construction lighting are temporary in nature, and the location and type of lighting equipment is not known with any certainty. Construction lighting is likely to be mobile. It would be difficult to develop a scenario that could be illustrated</p>

I.D.	Key Issues	Applicants' Response
	<p>Lighting) is not clearly described or illustrated, for example with an indicative plan. No nighttime visualisations have been prepared as part of the ES. ERYC would therefore suggest that visualisations are produced to help assess the proposal.</p>	<p>in a meaningful way. It is therefore not considered proportionate to prepare photomontages showing construction lighting.</p> <p>It was agreed with ERYC, on 2nd October 2024, that a Construction Lighting Plan will be produced once a Contractor has been appointed. Refer to Statement of Common Ground [document reference g.2], ID 110.</p> <p>As detailed in the Applicants response to Action Point No.3 from ISH2 [EV5-004]. The Construction Lighting Plan that will be prepared by the Contractor and appended to the Code of Construction Practice prior to construction and agreed with the ERYC, as detailed in Requirement 19 of the Draft DCO [AS-130] the plan would include the following measures which will be added to the Outline Code of Construction Practice (OCocP) (Revision 2) [AS-094] at Deadline 1. :</p> <ul style="list-style-type: none"> • Undertake a desk-based survey of the proposed cable route and locations of proposed construction compounds; • Coordinate with ecology and other specialists to establish potential areas of high sensitivity identified from pre-construction protected species surveys (e.g. bats and their foraging and commuting routes); • Identify potentially sensitive residential receptors; • Undertake baseline lighting surveys along the route to establish baseline conditions (day/night photographic and photometric data collected on site to record current conditions); • Collect specific data at the most sensitive locations, especially compounds that are adjacent to ecologically sensitive areas or specific identified residential receptors (capture photographic and photometric data at the receptor locations for comparison to modelling results later in the impact assessment process); • Prepare constraints plans including, where necessary, illuminance limitations such as lighting buffer zones, as outline in the Design and Access Statement [APP-233] or specific mitigation for identified receptors; • Provide a detailed construction phase Lighting Strategy to establish generalised best practice lighting that minimises potential risks for ecology, local receptors and the night sky (including methodology, operational requirements, placement, orientation of beam, colour temperature etc.); • Provide detailed construction compound lighting specifications for any semi-permanent or permanently installed lighting for security, safety, amenity including ISOlux contour plans, photometric modelling and impact assessments where needed (access, parking, welfare units, operational activity, buildings etc.); and • Provide a construction phase monitoring plan with established measurement points and illuminance limits set against baseline data where necessary to prove ongoing compliance (especially for compounds with 24/7 operation).
7.15	<p><u>Design</u></p> <p>Details of design of the convertor stations are proposed to be the subject of a condition of the DCO. This includes, among other things, the scale, materials and external appearance. The Design and Access</p>	<p>The Applicants have updated requirement g of the Draft DCO (Revision 4) [AS-130] to secure the maximum height and footprint of the Onshore Converter Stations, which is 24 metres and 32,208 m², for each Onshore Converter Station as detailed in Table 2-1 of the Project Change Request 2 [AS-152]. The Design and Access Statement [APP-</p>

I.D.	Key Issues	Applicants' Response
	Statement sets out parameters including the maximum height of the converter building and footprint. Given the sensitivities of the size and height of the building(s) in the landscape ERYC would suggest that those parameters are embedded in the condition.	233] will be updated with the Project Change Request 2 [AS-152] details at Deadline 2 .
7.16	The Design and Access Statement also indicates that a design panel would be set up to take forward the final design. ERYC supports that approach but considers it needs to be embedded within DCO conditions to be a requirement prior to submission of details of the design to the LPA.	The Applicants do not consider that the Draft DCO (Revision 4) [AS-130] needs to be updated to refer to the proposed use of a design panel. This is because requirement 9 requires the submission of detailed design parameters onshore. These details must be in accordance with the Design and Access Statement [APP-233] , which secures the use of a design panel to take forward the final design for the Projects. The requirements of the DCO do not list out all of the commitments made within the different plans and documents referred to within the various requirements and conditions; to do so would be disproportionate and would result in the DCO becoming extraordinarily lengthy. The Applicants therefore do not propose including this commitment within the wording of the requirement and submit that the inclusion of the commitment within the Design and Access Statement provides sufficient certainty that this will be implemented and is adequately secured. The Design and Access Statement [APP-233] will be updated at Deadline 2 , to include details of Project Change Request 2 [AS-152] at the Substation Zone.
7.17	<p><u>Conclusion</u></p> <p>ERYC considers that the impact of the landfall and cable route on the landscape, due to its temporary nature and reinstatement programme, would be neutral.</p>	The Applicants acknowledge this comment and no action is required.
7.18	<p>ERYC considers that impacts of the converter stations on the landscape could be significant but that with appropriate screening and subject to inclusion and assessment of the following points/mitigation/enhancement the impacts could be neutral:</p> <p>(i) Identification of landscaping requirements for the A164/Jocks Lodge Improvement Scheme to the east of the converter stations. Photo montages should be produced to identify the current position and with landscaping up to the ten year establishment period, and to identify when that will be carried out in relation to the converter station construction period. Given the open views from the A164 at this time this is required to assess the impact for drivers and cycle path users travelling northwards in particular.</p> <p>(ii) Further montages are recommended for Viewpoint 3 to include proposed temporary construction compounds.</p> <p>(iii) It is requested that the tree and hedge planting includes some more mature specimens to speed up establishment and integration into the landscape, particularly to the north and south. Tree type should also be related to the most prominent locations to ensure greatest height and spread at those points.</p> <p>(iv) The surface water drainage strategy should be landscape led and be developed to integrate with and contribute to the overall landscaping scheme.</p> <p>(v) Visualisations of construction lighting including spread should be produced to assess effects during the construction phase.</p> <p>(vi) Converter station design parameters should be embedded in the DCO to include as a minimum height and footprint. This should include the establishment of a design review group as outlined in the</p>	<p>The significant effects of the Proposed Development are set out in Chapter 23 Landscape and Visual Impact Assessment [APP-192]. In relation to the further points:</p> <ol style="list-style-type: none"> 1. An additional photomontage from a location on the A164 will be prepared, as set out in 7.9 above. 2. As set out in 7.12 above, an additional visualisation for Viewpoint 3 is included in Appendix A of this document (note that this does not show changes to the Onshore Converter Stations included in Project Change Request 2 [AS-152]). 3. The details of tree and hedge planting proposals, including species mixes and plant sizes, as well as specific locations, will be subject to approval by ERYC, controlled by Requirement 10 of the DCO. 4. As set out in 7.13 above, a landscape-led approach to drainage design is the Applicant's intention, as set out in the Design and Access Statement [APP-233] and the Outline Landscape Management Plan (Revision 2) [AS-096]. 5. It is not considered proportionate to prepare photomontages showing construction lighting, for the reasons set out in relation to paragraph 7.14 above.

I.D.	Key Issues	Applicants' Response
	Design and Access Statement, to be established and involved prior to submission of details to comply with the design details condition.	6. Design parameters will be updated in line with item 7.15 above. A Design Review Panel will be established to provide independent and impartial expert advice on the design of the Proposed Development, as outlined in the Design and Access Statement [APP-233]. See response 7.16, which provides a response on how this is secured through the Draft DCO (Revision 4) [AS-130].
Ecology, Trees and Landscaping		
7.19	As the development falls within the threshold for EIA development, an Environmental Statement (ES) has been submitted with the application as required by the 2017 EIA regulations. The ES examines the potential impacts on the environment in including designated sites. In addition, Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires that a Competent Authority, before deciding whether to give a consent for a plan or project which is a) likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.	The Applicants acknowledge this comment and no action is required.
7.20	East Riding of Yorkshire Council Nature Conservation Team Leader has worked with the applicant during the consultation phase of the application. The Nature Conservation Officer has provided detailed comments which are set out below.	The Applicants acknowledge this comment and responses to ERYC's Nature Conservation Officer comments are provided below.
7.21	<p><u>Protected Sites</u></p> <p>The production of a Habitats Regulation Assessment (APP-045) in support of the proposal is supported. The terrestrial sections of the Report to Inform Appropriate Assessment: Habitats Regulations Assessment Volume 6 Part 1 of 4 – Introduction and Terrestrial Ecology have been appraised and we welcome the screening in of the Humber Estuary Special Protection Area (SPA) in relation to impacts on Functionally Linked Land where the development area lies within 10km of the Humber Estuary. The wintering bird surveys found limited use of the site by SPA species. Whilst survey design deviates from Natural England's standard guidance given the distance from the SPA/Ramsar, and nature of the majority of impacts being temporary, we are satisfied that the survey effort is sufficient to rule out impacts to functionally linked land.</p>	The Applicants acknowledge this comment and no action is required.
7.22	Appendix 26-4 Air Quality Assessment – Construction Phase Road Traffic Emissions Receptor APP-213 Locations identifies that roads within 200m of the Humber Estuary SAC are within the zone of influence for construction traffic and annual average daily traffic triggers the need for further assessment. These areas include 22.9ha of mudflats and sandflats not covered by seawater at low tide along the River Hull, 200m either side of the A63 trunk road and A15 Humber Bridge. The air quality assessment APP-208 identifies an exceedance of >1% but less than 3.5% of a Critical Load or a Critical Level without any contribution of air emissions (NOx or NH3) from traffic associated with the Projects. Air emissions from construction vehicles associated with the Projects alone are modelled to be <1% of a Critical Load or a Critical Level and may be screened out from further assessment.	The Applicants acknowledge this comment and no action is required.

I.D.	Key Issues	Applicants' Response
7.23	<p>It is agreed that hydrological impacts may be ruled out as trenchless techniques are proposed to avoid disturbance to main rivers. Clarity should be provided why this is not considered to be design stage mitigation for avoiding hydrological impacts on downstream designated sites. Where watercourses within the Onshore Development Area will be open cut, implementation of the planned embedded mitigation mitigates the risk of pollution impacts locally and is not considered a risk to designated sites. We concur with the wider screening assessment for designated terrestrial sites.</p>	<p>As detailed in the OCoCP (Revision 2) [AS-094] section 6.3.2.6, ordinary watercourses may be undertaken by open cut trenching methods. In such cases, temporary measures will be employed to maintain flow of water along the watercourse.</p> <p>Embedded mitigation described in Table 18-4 Embedded Mitigation Measures of Chapter 18 Terrestrial Ecology and Ornithology (Revision 4) [PDC-002] indicates that ground investigations and a hydrogeological risk assessment meeting the requirements of the Environment Agency's approach to groundwater protection would be undertaken at each trenchless crossing location. Where the Projects cross watercourses connected to sites of particular sensitivity (e.g. Sites of Special Scientific Interest (SSSI) or groundwater Source Protection Zones (SPZs)) a hydrogeological risk assessment will be undertaken to inform the site-specific crossing method statement.</p> <p>The assessment of effects identified that there will be a negligible hydrological impact on the statutory designated sites because of trenchless techniques that are being proposed to avoid disturbance to main rivers. Some watercourses within the Onshore Development Area will be open cut, in these cases there will also be no significant effects on connected designated sites due to the planned embedded mitigation as outlined in Chapter 19 Geology and Land Quality [APP-158] and Chapter 20, Flood risk and Hydrology [APP-163], controlled through Requirement 19 of the DCO.</p>
7.24	<p><u>Protected Species and Habitats</u></p> <p>The response is restricted to consideration of terrestrial and intertidal impacts and the scope of effects identified is agreed. Overall, baseline survey effort for protected species is acceptable. The reports recommended additional surveys including pre-commencement surveys for mobile species. Avoidance of impacts on these species should be prioritised. Where this is not possible the reports set out best practice mitigation measures. It is expected that, as a minimum great crested newt licencing will be required. Design stage mitigation, reasonable avoidance methods and timings of works are secured within the Outline Ecological Management Plan (OEMP) APP-235 and reinstatement of habitats detailed within a Landscape Management Plan (APP-236). We welcome the commitment to a Decommissioning Plan; this should be supported by relevant ecological surveys.</p>	<p>The Applicants acknowledge this comment, a countersigned Impact Assessment Conservation Payment Certificate (IACPC) issued by Natural England is included in Appendix B of this document.</p>
7.25	<p><u>Bats</u></p> <p>A Ground Level Tree Assessment (Peak Ecology, 2023) has been undertaken and has identified 48 trees with features suitable for multiple bats. Of the 19 trees located within the Onshore Development Area, two were found to be of high potential to support roosting bats, eight of moderate potential and eight of low potential. The applicant details that five of these trees will be avoided by the use of trenchless crossing techniques. The majority of the trees considered to be potential bat roosts will be retained as they are located in and around Bentley Moor Wood, in the Onshore Converter Station area, that will be protected from direct impact as part of the embedded mitigation.</p>	<p>The Applicants acknowledge this comment and no action is required.</p>
7.26	<p><u>Great Crested Newt (GCN)</u></p> <p>Great Crested Newt (GCN) Report (Peak Ecology, 2024) details the results of surveys on 126 ponds. Habitat Suitability Assessments and where appropriate eDNA surveys were undertaken. 11 ponds located within the 250m GCN buffer and no ponds within the Development Area were classified as either</p>	<p>The Applicants acknowledge this comment, a countersigned IACPC issued by Natural England is included in Appendix B of this document.</p>

I.D.	Key Issues	Applicants' Response
	<p>'Excellent' or 'Good'. One pond within the Onshore Development Area returned a positive result, and nine ponds within the 250m GCN buffer were found to be positive for GCN. We consider that avoidance measures are unlikely to be sufficient to avoid impacts on GCN and support the recommendations in Section 4 of the report. Paragraph 121 of APP-235 details that district level licencing (DLL) will be used; a countersigned Impact Assessment Conservation Payment Certificate (IACPC) issued by Natural England should be submitted as part of the DCO application to confirm this route is acceptable.</p>	
7.27	<p><u>Water Vole and Otter</u></p> <p>81 watercourses have been assessed for the presence of water vole and otter. Eight watercourses were found to have evidence of water vole presence. Otter suitability and scats are present within the Rive Hull Corridor. The Water Voles and Otters Report provides recommendations with respect to avoiding impacts to watercourses containing water vole. Where this is not possible, the displacement of water voles from impacted ditches will be required under a licence. Updated surveys for otter and water vole prior to the commencement of works are secured in Table 1-2 of APP-235. The use of Horizontal Directional Drilling (HDD) is supported for major watercourse crossings, and this will avoid impacts on water vole and otter (APP-140 385). Additional mitigation is outlined in paragraphs 111-118 of APP-235 and follow standard best practice.</p>	<p>The Applicants acknowledge this comment and no action is required.</p>
7.28	<p><u>Reptiles</u></p> <p>We agree with the approach to reptiles and assumed present (mainly grass snakes) closely associated with boundary features present at relatively low density. They are therefore unlikely to be negatively affected by the proposals, except during construction. Precautionary measures required during construction to prevent the killing or injuring of reptiles are outlined in Table 18-4 of APP-140 and para 186 of APP-235.</p>	<p>The Applicants acknowledge this comment and no action is required.</p>
7.29	<p><u>Other Mammals</u></p> <p>Brown Hare and Hedgehog are present within the development area; vegetation clearance outlined to mitigate impacts on reptiles and badger will also ensure impacts are avoided for hedgehog and hare. Pre-commencement checks and reasonable avoidance measures detailed in paras 130-132 of APP-235 are welcomed. We agree that hazel dormouse may be scoped out.</p>	<p>The Applicants acknowledge this comment and welcome the agreement that hazel dormouse may be scoped out.</p>
7.30	<p><u>Invertebrates</u></p> <p>It is agreed that terrestrial invertebrates may be scoped out. The majority of the onshore development area is low distinctiveness habitat, and the arable dominance means that these areas are considered unlikely to support a particularly diverse assemblage of invertebrates. Impacts on higher distinctiveness habitats are avoided as far as possible.</p>	<p>The Applicants acknowledge this comment and welcome the agreement that terrestrial invertebrates may be scoped out.</p>
7.31	<p><u>Badgers</u></p> <p>The Badger Survey Report details the presence of badger within the development area. Section 4 of the Badger Report – Confidential (Peak Ecology, June 2024). We support use of the mitigation hierarchy and impacts should be avoided as far as possible. Para 308 of APP-140 details that impacts are unavoidable on main and annex setts located within the Onshore Development Area and will need to be destroyed.</p>	<p>It has been agreed with Natural England that pre commencement surveys will be undertaken sufficiently in advance to inform a potential licence application to destroy or disturb badger setts. In case that a main sett has to be destroyed to allow for construction works to take place, appropriate mitigation measures such as the construction of an artificial sett, if necessary, will be undertaken. An application for a</p>

I.D.	Key Issues	Applicants' Response
	We note the need for a licence has not been determined yet by Natural England, APP-235 para 168. Outlined working and mitigation measures in paras 107 -110 and 169-180 follow standard best practice.	Letter of No Impediment (LoNI) application regarding badgers and bats is in progress with Natural England.
7.32	<p><u>Other Priority Mammal Species</u></p> <p>Hare and hedgehog are present. Impacts are considered temporary. Embedded mitigation will provide sufficient protection for these species.</p>	The Applicants welcome confirmation that the embedded mitigation will provide sufficient protection to hare and hedgehog.
7.33	<p><u>Fish</u></p> <p>Mitigation measures within Table 1-1 APP-235 will ensure impacts to fish are fully mitigated.</p>	The Applicants acknowledge this comment and no action is required.
7.34	<p><u>Breeding Birds</u></p> <p>Completed Breeding bird surveys undertaken between March 2023 and July 2023 confirm a total of 116 species within the study area. Sixty-nine Birds of Conservation Concern (BoCC) species were recorded, consisting of 21 red listed and 48 amber listed species and 11 WCA Schedule 1 species. Best practice precautionary working 32 methods are secured within paragraphs 88-98 and 146-154 of APP-235 and are considered robust. Monitoring of breeding and wintering bird populations will be undertaken and mitigation redressed as required para 321 APP- 235.</p>	The Applicants acknowledge this comment and no action is required.
7.35	<p><u>Passage and Wintering Birds</u></p> <p>The Ornithology Overwintering Report confirms that a total of 104 species were recorded. Sixty BoCC were recorded, 19 red listed and 41 amber listed species. In addition, 12 Schedule 1 species were recorded, with barn owl, brambling, Cetti's warbler, green sandpiper, kingfisher, marsh harrier, peregrine, red kite, redwing, red-throated diver, ruff and whooper swan present.</p>	The Applicants acknowledge this comment and no action is required.
7.36	Of the Humber Estuary SPA qualifying features, golden plover, redshank and ruff, were recorded on site, in addition to 11 assemblage species: brent goose, curlew, goldeneye, grey plover, lapwing, mallard, oystercatcher, ringed plover, sanderling, teal and wigeon. It is noted that none of the species were recorded in significant numbers and the bird survey area is not considered potential Functionally Linked Land (FLL) to the SPA. Impacts on arable land will be temporary.	The Applicants acknowledge this comment and no action is required.
7.37	The highest diversity of species was recorded at Skipsea Beach (T1) and the River Hull (T4 and T5). Impacts to birds are identified and the best practice precautionary working methods are secured within paragraphs 88-98 and 146-154 of APP-235 and are considered acceptable. Monitoring of breeding and wintering bird populations will be undertaken and mitigation redressed as required para 321 APP- 235.	The Applicants welcome confirmation that the best practice precautionary working methods detailed in the Outline Ecological Management Plan (Revision 3) [AS-114] are acceptable.
7.38	<p><u>Invasive Species</u></p> <p>The Habitat Survey undertaken recorded four instances of INNS plant outside of the onshore development area: Japanese knotweed, Himalayan balsam, and snowberry. Mink was also recorded. The invasive species management plan detail in paragraphs 120-128 of APP-234 are acceptable and will minimise the risk of introduction and spread of invasive species. Section 129 of APP-235 details if deemed necessary, following pre-commencement surveys, an INNS Management Plan would be developed. This approach is supported.</p>	The Applicants welcome confirmation that the invasive species management plan details in the Outline Ecological Management Plan (Revision 3) [AS-114] and the approach to an Invasive Non-Native Species (INNS) Management Plan (if necessary) are acceptable.

I.D.	Key Issues	Applicants' Response
7.39	<p><u>Priority Habitat</u></p> <p>Impacts on intertidal habitats are mitigated by design. The Proposed Development is expected to avoid any development on Habitats of Principal Importance (except hedgerow) and this is welcomed.</p>	<p>The Applicants acknowledge this comment and no action is required.</p>
7.40	<p>Impacts to Nunkeeling Lane and Beeford – Dunnington Road Verge Local Wildlife Sites (LWS) cannot be fully avoided. The majority of the impacts to the LWS will be avoided by the use of trenchless crossing technique. Small sections, however, will be affected by the construction of a temporary Haul Road crossing. Reinstatement of the LWS will be required and consultation with ERYC is welcomed with respect to this matter.</p>	<p>The Applicants acknowledge this comment and no action is required.</p>
7.41	<p>We note that APP-140 details a moderate adverse effect on Bentley Moor Wood LWS but recognise that impacts are temporary and when considered alongside already exceeded background levels of nitrogen deposition the increase to the upper critical load of 1.2% in-combination will not lead to significant degradation in habitat quality. Outlined best practice mitigation to avoid dust impacts, lighting and hydrological pollution prevention measures are welcomed.</p>	<p>The Applicants acknowledge this comment and no action is required.</p>
7.42	<p><u>Biodiversity Net Gain</u></p> <p>The proposal aims to deliver no net loss of biodiversity and net gain where possible. The applicant has continued an active dialogue with the Local Planning Authority on the BNG process and on-site impacts have been significantly reduced which is very welcomed. Methods are proposed to ensure as far as possible restoration of agricultural soils to ensure impacts may be recorded as temporary. Hedgerows removed to facilitate the proposal will be replaced with species rich lengths. The proposed date for the baseline is acceptable as are proposals to meet any deficit through use of off-site units.</p>	<p>The Applicants acknowledge this comment and no action is required.</p>
7.43	<p>Irreplaceable habitats (as defined under The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) recorded within the BNG Study Area include small (below 3ha per habitat block) areas of lowland fen and ancient woodland and these habitats are to be retained and impacts avoided, para 241 APP-140.</p>	<p>The Applicants acknowledge this comment and no action is required.</p>
7.44	<p>Confirmation is required that there are no veteran or ancient trees within the onshore development area. It is noted that a small number of individual trees are shown within the cable corridor route in APP-024 (p14, 16, 24, 33, 34) but these are not included in the metric shown in Annex A of APP-157 presently. APP-146 also indicates there are a number of trees within the study area with rot holes (roost potential).</p>	<p>The Applicants can confirm there are no veteran or ancient trees within the Onshore Development Area.</p> <p>An updated BNG Strategy [APP-157] will be submitted at Deadline 5, to include the results of the River Condition Assessment (RCA) surveys requested by the Environment Agency, this update will also account for the presence of individual trees located on the Tree Preservation Order and Hedgerow Plan (Revision 3) [AS-026], if required.</p>
7.45	<p>Clarity is requested on the wording within the presented metric on temporary impacts lines 1-13 (user comments) which appear to contradict Defra's guidance on temporary losses. A copy of the excel document would be useful so that we may confirm use of the created in advance function is appropriate.</p>	<p>Impact lines 1 to 13 on sheet A-2 of the submitted Statutory Metric state "Habitat reinstated within 1 year which cannot be fully restored within the 2 year window which qualifies as a temporary loss".</p> <p>The Statutory Biodiversity Metric User Guide states "You do not need to record a habitat as lost when there are temporary impacts to a habitat and the area can be</p>

I.D.	Key Issues	Applicants' Response
		<p><i>restored to both: • baseline habitat type within two years of the initial impact; and • baseline condition within two years of the initial impact"</i></p> <p>The habitats listed within impact lines 1 to 13 on sheet A-2 of the submitted Statutory Metric are habitats which are being recreated within areas of the Onshore Export Cable Corridor post construction. The recreation of these habitats is proposed to commence within approximately 2 years from the start of construction, after their initial loss (subject to seasonal/planting limitations). Though these habitats will have their reinstatement started within c. 2 years, it will take longer than 1 additional year for them to reach their baseline habitat type or condition. Therefore, their losses cannot be counted as 'temporary', as per the Statutory Biodiversity Metric User Guidance. For this reason, the loss and creation of these habitats are included within the metric calculations.</p> <p>Upon reflection, it may have been clearer, if the User Comment within Impact lines 1 to 13 on sheet A-2 of the submitted Statutory Metric stated "<i>This habitat is an area of reinstated habitat present at baseline. It will have reinstatement started within c. 1 year of its initial loss. However, it cannot be fully restored to its original type or condition within the 2 year window necessary for it to qualify as a temporary loss (as per the Statutory Metric Guidance) and has therefore been accounted for within this metric"</i>.</p> <p>An interactive copy (Excel format) of the BNG Metric [document reference 11.8 and 11.9] which has been used to inform the current BNG Strategy has been provided at Deadline 1.</p> <p>An uncondensed view of the interactive copy (Excel format) of the BNG Metric, Sheet A-2, will show that "delay in starting habitat creation" has been applied appropriately to the habitats listed in impact lines 1 to 13.</p>
7.46	It is noted that River condition assessments (RCA) were not carried out as part of the baseline habitat surveys and support the survey of watercourses impacted at the detailed design stage (para 58. APP-157).	The Applicants acknowledge this comment and can confirm that RCA surveys will be undertaken in March to April 2025 and the outcome of the surveys will be incorporated into the next revision of the BNG Strategy, at Deadline 5.
7.47	It would be useful in future iterations if habitat parcels references could be included on habitat maps. Presently it is not possible to cross-reference the metric to the habitat maps with any degree of certainty for many of the habitats.	The Applicants are committed to updating the habitat survey and habitat plans during pre-construction. The Applicants will endeavour to provide field number references when referring to habitat areas and including field numbers on the habitat plans. This can be adopted for the BNG strategy when this is updated for Deadline 5.
7.48	The iterative approach to reviewing the metric is welcomed and supported.	The Applicants welcome confirmation that the iterative approach to reviewing the metric is supported.
7.49	<p><u>Trees and Hedgerows</u></p> <p>APP-024 indicates that no trees covered by a Tree Preservation Order will be impacted as a result of the proposal. There will be some losses of an ecological valuable line of trees. It is not clear whether there will be impacts on off-site retained trees at present. Neither a Tree Survey or Arboricultural Impact Assessment is presented as part of the PEIR. The impact on trees cannot be fully assessed. It is noted that section 44 of the OEMP (APP-235) states that "a detailed tree survey is being undertaken in 2024 to</p>	During ISH2 on Thursday 16th January 2025, ERYC's ecology specialist, confirmed that ERYC have reviewed the Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 02) [AS-036] submitted into the pre-examination on 8 November 2024. During the pre-examination phase, the Outline Ecological Management Plan (Revision 3) [AS-114], Chapter 18 Terrestrial Ecology and Ornithology (Revision 3) [AS-109] and Outline Landscape Management Plan (Revision 2) [AS-096] were also updated to reflect the

I.D.	Key Issues	Applicants' Response
	inform the Arboriculture Impact Assessment (AIA) prior to construction" and "Any trees that cannot be avoided must be replaced at a minimum of like-for-like." Buffer zones outlined in para 85 of APP-235 are acceptable and should be taken through to the final EMP; "Buffer zones surrounding retained areas of woodland and mature broadleaved trees would be at least 15m in width or at least the width of the tree root protection zone (whichever is greater), as advised by an appropriately qualified arboriculturist". We look forward to these details being brought through as part of the detailed design.	outcome of the arboricultural survey since the DCO application was submitted in June 2024. The provision of a final Tree Protection Plan (TPP) for the Onshore Substation Zone will form part of the final Arboricultural Method Statement to detail the specification and locations of tree protection measures to safeguard retained trees during construction activities.
7.50	Important hedgerows are presented in APP-024 breaks and crossings (associated new tracks, and/or cable routes) have been designed to keep the width of any breaches to a minimum. Replacement planting for lost hedgerow is outlined and is acceptable.	The Applicants acknowledge this comment and no action is required.
7.51	The commitment to minimising the impact on all trees and trees within hedgerows within the Onshore Development Area para 44 APP-235 is welcomed.	The Applicants acknowledge this comment and no action is required.
7.52	<u>APP-235 8.10 Outline Ecological Management Plan - Volume 8</u> The OEMP details the roles and responsibilities of the Ecological Clerk of Works (ECoW) and this is acceptable. Monitoring and reporting detailing is also secured within the report and provides details of inspection frequencies and monitoring requirements during construction through to implementation of the landscaping scheme. Paragraph 236 of APP-235 details that the "ECoW would be responsible for producing a report to the relevant local planning authority to confirm that all measures have been implemented in accordance with the EMP" and this is welcomed. Procedures for implementing, adapting and monitoring any protected licencing are acceptable.	The Applicants welcome confirmation that the roles and responsibilities of the ECoW detailed within the Outline Ecological Management Plan (Revision 3) [AS-114] and the procedures for implementing, adapting and monitoring any protected licencing are acceptable.
7.53	<u>APP-236 8.11 Outline Landscape Management Plan - Volume 8</u> Local Authority planting guidance for hedgerows in the Holderness Character Area is provided below. Ash should be suitably substituted with disease resistant elm; Guelder rose is also acceptable as detailed in Table 1-1 of APP-236 is acceptable. Hawthorn <i>Crataegus monogyna</i> 30% Blackthorn <i>Prunus spinosa</i> 25% Hazel <i>Corylus avellana</i> 15% Field Maple <i>Acer campestre</i> 15% Dogwood <i>Cornus sanguinea</i> 5% Ash <i>Fraxinus excelsior</i> * 5% Oak spp. <i>Quercus spp</i> 5% Other planting mixes are considered appropriate to the area. The Indicative Maintenance Schedule is also acceptable.	The Applicants are happy to incorporate ERYC planting advice for hedgerows and welcome confirmation that the Indicative Maintenance Schedule is acceptable.
7.54	An Outline Soil Management Plan (OSMP) is detailed as presented at Appendix A of APP-234 8.9 Outline Code of Construction Practice - Volume 8 but is not currently available for review. Principles outlined in section 6.6.2.2 are acceptable and will adhere to Defra's (2009) Construction Code of Practice for the	The Applicants acknowledge this comment and no action is required.

I.D.	Key Issues	Applicants' Response
	Sustainable Use of Soils on Construction Sites and guidance from IES (2020) Sustainable, Healthy and Resilient: Practice-Based Approaches to Land and Soil Management.	
7-55	<p><u>Conclusion</u></p> <p>Overall the submitted HRA and Ecology Surveys are considered to provide an accurate assessment of the Biodiversity and Ecology impacts of the development and rules out any likely significant affects, subject to the mitigation and recommendations set out above being taken into account and considered further at the Hearing Sessions. Discussions between the applicant and the Council's Ecologist are ongoing in this respect. On that basis ERYC considers there would be a neutral impact on onshore ecology.</p>	The Applicants acknowledge this comment and no action is required.
7-56	<p>The following details are however requested to support that:</p> <ul style="list-style-type: none"> - Protected sites – hydrology. Clarity should be provided why this is not considered to be design stage mitigation for avoiding hydrological impacts on downstream designated sites. - Decommissioning Plan – this should be supported by relevant ecological surveys. - Great Crested Newts – a countersigned Impact Assessment Conservation Payment Certificate (IACPC) issued by Natural England should be submitted as part of the DCO application to confirm this route is acceptable. - Biodiversity Net Gain – <ul style="list-style-type: none"> (i) confirmation is required that there are no veteran or ancient trees within the onshore development area. (ii) A small number of individual trees are shown within the cable corridor route in APP-024 (p14, 16, 24, 33, 34) but these are not included in the metric shown in Annex A of APP-157 presently. (iii) Clarity is requested on the wording within the presented metric on temporary impacts lines 1-13 (user comments) which appear to contradict Defra's guidance on temporary losses. (iv) It would assist if habitat parcels references could be included on habitat maps. <p>Trees – no tree survey or arboricultural impact assessment has been provided at this stage and these would be helpful to assess those matters prior to examination, although it is accepted that the broad commitment presented in relation to protecting trees is acceptable if that is not possible.</p>	<ul style="list-style-type: none"> - As detailed in the response to item 7.23, where watercourses are to be open cut, implementation of the planned embedded mitigation, mitigates the risk of pollution impacts locally and is not considered a risk to designated sites. - Decommissioning Plan: Paragraph 432 and 433 of Chapter 18 Terrestrial Ecology and Ornithology (Revision 4) [PDC-002] highlights that whilst details regarding the decommissioning of the Projects are currently unknown, considering a worst case scenario, which would be the removal and reinstatement of the current land use, it is anticipated that the impacts would be similar or less than those during construction. The same potential impacts noted for construction are therefore expected to be scoped in (and out) for decommissioning and it should be assumed that relevant surveys will have to be undertaken. The OEMP (Revision 3) [AS-114] highlights that an Onshore Decommissioning Plan, secured under Requirement 27 of the DCO which states that a decommissioning plan should be approved by the relevant planning authority, will be developed prior to decommissioning and include provisions for the removal of all onshore above ground infrastructure and the decommissioning of below ground infrastructure and details relevant to flood risk, pollution prevention and avoidance of ground disturbance. The Onshore Decommissioning Plan will be drawn in line with the latest relevant available guidance and legislation. - Biodiversity Net Gain: <ul style="list-style-type: none"> (i) The Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 02) [AS-036] has not identified any ancient trees, ancient woodlands, veteran trees or protected trees that require removal in order to facilitate the Projects. Nevertheless, without any mitigation several potential impacts to veteran trees and the ancient woodland have been identified and adequate mitigation measures proposed.

I.D.	Key Issues	Applicants' Response
		<ul style="list-style-type: none"> <li data-bbox="1774 323 2668 533">(ii) An updated BNG Strategy [APP-157] will be submitted at Deadline 5, to include the results of the River Condition Assessment (RCA) surveys requested by the Environment Agency, this update will also account for the presence of individual trees located on the Tree Preservation Order and Hedgerow Plan (Revision 3) [AS-026], if required. <li data-bbox="1774 533 2668 953">(iii) For BNG purposes and as described in paragraphs 68 and 69 of Appendix 18-10 Biodiversity Net Gain Strategy [APP-157], temporary losses are defined as habitats which are fully restored to their original habitat type and condition within two years of impact. It should be noted that full habitat restoration takes multiple years for most habitat types. However, it is considered that subject to soils being reinstated in accordance with Appendix A of the OCoCP (Revision 2) [AS-094], the Outline Soil Management Plan, cropland habitats are fully restored once their soils have been replaced. Therefore, losses of this habitat type can be classified as temporary, subject to soil reinstatement being completed within two years of impact. <li data-bbox="1774 953 2668 1037">(iv) Adding habitat parcels references to future updates of the habitat maps will be considered. <li data-bbox="1774 1037 2668 1186">(v) The Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 02) [AS-036] outlines key activities which have the potential to harm trees and suitable mitigation measures to avoid impacts.
Highways and Transportation		
7-57	The Council's Highway Authority has engaged collaboratively with the applicants throughout the consultation phase.	The Applicants welcome confirmation of the collaborative engagement between the parties. A summary of this engagement is provided within Appendix 24-1 - Traffic and Transport Consultation Responses [APP-197].
7-58	The main impact from the Dogger Bank South onshore works will occur during the construction and decommissioning phases, with less impact during the operational phase. The main impacts will be from the cable corridor route, which crosses a network of smaller roads plus the B1242, A1035, A1065, A164, B1230 and A1079, and from connecting roads from the wider area. Along the route are a total of 66 temporary highway links and crossings, plus a series of construction compounds. A permanent access from the A1079 would be created to the converter station(s). An Operational Construction Traffic Management Plan (CTMP) will be implemented to manage the environmental impacts of construction activities, which is secured by a requirement of the DCO. ERYC highways have been involved with pre-application meetings and reviewed the outline Construction Traffic Management Plan. The contents of the OCTMP have been found to be acceptable.	The Applicants welcome confirmation that the content of the Outline Construction Traffic Management Plan (CTMP) (Revision 2) [AS-020] is acceptable.
7-59	A Traffic and Transport Assessment has been carried out and submitted with the ES. This concludes that traffic demand has been forecast by applying a first principles approach to generate traffic volumes from	The Applicants acknowledge this comment and no action is required.

I.D.	Key Issues	Applicants' Response
	<p>an understanding of material quantities and personnel numbers. This traffic demand has been used to assign access locations serving the projects and is supported by a package of mitigation measures specific to defined routes and embedded in the outline CTMP which relates to both junctions and link routes. These include:</p> <ul style="list-style-type: none"> - Managing HGV trip levels to reduce impact on amenity. - HGV controls during school start and finish times at Skipsea - Reduction in HGV movements at specified locations - Enhanced driver inductions - Managing employee trips to avoid peak network hours - Temporary localised road widening and passing places or escort vehicles 	
7.60	The TA has been reviewed by ERYC highways officers and found to be acceptable.	The Applicants welcome confirmation that the findings of the Transport Assessment (TA) are acceptable.
7.61	<p><u>Conclusion</u></p> <p>The outline CTMP has assessed potential for driver delay, amenity issues, capacity issues and road safety and has been discussed with ERYC highways officers to establish requirements. Mitigation is identified and detailed measures are proposed to be agreed through the final CTMP and this approach is supported. On that basis ERYC consider the impact on highways and transportation to be neutral.</p>	The Applicants welcome confirmation that the impacts upon highways and transportation are considered to be neutral and that mitigation measures can be agreed through the development of the CTMP. The requirement to produce and agree a final CTMP (in accordance with the Outline CTMP (Revision 2) [AS-020]) with the ERYC is secured by Requirement 14 of the Draft DCO (Revision 4) [AS-130] .
PROW and Countryside Access		
7.62	There are several PROW within the Order Limits and surrounding land of both the East Riding or Yorkshire and North Yorkshire Council's administrative boundaries.	The Applicants acknowledge this comment and no action is required.
7.63	PROWs are a valuable community resource in terms of physical and mental health and wellbeing. It is well known that being in nature for even a small amount so time, is beneficial to our health and PROWs offer the perfect facility for this, be that for short strolls from a settlement or longer rambles, but key is the landscape, nature, views, and peace a route can offer.	The Applicants acknowledge this comment and no action is required.
7.64	The Council's Countryside Access team has raised no issues with the Outline Public Rights of Way Management Plan which contains details of a number of temporary diversions and one required permanent diversion at the site of the converter station(s). However, they have raised a concern that it does not mention who is responsible for advertising, signing and consulting with local user groups/parish councils for the temporary stopping up/local diversions. ERYC does not want to be in a position where it has to do the advertising and checking of the required site notices/signage as this would be disproportionately excessive with our limited officer time and would be recharged to the project. This needs to be included in the DCO in relation to applying for PROW diversions/temporary stopping up.	The Outline Public Rights of Way (PROW) Management Plan located in Appendix C of the OCoCP (Revision 2) [AS-094] was updated in response to relevant representations on the 22 nd November 2024. Wording was added to state that ' <i>The Principal Contractor would be responsible for all advertising, signage and consulting with local user groups during construction</i> ' in section 4.6, 5, 7.1 and 7.2 in response to this comment. This is also documented in section 3.6 of the Statement of Common Ground [document reference 9.2], ID No.83 and agreed with the ERYC.
7.65	<p><u>Conclusion</u></p> <p>Further information is required about PROW diversion advertising including advertisement responsibilities. The DCO should not place any responsibility on the Council for advertising or</p>	As detailed above, wording has been added to the Outline PROW Management Plan located in Appendix C of the OCoCP (Revision 2) [AS-094] and this matter has been

I.D.	Key Issues	Applicants' Response
	checking/monitoring notices. Notwithstanding, the measures proposed for PROW diversion and reinstatement are considered by ERYC to result in a neutral impact.	agreed with the ERYC in the Statement of Common Ground [document reference 9.2].
Flood Risk and Drainage		
7.66	Both national and local planning policy steers new development to areas at the lowest probability of flooding by applying a Sequential Test. Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception test if required. Only where there are no reasonably available sites in Flood Zones 1 and 2 should the suitability of sites in Flood Zone 3 be considered (taking into account the flood risk vulnerability of land uses and applying the Exception Test if required).	<p>The Applicants acknowledge this comment.</p> <p>As noted in section 20.4.5.2 of Appendix 20-4 - Flood Risk Assessment [APP-168] the sequential approach, and specifically application of the Sequential Test, has been taken into account by primarily locating the Projects in areas at low risk of flooding (from all sources), wherever possible.</p>
7.67	There are several watercourses that transect the cable corridor route, including the River Hull. The ES states that solutions either in the form of fluted culverts or temporary bridges will be employed, to be agreed through the post-decision details. This is considered an appropriate response as full ground conditions will not be available at this time.	<p>As described in Chapter 21 Water Resources and Flood Risk (Revision 2) [AS-111], section 21.7.1.1 (Direct Disturbance on Surface Water Bodies – Impact ID: WRF-C-01), in addition to the cable infrastructure itself, it may be necessary to install temporary crossing structures to allow haul road access across watercourses where direct access is not readily available from both sides. This may potentially be required on watercourses which will be crossed using trenchless techniques. Although the final design decisions have not been made, for the purpose of the assessment, a worst case scenario has been adopted, which requires the use of culverts.</p> <p>Commitment ID CO103 from the Projects Commitments Register [APP-231] details the required mitigation for culvert use: where temporary culverts are used, they will be adequately sized to avoid impounding flows (including allowing for increased winter flows as a result of climate change), and the invert set below the bed level to allow bedload transport. This is also referenced in the OCoCP (Revision 2) [AS-094]. The requirement for the contractor to agree a detailed CoCP is secured by Requirement 19 of the Draft DCO (Revision 4) [AS-130].</p>
7.68	A Flood Risk Assessment (FRA) and an outline Drainage Strategy have been submitted and confirm that consultation has taken place with the Environment Agency (EA), East Riding of Yorkshire Council, North Yorkshire Council, and the relevant Internal Drainage Boards.	The Applicants acknowledge this comment and no action is required.
7.69	<p>Flood Risk</p> <p>The Lead Local Flood Authority (LLFA) has reviewed the “Environmental Statement – Volume 7 – Flood Risk Assessment, June 2024” and the “Outline Drainage Strategy – Volume 8, June 2024” and has raised no issues. However, where watercourses are to be crossed by the cable, the LLFA would prefer to see trenchless crossings wherever practical. This would minimise flood risk and disruption to watercourses during the construction phase.</p>	<p>This point was discussed at the Hydrology and Flood Risk ETG No.3 on 7th December 2023. All 'open cut' crossings have the option for a trenchless crossing, should conditions not be suitable. A crossing method statement must also be agreed with the LLFA or Beverley and North Holderness IDB prior to construction, as stated in Section 5.15, of the OCoCP (Revision 2) [AS-094]. It was also confirmed at ETG No.5 that the 'open cut' methodology was included in the design envelope to ensure the worst case was assessed in the Environmental Assessment. At ETG No.5 the point was discussed further and the Beverley and North Holderness IDB and the following reasons why they would not normally agree to an open cut method were stated:</p> <ul style="list-style-type: none"> ● Inadequate size of pumps; ● Inadequate measures to ensure silt is trapped; ● Restoration being undertaken in very wet conditions; and

I.D.	Key Issues	Applicants' Response
		<ul style="list-style-type: none"> Weather/flood warnings not considered. <p>Following this ETG the OCoCP (Revision 2) [AS-094] was amended in section 6.3.2.6, prior to submission of the Development Consent Order (DCO) application to provide mitigation measures to address each of these points.</p> <p>With the mitigation measures outlined in section 6.3.2.6 of the OCoCP (Revision 2) [AS-094] and the requirements for the agreement of a crossing methodology, as detailed in section 5.15, the Applicants do not propose to commit to all crossings by Horizontal Directional Drilling (HDD) or other trenchless crossing technique.</p> <p>As section 3.5 of the Statement of Common Ground [document reference 9.2], ID 59 'The Crossing methodology for Flood Risk and Hydrology assets detailed in the Obstacle Crossing Register [APP-074] is appropriate and acceptable' was agreed with the ERYC.</p>
7.70	<p><u>Conclusion</u></p> <p>ERYC have worked with the applicants to identify and address the approach to flood risk and drainage and consider the proposals put forward would have a neutral impact, although would suggest that trenchless crossings to watercourses should be the first option wherever possible.</p>	Please see the response to 7.69, above.
Living Conditions		
7.71	The proposal is assessed from two perspectives (i) impact on any nearby residents during construction; and (ii) impact of the converter stations post-construction. Impacts from (i) could occur from noise, traffic, light, vibration and dust, whereas the impact from the converter stations would be from noise, light and visual amenity.	The Applicants acknowledge this comment and no action is required.
7.72	There are several small rural villages and hamlets in proximity of the cable corridor including Skipsea (400m plus ribbon development along Hornsea Road), Skipsea Brough (750m), Dunnington (400m), Nunkeeling (500m), Sigglesborne (800m), Long Riston (1.2km), Tickton (650m), Hull Bridge (1.2km), and Walkington (1.3km). The corridor adjoins houses at Broadgate off Walkington Road. The corridor runs close to the north and west of Beverley skirting Beverley Westwood. There are also numerous isolated dwellings and farms situated approximately 50 – 100m from the corridor, which tend to be situated on roads identified as access points. Directly adjoining the route are houses either side of the cable corridor where it crosses Hornsea Road, Skipsea, Fieldhouse Farm, Routh, Carr House Farm near Long Riston, and houses on Megson Way off Broadacre near Beverley. The main landfall compound would be sited approximately 750m from the eastern edge of Skipsea and 20m north of Hornsea Road. There are caravan sites further north, and the temporary satellite compound to the emergency access adjoins caravans at Seaside Caravan Park. The converter station(s) would be north of Bentley, situated approximately 400m away.	The Applicants acknowledge this comment and no action is required.
7.73	<p><u>Noise and Vibration</u></p> <p>The application includes a noise assessment which assesses likely significant effects during the construction phase of noise and vibration from construction works plus offsite construction traffic, and effects of noise from the converter stations once operational. Different buffer zones have been applied: - Construction noise</p>	The Applicants acknowledge this comment and no action is required.

I.D.	Key Issues	Applicants' Response
	<ul style="list-style-type: none"> - 300m from elements that will generate noise for more than a month or at night during the construction phase; - Construction vibration - 100m from elements that will generate vibration during the construction phase (specifically potential horizontal directional drilling at trenchless crossings); and - Operational noise – 500m from the Converter Station(s). 	
7.74	<p>The assessment also includes noise from road traffic links and identifies nearest sensitive receptors (NSRs) which were agreed with ERYC at the pre-application stages. ERYC have also agreed that these are suitable zones for noise assessment.</p>	<p>The Applicants acknowledge this comment and no action is required.</p>
7.75	<p>Embedded mitigation is proposed as follows:</p> <ul style="list-style-type: none"> - Localised screening via acoustic enclosures for stationary plant and noise barriers around mobile plant, secured via agreement of the Outline Code of Construction Practice (OCoCP); - Construction noise management measures implemented via the OCoCP - Construction road traffic noise - the CTMP outlines methods for controlling specific peak flows and minimising impacts in certain locations. - Programming of works where night-time or 24 hour operations required (trenchless crossings). 	<p>The Applicants acknowledge this comment and no action is required.</p>
7.76	<p>The mitigation measures are agreed as appropriate subject to agreement in the final versions of the code of practice. However, the OCoCP suggests a generic 7am to 7pm construction window (with some exceptions where 24hr works are required for a specific operation such as creating trenchless crossings, these to be agreed beforehand) – ERYC believe that would not be suitable in all situations and therefore request that the condition related to the code of practice requires agreement of working hours, which could then be assessed with regard to individual NSRs. Subject to specific noise control measures to be agreed pre-construction ERYC consider noise impacts would be neutral.</p>	<p>The Applicants believe it is appropriate to keep DCO Requirement 20 from the Draft DCO (Revision 4) [AS-130], with the proposed construction hours, which are broadly in line with industry practice for Projects of this scale and nature.</p> <p>The CoCP, which will be approved by the relevant planning authority (ERYC) under DCO Requirement 19 from the Draft DCO (Revision 4) [AS-130] will contain details of the best practice measures which will limit noise and vibration levels during construction, so far as is reasonably practicable, to minimise disturbance to sensitive receptors. This includes the measure in para 246 of the OCoCP (Revision 2) [AS-094]:</p> <p><i>"If stipulated by ERYC in advance of construction, a Section 61 (of the Control of Pollution Act 1974) consent may be obtained by the Principal Contractor(s) for certain activities"</i></p> <p>It is proposed that the Projects will work with ERYC to identify locations within the Onshore Development Area where there are concerns about impacts to Noise Sensitive Receptors (NSRs), and it is appropriate for the Projects to obtain Section 61 consent. The Projects will then obtain those Section 61 consents from ERYC prior to works taking place.</p> <p>It is proposed that this power to request a Section 61 consent should give ERYC sufficient comfort that ERYC retain a level of control over working hours in particularly sensitive locations, without the need for an overarching change to DCO Requirement 20 Construction Hours for Onshore Works from the Draft DCO (Revision 4) [AS-130].</p> <p>The Applicants have discussed this matter with ERYC at a meeting held 27/01/25 and it has been agreed that, subject to the Applicant providing further details in the Outline</p>

I.D.	Key Issues	Applicants' Response
		Code of Code of Construction Practice [AS- 094] on the process for agreeing prior consent under Section 61 of the Control of Pollution Act 1974 at particularly sensitive sites; that the construction working hours detailed within Requirement 20 of the Draft DCO [AS-121] were acceptable.
7.77	Vibration is identified as worst from drilling of trenchless crossings. The assessment states that vibration effects diminish quickly to less than 0.33mm/s at a distance of 20- 25m, at which point they are considered to be minimal. The closest receptors are at the Hornsea Road crossing at 30m. The closest properties to the converter station are 100m. ERYC accept that vibration would have a neutral impact.	The Applicants acknowledge this comment and no action is required.
7.78	Notwithstanding the above comments from the Council's Public Protection team are pending. We will continue to liaise with them, and any comments received will be forwarded to the Inspector.	The Applicants acknowledge this comment and no action is required.
7.79	<p><u>Light</u></p> <p>Construction site lighting is assessed through the OCoCP. It is recognised that this seeks to ensure safe working for contractors whilst protecting the amenity of nearby residents from light spillage and glare. In that respect it is proposed to:</p> <ul style="list-style-type: none"> - Only operate when required and will be positioned and directed to avoid - unnecessary illumination to residential properties; - Use hoods and cowls; and - Use low energy LED type automatically switched, i.e. via dawn to dusk sensor, timer or passive infrared sensor (PIR). 	The Applicants acknowledge this comment and no action is required.
7.80	ERYC agree that these are appropriate measures to prevent light pollution but would suggest that specific details should be agreed with the LPA for nearby residents, and that a community liaison approach is set up before lighting is installed which is likely to be required for longer or overnight. Subject to those measures ERYC considers there would be a neutral impact.	<p>The OCoCP (Revision 2) [AS-094] includes details of construction lighting in Section 5.11 (p.47), key measures include:</p> <ul style="list-style-type: none"> • <i>'In respect to Temporary Construction Compounds (TCC's), low levels of security lighting may be required at night during construction, at the entrance to the sites and office facilities as well as around the perimeter of the TCCs.</i> • <i>A Construction Lighting Plan will either be appended to the detailed CoCP(s), or detailed text included within the main detailed CoCP(s), dependant on the approach pre-construction. Site lighting will be provided to ensure the safety of work and to maintain security on the construction sites.</i> • <i>Lighting design will ensure that any artificial light emitted from premises will not be prejudicial to health or be a nuisance as required by the Environmental Protection Act 1990.</i> • <i>External lighting of the construction site will be designed and positioned to:</i> <ul style="list-style-type: none"> ○ <i>Provide the necessary levels for safe working;</i> ○ <i>Minimise light spillage or pollution; and</i> ○ <i>Minimise light spill to adjoining residents, occupiers and identified ecological receptors (if relevant).'</i>

I.D.	Key Issues	Applicants' Response
		<p>The Construction Lighting Plan, which forms part of the CoCP, will be agreed with the ERYC prior to construction. The requirement for the contractor to agree a detailed CoCP is secured by Requirement 19 of the Draft DCO (Revision 4) [AS-130].</p> <p>As detailed in section 4.5 of the OCoCP (Revision 2) [AS-094] <i>'The Community Liaison Officer (CLO) will manage and respond to any questions and complaints and keep a robust record of all correspondence. A system for dealing with enquiries or complaints will be established by the Projects and the Principal Contractor(s).'</i> In addition, it also states that: <i>'At relevant milestones, information on the programme of works and associated activity will be communicated through a variety of methods to ensure people are informed on what they can expect to see and experience through the construction. These might include newsletters, website updates and information events.'</i></p> <p>A Communications and Public Relations Procedure (OCPRP), would form part of the final CoCP. The requirement for the contractor to agree a detailed CoCP is secured by Requirement 19 of the Draft DCO (Revision 4) [AS-130]. A OCPRP will be developed and implemented throughout construction to ensure that all onshore associated stakeholders including local residents, parish and town councils and businesses are kept informed of construction activities. This would include notification of any significant night works which may include additional construction lighting requirements.</p> <p>Given the commitments already included in the OCoCP (Revision 2) [AS-094] the Applicants do not propose to provide any further updates.</p>
7.81	<p>The submitted documents state there will be no operational lighting. Should lighting be required for the converter stations, such as security lighting, ERYC would request there are requirements imposed to agree this beforehand.</p>	<p>There is no 'continuous' permanent lighting at the Converter Stations. However, operational lighting within the compound would be required during working hours.</p> <p>Chapter 5 Project Description [APP-071], para 362 (page 143) states: <i>'Certain areas of the Onshore Substation Zone would have permanent light fittings; however, these lights would only be used when required for unscheduled maintenance or emergency repair purposes. Lighting during onshore operation and maintenance activities is expected to be minimal. External lighting would be directional and limited to essential security and safety requirements. There would be no continuous lighting. A detailed assessment of lighting requirements would be defined at detailed design. Lighting details are also included in the Design and Access Statement (Volume 8, application ref: 8.8).'</i></p> <p>The Design and Access Statement [APP-233] includes further details in section 4.3.3.7 – Lighting. Key points include:</p> <ul style="list-style-type: none"> • The Onshore Converter Stations will only require lighting during maintenance and operational visits for health and safety and security reasons. Areas that will likely require lighting include: <ul style="list-style-type: none"> ○ Key routes; ○ Wayfinding; ○ Safety signage; and ○ Building entrances.

I.D.	Key Issues	Applicants' Response
		<ul style="list-style-type: none"> Lighting should only operate when required and be directional within the site boundary only There would be a need to maintain dark corridors around the site for ecological and habitat <p>Requirement 22 of the Draft DCO (Revision 4) [AS-130] 'Control of artificial light emissions' states: 'The Onshore Converter Stations must not be brought into operation until a written scheme for the management and mitigation of artificial light emissions during the operation of the Onshore Converter Stations has been submitted to and approved by ERYC. Any scheme approved must also be implemented as approved':</p>
7.82	<p><u>Air Quality</u></p> <p>The Council's Public Protection officers have reviewed the information submitted and agree with the assessment and mitigation in the Environmental Statement, Volume 7, Chapter 26 – Air Quality by RWE (dated June 2024, report ref: Application Reference: 7.26 APFP Regulation: 5(2)(a) Revision: 01) submitted by the applicant.</p>	<p>The Applicants acknowledge this comment and no action is required.</p>
7.83	<p><u>Land Contamination</u></p> <p>The Council's Public Protection officers have reviewed the Environmental Statement - Volume 7, Appendix 19-2 Geo-Environmental Desk Study and Preliminary Risk Assessment Report by RWE (dated June 2024, report ref: 7.19.19.2 APFP Regulation: 5(2)(a) Revision: 01) submitted by the applicant and concur with the recommendations enclosed within the report.</p>	<p>The Applicants acknowledge this comment and no action is required.</p>
7.84	<p><u>Visual Impact</u></p> <p>It is the opinion of ERYC that there will be a negative impact on properties close to the construction corridor whilst works are taking place, but given that these works are temporary and the low level nature the overall impact would be neutral. The converter station will have greater impact on properties in Bentley and from Butt Farm and is likely to appear very prominent and overbearing given the proximity. From Bentley the buildings would be very visible but as screen planting develops it is accepted this will diminish. Impact on Butt Farm would remain higher but could be lessened through appropriate screen planting. ERYC consider there would be an initial negative effect on both, but this will become neutral. However, that timescale could be lessened if more mature planting is included as recommended in the Landscape and Visual Impact section of this report.</p>	<p>The Landscape and Visual Impact Assessment (Chapter 23 Landscape and Visual Impact Assessment [APP-192]) identifies significant effects on views experienced at Butt Farm and Bentley village. The Onshore Converter Stations will be clearly visible in relatively close views. It is not considered that these impacts are so great as to potentially breach the Residential Visual Amenity Threshold, as described in guidance published by the Landscape Institute. Therefore, effects on views are not considered to impact on 'living conditions' at these locations.</p> <p>As part of the Project Change Request 2 [AS-152], the Onshore Converter Stations will be reduced in extent and will be located further from Butt Farm. While there is unlikely to be a reduction in the significance of effects, the change will further reduce the likelihood of breaches of the Residential Visual Amenity Threshold.</p> <p>The details of planting proposals, including plant sizes, will be subject to approval by ERYC, controlled by Requirement 10 of the DCO.</p>
7.85	<p><u>Conclusion</u></p> <p>EYRC consider that effects on living conditions can be mitigated through agreement of the Construction Environmental Management Plan and agreement of and adherence to the submitted construction code of practice. The DCO proposes construction working hours of 7am to 7pm. This may not be appropriate in all locations. ERYC would therefore suggest that the working hours are agreed for each phase of the development, but that could be through discharge of the condition. In addition it is requested that measures to prevent light pollution to nearby residents is agreed prior to installation, and community</p>	<p>Please refer to responses 7.76 and 7.80.</p>

I.D.	Key Issues	Applicants' Response
	<p>consultation takes place to agree measures prior to any extended or overnight construction activities close to residents. Subject to the mitigation proposed within the air quality and noise assessments, agreement of the final CEMP, and appropriate screening of the converter stations, that impacts could be neutral.</p>	
Heritage Assets including Archaeology		
7.86	<p>Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. This is embedded in both local and national policy. For the purposes of heritage policy an assessment of their significance should be made. This includes not only its physical presence, but also its setting, which is defined as the surroundings in which a heritage asset is experienced.</p>	<p>The Applicants acknowledge this comment. No response is required.</p>
7.87	<p><u>Built Heritage</u> The Council's Conservation Officer has stated that the route of the pipeline, the landfall zone and substation zone will have less than substantial harm to conservation areas and listed buildings. The proposed corridor does not cross any conservation areas or run close to clusters of listed buildings. Where it does, such as near Catfoss Hall and Cobble Hall (Catwick), the impact will be limited to the development phase, and even then, it would have only a minor potential impact.</p>	<p>The Applicant acknowledges this comment but would like to reaffirm that Appendix 22-5 - Onshore Infrastructure Settings Assessment [APP-178] identifies and assesses the impact on the significance of onshore heritage assets and has not identified any conservation areas or listed buildings that would be subject to harm as a result of change to setting.</p> <p>The Applicant assumes that the ERYC reference to 'pipeline' should instead refer to the 'Onshore Export Cable Corridor'.</p>
7.88	<p>The converter stations will be permanent and therefore have potential for greater impact on heritage assets. The L&VIA identified three heritage assets where there could be potential harm and photomontages have been produced to assess the impact on these assets including following mitigation screening where identified as required.</p>	<p>The Applicant acknowledges this comment but would like to reaffirm that that Appendix 22-5 - Onshore Infrastructure Settings Assessment [APP-178] identifies and assesses the impact on the significance of onshore heritage assets resulting from changes in their setting not the Landscape and Visual Impact Assessment.</p> <p>Cultural heritage specific viewpoints were presented and discussed at a Joint Landscape and Visual Impact Assessment and Archaeology and Cultural Heritage ETG meeting on 13 December 2022 where all viewpoint locations were agreed (section 22.5.2, Appendix 22-5 - Onshore Infrastructure Settings Assessment [APP-178]).</p> <p>The photomontages have been produced to relevant professional standards (section 23.4.4.7, Chapter 23 Landscape and Visual Impact Assessment [APP-192]) and shows 'worst case' scenario within parameters outlined in section 5.7.2 of Chapter 5 Project Description [APP-071].</p> <p>These photomontages are an aid to assessment, and cannot by their nature consider all views that contribute to significance nor how those views contribute to significance. These points are addressed in the assessment in Appendix 22-5 - Onshore Infrastructure Settings Assessment [APP-178].</p>
7.89	<p>Risby Hall – a registered park and garden approximately 1.6km to the south-west of the converter station zone which survives in the form of earthworks, canals and walkways. It is set within a rural setting within a shallow valley with strong woodland edges and views into the valley, with fishing lakes within the valley. The site has been identified for an assessment of views from within it and the photomontages indicate that that there would be no key views affected given it is located in a shallow valley with strong</p>	<p>The Applicant agrees that any effect would be neutral overall, but disagree that there would be any harm to the significance of Risby Hall Registered Park and Garden.</p> <p>The Applicant agrees that the setting and associated heritage significance of Risby Hall Registered Park and Garden would not change in views from within the grounds themselves. Some change to the wider setting of the Registered Park and Garden may be experienced from immediately outside the northern and eastern outer</p>

I.D.	Key Issues	Applicants' Response
	<p>woodland edges. On that basis the effect can be considered less than substantial and the local impact would be neutral</p>	<p>perimeter of the park, where views of the Onshore Substation Zone are likely to be possible. It is not considered, however, that this visibility will affect the contribution of the setting to the architectural value of the park, which derives from the designed set-piece views from within the park or to its historic value, which derives from the survival of a coherent 18th-century garden layout within a wider agricultural landscape.</p> <p>As such, it is the Applicant's position that (as outlined in section 22.5.6.9, Appendix 22-5 - Onshore Infrastructure Settings Assessment [APP-178]) there would be no change to the elements of the setting of the asset that contribute to its value, and consequently, the significance of the asset would remain unaffected.</p> <p>In this context, the applicant notes the reduced prominence of the proposed Onshore Converter Station that would derive from the Project Change Request 2 [AS-152], at the Substation Zone which has now been accepted [PD-012], compared to the layout considered in the LIR.</p>
<p>7.90</p>	<p>Black Mill – Grade II listed building which is the remains of a former windmill located on Beverley Westwood approximately 2.2km north of the converter station site. Photomontages submitted with the L&VIA indicate there would be no key views affected and on that basis the effect can be considered less than substantial and the local impact would be neutral.</p>	<p>The Applicant agrees that any effect would be neutral overall but disagrees that there would be any harm to the significance of Black Mill.</p> <p>The Applicant agrees that no key views would be affected by the presence of the Onshore Substation Zone. As such (as outlined in section 22.5.6.2, Appendix 22-5 - Onshore Infrastructure Settings Assessment [APP-178]) there would be no change to the elements of the setting of the asset that contribute to its value, and consequently, the significance of the asset would remain unaffected.</p> <p>In this context, the applicant notes the reduced prominence of the proposed Onshore Converter Station that would derive from the Project Change Request 2 [AS-152], at the Substation Zone which has now been accepted [PD-012], compared to the layout considered in the LIR.</p>
<p>7.91</p>	<p>Butt Farm WWII Anti-Aircraft Battery – a scheduled ancient monument. The monument includes standing, earthwork and buried remains of a World War II heavy Anti-aircraft (HAA) gunsite, known as both Station H31 and Walkington gunsite in official records. It includes the functional core of the gunsite of four emplacements and the command post, located 350m west of Butt Farm and approximately 135m to the north of the converter station site. Photomontages of the site show that its setting would be substantially harmed by the proposed converter station buildings due to their closeness and size. The ERYC conservation officer has stated that in meetings with the developer's team and Historic England it has become clear that the proposals put forward for mitigating the visual impact of the proposed connector station on the scheduled World War II anti -aircraft emplacement are unlikely to be adequate and it may not be possible for the developer to mitigate adverse visual impacts, so there could be compensation through implementing mechanisms to facilitate an improved visitor experience or greater public benefit to be derived from the monument. Historic England would need to comment on the impact on the scheduled monument and the adequacy of mitigation or compensatory measures, However, ERYC consider there would be substantial harm caused to the setting of the scheduled monument but are mindful of advice at para. 207 of the NPPF which provides for consideration of substantial public benefits. In this case it is recognised that the scheme would provide substantial public</p>	<p>As noted in the response to comment 7.88, the applicant notes that impact on the significance of onshore heritage assets resulting from changes in their setting is considered at Appendix 22-5 - Onshore Infrastructure Settings Assessment [APP-178] rather than in the Landscape and Visual Impact Assessment.</p> <p>The ES assessment considers, in line with Historic England GPA2 and GPA3 that the principal contribution of significance of the heritage asset is from its historic interest, with contribution from its archaeological value. The gun emplacements form a visible relict of a larger defensive scheme that is associated with the defence of Hull in WWII and a well-preserved example of this type of emplacement (albeit the remainder of the site is no longer manifest).</p> <p>As mentioned in the response to 7.88 above, the photomontage is an aid to assessment, and cannot by its nature consider all views that contribute to significance nor how those views contribute, these points are addressed in the assessment in at Appendix 22-5 Onshore Infrastructure Settings Assessment [APP-178] and summarised below:</p>

I.D.	Key Issues	Applicants' Response
	<p>benefits both in terms of energy production and to the move towards cleaner energy, and on that basis consider the local impact would be neutral.</p>	<ul style="list-style-type: none"> • The key views out from the Heavy Anti-Aircraft (HAA) gunsite are to the north and west reflecting its designed field of fire. With the Onshore Converter Stations located to the south these key views would remain unchanged. • The Heavy Anti-aircraft gunsite is well screened in views from the north and west in which the Onshore Converter Stations would appear by the hedgerow that it is built into. There are very few third-point views in which the Heavy Anti-aircraft gunsite is discernible that would be affected by the Onshore Converter Stations. • Views to and from Butt Farm farmhouse (approximate position of the WWII battery headquarters and command structures) would also remain unchanged. • Views from the wider HAA battery site to the scheduled elements would also be away from the Onshore Converter Station. <p>The Applicant strongly disagrees that the setting of the World War II HAA gunsite would be substantially harmed by the proposed convertor station building. For a harm of this magnitude to arise solely through change to setting, the vast majority of the significance of the asset would need to derive from its setting, and all, or approaching all of the contribution of that setting would have to be lost. In this case, much of the value of the asset is intrinsic to its fabric, which would not be affected, and key elements of the setting comprising the designed fields of fire and the relationship to the wider battery site and views of the gun emplacements from that wider battery site, that contribute to setting would be preserved (NPS EN-1 5.9.15).</p> <p>The Applicant notes ERYC's comment that any harm could be adequately mitigated, and further notes the reduced prominence of the proposed Onshore Converter Station that would derive from the Project Change Request 2 [AS-152], at the Substation Zone which has now been accepted [PD-012], compared to the layout considered in the LIR.</p>
7.92	<p>Beverley Minster – a Grade I Listed Building which is visible from a wide area. Retention of views both of the Minster and from it are important. ERYC accept that the L&VIA has demonstrated that key views of the Minster, and from its tower, would not be substantially harmed by the proposal. In that respect the local impact would be neutral.</p>	<p>The Applicant notes that impacts on the significance of onshore heritage assets resulting from changes in their setting are considered at Appendix 22-5 - Onshore Infrastructure Settings Assessment [APP-178] rather than the Landscape and Visual Impact Assessment.</p> <p>The Applicant agrees that the overall effect on Beverley Minister would be neutral but disagrees with the suggestion that there would be harm to significance. As outlined in the ES, the proposed Onshore Converter Station will not be visible in views of Beverley Minster (1084028) from within Beverley, however, there is likely to be visibility of the Onshore Converter Station in views from the tower of the Minster to the south, in which it would be viewed as a distant element of the wider landscape. However, this is not considered to affect its heritage significance, which is derived largely from its architectural, archaeological, artistic and historic interests; which are most clearly experienced in the closer views of the Minster within the town and from the wider landscape around the town where the towers of the Minster from landmark features. There would be no change to the elements of the setting of the asset that contribute to its value, and consequently, the significance of the asset would remain unaffected.</p>

I.D.	Key Issues	Applicants' Response
		<p>In this context, the applicant notes the reduced prominence of the proposed Onshore Converter Station that would derive from the Project Change Request 2 [AS-152], at the Substation Zone which has now been accepted [PD-012], compared to the layout considered in the LIR.</p>
7.93	<p><u>Archaeology</u></p> <p>The Council's archaeology officer has identified concerns with the way the archaeological evaluation has been carried out, as some areas of the route have been trial trenched before the granting of the DCO whereas others have not. The areas where trial trenching has been focussed have been the key zones such as the landfall, the new connector station at Creyke Beck and areas close to the scheduled monument at Nunkeeling. This has been useful in ensuring avoidance of some archaeological remains, such as the medieval settlement site at East End Garths, Skipsea but means that large lengths of the route may have as yet undiscovered archaeological remains which if discovered after the acceptance of the NSIP application will be very difficult to avoid. The route has been assessed archaeologically using non-intrusive techniques such as geophysics. Recent work in the Holderness area of East Yorkshire suggests that geophysics on the local geology of East Yorkshire is about 78% reliable in predicting archaeological potential. Consequently in the areas subjected to trial trenching there can be high confidence that the most significant archaeological remains will have been identified and if necessary can be avoided, but in areas that have not been trial trenched this can be no higher than 78%.</p>	<p>All archaeological work to date has been signed off by Humber Archaeology Partnership (HAP), and the Outline Onshore Written Scheme of Investigation (OWSI) [APP-239] has been developed in line with comments received by HAP.</p> <p>The Applicant has carried out a level of survey that has been agreed is sufficient to provide an assessment of significance of the archaeological resource and the principle of archaeological mitigation, although further survey is required to define the exact form and nature of the final mitigation. Mitigation proposals set out in the outline WSI allow the response to identified archaeological remains to be scaled as suggested by ERYC/HAP.</p> <p>The Applicant has carried out geophysical survey by magnetometry of 100% of the areas where survey is practicable (excludes roads, woodland, water rivers etc) within the Order Limits excluding roads, woodland, hedges etc. The final Geophysical Assessment Report (Revision 02) [AS-029 to AS-035] was submitted to PINS in November 2024 at draft Deadline 1.</p> <p>The Applicant has carried out archaeological trial trenching over approximately 36% of the Order Limits with an average area sample of around 2%. These areas have been focused on fixed infrastructure areas and areas of highest archaeological potential as suggested by geophysical and desk-based survey. These include the Landfall and Substation areas in 2023 and discrete sections of the cable route in 2024 (Catfoss (Section 5), Nunkeeling (Section 3)), some of which can potentially be avoided by micro-siting or directional drill as a result.</p> <p>The progress of the archaeological evaluation has been driven largely by the ability to gain access to specific land parcels. The Projects note ERYC/HAP's advice on the value of geophysical survey, and to address this uncertainty, the OWSI [APP-239] sets out a process to allow for further intrusive surveys to inform more detailed mitigation proposals to be developed in areas not yet subject to intrusive evaluation. The Projects further note, however, that where geophysical survey has been tested on this project, it has provided a realistic understanding of the location and nature of identified concentrations of archaeological remains, and trial trenching has not identified any 'sites' that had not previously been inferred by the combined analysis of desk-based data, geophysical and aerial photographic surveys</p> <p>The Applicant would like to take this opportunity to confirm that the deserted medieval site at Nunkeeling is not scheduled, but is acknowledged as a particularly significant non-designated heritage asset.</p>
7.94	<p>Aside from the capacity for avoidance, however, it is accepted that the archaeological potential of the route will be adequately defined and that suitable mitigation proposals will be implemented. In essence these suitable proposals should be archaeological excavation in areas of higher potential, strip, map and</p>	<p>The Applicants acknowledge this comment and no action is required.</p>

I.D.	Key Issues	Applicants' Response
	<p>record in areas of lower potential and watching brief in areas of undefined potential, with the proviso that if the recognition of potential changes during the implementation of mitigation, the level of mitigation can be varied to meet the new recognised level of potential.</p>	
7.95	<p><u>Conclusion</u></p> <p>The development does not cross any conservation areas or impact significantly on listed buildings. The impact on these heritage assets is considered less than substantial and can be considered a neutral impact on the ERYC area. ERYC are aware of concerns about proximity to Butt Farm scheduled monument and consider that the effect on the scheduled monument will be substantial, but accept that with mitigation this should be weighed against the substantial public benefits of the windfarm proposal. Detailed comments are therefore deferred to Historic England expertise.</p>	<p>As outlined above the Applicant agrees with the overall conclusion of a neutral effect with regard to Black Mill, Risby Hall and Beverly Minister but disagrees with ERYC's suggestion that there would be a degree of harm to the significance of these heritage assets.</p> <p>The Applicant disagrees with ERYC's assessment of substantial harm to the significance of the Butt Farm scheduled monument but acknowledges ERYC's view that effects on Butt Farm can be adequately mitigated regarding deferring detailed comments to Historic England expertise and will continue to engage with HE on this matter. It is worth noting that ERYC submitted their LIR prior to the acceptance of Project Change Request 2 [AS-152] by the ExA on 21st January 2025 [PD-012]. The reduction in the Onshore Converter Station(s) footprint would reduce the overall massing and consequently reduce the visual intrusion of the Onshore Converter Station(s) in views south from the Heavy Anti-aircraft gunsite, 350m west of Butt Farm (NHLE 1019186). The Applicants would like to highlight the beneficial outcome as a result of Project Change Request 2 [AS-152].</p>

Comments on proposed conditions within the DCO

7.96	<p>At this stage it is considered that the matters set out within the conditions and the wording of the conditions is a suitable reflection of the application and meets the tests for conditions. However, the following comments and requests are made:</p> <ul style="list-style-type: none"> - Condition 9 - Details of the converter station – it is requested that the establishment of a design panel as referenced in the D&A Statement is made a requirement to be set up and the design finalised prior to details being submitted to the LPA for approval. - Condition 9 – ERYC consider this condition should also specify some design parameters, especially related to height (24m) and footprint. The L&VIA and proposed mitigation has all been based on the sizes indicated in the Design and Access Statement so there should not be scope in the condition to permit larger buildings. - Condition 10 - Construction and operational drainage – to specify a SUDS approach and incorporate into the landscape mitigation measures. - Condition 20 - Construction hours – replace 7am to 7pm with a period to be agreed with the LPA for each phase. The hours proposed are potentially too long in some phases where receptors are closer, although may be acceptable in others. - Condition 23 Protected species surveys and mitigation – this does not appear to be lawful. Mitigation should be established prior to consent being granted not precommencement. - Condition 25 - Restoration of land to former condition – suggest a record is required to confirm the previous condition. 	<p>Requirement 9 – please see responses to 7.15 and 7.16 above.</p> <p>Requirement 10 – section 1.5.2 and 1.5.4 of the OLMP (Revision 2) [AS-096] has been updated with clarification that the SuDS design would be landscape-led following comments from the ERYC. Paragraph 30 of the OLMP states (p.16) <i>'The detail of the landscape treatment in this area will be developed in the final LMP based on the final design of the drainage works. This will help further inform the planting design along the eastern boundary. The SuDS design, set out in the Outline Drainage Strategy (Revision 2) [APP-237] would be approached in a landscape-led manner. Landscape professionals would work collaboratively with the SuDS engineers to produce a design which maximises landscape benefits. The detailed design would be progressed at to best integrate the SuDS into the landscape and provide enhanced ecological benefits, where possible.'</i> The final LMP will need to be approved by ERYC as secured by Requirement 10. Therefore, no amendments to Requirement 10 are proposed in relation to this point.</p> <p>Requirement 20 – please see response to 7.76 above.</p> <p>Requirement 23 – the Applicants amended this requirement in Revision 3 of the Draft DCO [AS-120] to address concerns previously raised by ERYC. Due to the mobile nature of many protected species and the length of time between pre-application surveys and the start of construction, it will be necessary for pre-construction surveys to be carried out to ascertain the presence (or not) of protected species within the Order limits. Where any protected species are found, construction of the relevant phase of the onshore works cannot commence until a European Protected Species</p>
------	--	--

I.D.	Key Issues	Applicants' Response
		<p>licence has been granted by the relevant statutory nature conservation body. All relevant mitigation measures are included in the Outline Ecological Management Plan (Revision 3) [AS-114], based on the relevant survey information as agreed with the ERYC.</p> <p>Requirement 25 – The OCoCP, which is secured by Requirements 19 of the Draft DCO (Revision 4) [AS-130] will be updated at Deadline 1 to make reference to the requirement for a schedule of Condition, rather than updating the wording of Requirement 25 directly.</p>
CONCLUSION		
8.1	Energy development in the countryside is supported subject to assessment of specific local impacts outlined in policy EC5. These reflect national advice. National and Local Planning Policy offers support in principle to energy development and this report sets out the Local Impacts.	The Applicants acknowledge this comment. No response is required.
8.2	The LVIA in most parts provides an accurate assessment of the visual and landscape impacts of the development and the design generally provides good levels of mitigation in terms of the use of both existing and proposed landscape features. However, there are omissions from the LVIA in terms of views from the A164 taking into account current improvement works, and from Broadgate on the edge of Beverley Westwood which does not include temporary construction compounds. Significant impacts are identified at the local level in terms of impacts of the converter station(s) and therefore recommendations are made with regard to landscaping delivery. The Council is of the view that the cable corridor and landfall, due to their temporary nature and mitigation/reinstatement, would have a neutral local impact in terms of landscape and visual amenity. The converter stations would have a significant impact on nearby residential properties in Bentley and surrounding houses/farms and on the adjoining scheduled monument, but impacts could be lessened through appropriate screen planting.	<p>An additional photomontage from a location on the A164 will be prepared to take account of changes to the baseline. This will include Year 1 and Year 10 views, and will be submitted at Deadline 2. This photomontage will have also taken into account Project Change Request 2 [AS-152] and show the change to the Onshore Substation Zone. The smaller footprint of the Onshore Converter Station(s) would reduce the overall massing and consequently reduce the visual intrusion of the Onshore Converter Station(s) in views experienced from Viewpoints 1 –Viewpoint 4 as reported in Project Change Request 2 [AS-152].</p> <p>There will be no visibility of the Proposed Development from the Beverley Westwood, and views from Broadgate are likely to be limited. The zone of theoretical visibility (ZTV) map shown in Figure 23-2 [PDA-010] shows worst-case visibility, which would be further reduced by trees and hedges in the landscape. Viewpoint 4 Oriel Close (Figure 23-10 [PDA-010]) and Viewpoint 3 Beverley 20 near Broadgate (Figure 23-9 [PDA-010]) are both representative of views from Broadgate itself.</p> <p>Consideration has been given to what detail can be shown in a visualisation from Viewpoint 3, in order to provide an indication of the extent of construction compounds as shown in Appendix A of this document. This Viewpoint is not reflective of the change to the Onshore Substation Zone as a result of Project Change Request 2 [AS-152]. Viewpoint 3, reflective of Project Change Request 2 [AS-152] will be made available at Deadline 2.</p> <p>The locations of all viewpoints were agreed with ERYC through a series ETG meetings, as set out in the Statement of Common Ground [document ref: 9.2], ID 104.</p> <p>The landscape and visual impacts of the Onshore Converter Stations are set out in Chapter 23 Landscape and Visual Impact Assessment [APP-192] and Project Change Request 2 [AS-152] section 3.6. Paragraph 418 of the ES concludes that significant effects will be contained within an area bounded approximately by the A1079 to the north, the A164 to the east, and Copleflat Lane to the south and west.</p>

I.D.	Key Issues	Applicants' Response
		<p>Project Change Request 2 [AS-152] concludes that no new or different Landscape and Visual related likely significant effects are anticipated as a result of the proposed change.</p> <p>The details of planting proposals, provided in the Outline Landscape Management Plan (Revision 2) [AS-096], will be subject to approval by ERYC, controlled by Requirement 10 of the DCO.</p>
8.3	<p>The submitted HRA and Ecology Surveys are considered to provide an accurate assessment of the Biodiversity and Ecology impacts of the development and rules out any likely significant affects, subject to the mitigation and recommendations set out in the report being considered at the Hearing Sessions.</p>	<p>Any points raised in regard to the ecology surveys and associated mitigation were either discussed in the ISH2 or the Applicants have since provided written responses following the publication of Action Points from the ExA following the ISH2. These responses are included within The Applicants' Responses to January 2025 Action Points [document reference 11.6].</p>
8.4	<p>The submitted information is considered to provide an accurate assessment of the impact on the local highway network both during construction and operation. The Council therefore considers that subject to the necessary mitigation measures in the outline CTMP and to be agreed, that impact on local highway network would be neutral.</p>	<p>The Applicants welcome confirmation that the information submitted provides an accurate assessment of the impact upon the local highway network and that subject to the necessary mitigation measures detailed within the Outline CTMP (Revision 2) [AS-020], that the impact on the local highway network would be neutral. The Applicants note that the ERYC have also confirmed (at I.D. 7.58) that the content of the Outline CTMP (Revision 2) [AS-020] is acceptable.</p> <p>The requirement to produce and agree a final CTMP (in accordance with the Outline CTMP (Revision 2) [AS-020]) with the ERYC is secured by Requirement 14 of the Draft DCO (Revision 4) [AS-130].</p>
8.5	<p>Subject to the final drainage strategy surface water and foul water details the scheme would have a neutral impact in flood risk and drainage terms. Trenchless crossings of watercourses is however requested wherever possible.</p>	<p>See response 7.69, above.</p>
8.6	<p>The level of harm to heritage assets would be less than substantial in all cases except the Butt Farm scheduled monument. Further consideration of screening and mitigation is required to lessen the impact.</p>	<p>As outlined in the responses to 7.86 to 7.95 above the Applicants agree with the overall conclusion of a neutral effect with regard to Black Mill, Risby Hall and Beverley Minister. The Applicant, however, disagrees that there will be any element of harm to the significance of heritage assets apart from the Butt Farm Scheduled Monument. Similarly, as outlined in the response to 7.91, the Applicant disagrees that there would be substantial harm to the setting of the Butt Farm Scheduled Monument.</p> <p>The Applicants are in discussions with Historic England to develop a suitable mitigation offering at Butt Farm.</p>
8.7	<p>East Riding of Yorkshire Council may wish to make further representations, as appropriate, during the examination.</p>	<p>The Applicants acknowledge this comment. No response is required.</p>
Committee Meeting Minutes Comments		
9.1	<p>At the meeting, the Executive Director advised the Committee of the following updates:-</p>	<p>The Applicants acknowledge this comment. No response is required.</p>

I.D.	Key Issues	Applicants' Response
	Public Protection - Having reviewed all the information considered that there were appropriate conditions for the protection of residential amenity	
9.2	Planning Officer - Comprehensive landscaping was well considered, however reference would be made to the potential cumulative impact of the converter stations. The landfall of the cable cut through a Coastal Change Management Area. The Coastal Change Management Team had been consulted and its comments would be brought to the Inspector's attention.	Noted. However, awaiting comments from the Coastal Change Management Team at ERYC.
9.3	Resolved - (a) That the Committee approves the contents and recommendations set out within the Local Impact Report subject to the amendments referred to above; (b) that the following additional points be submitted to the Planning Inspectorate as representing this Committees' further comments on the proposal:-	The Applicants acknowledge this comment. No response is required.
9.4	i. the use of non-trench options for cabling which will mitigate the impact on highway infrastructure is welcomed;	The Applicants acknowledge this comment. No response is required.
9.5	ii. the need to get to the completion point of the scheme at the earliest opportunity to minimise the impact on residential amenity;	The Applicants acknowledge this comment. No response is required.
9.6	iii. the emphasis on the need for the scheme to benefit local businesses and local job creation;	The construction of the projects would generate short-term employment. As reported in Chapter 28 Socio-economics [APP-217], based on the indicative construction programme, at its peak the construction of the Projects concurrently is expected to support 1,520 jobs in the Humber Region and 2,390 jobs across the UK. The operation and maintenance of the Projects concurrently are expected to support each year a total of 810 jobs in the Humber Region and 1,120 jobs across the UK. This would support almost £1 billion Gross Value Added (GVA) in the UK, including £400 million GVA in the Humber Region during the development and construction. The job creation would have a beneficial impact on the projected declining working age population in the Humber Region.
9.7	iv. the harm that the development will cause to the scheduled ancient monument of Butt Farm WWII Anti-Aircraft Battery and ensuring heritage harm is correctly balanced against wider public benefits generally and that due to the harm the Inspector be requested to carry out a site visit to the site;	The Applicants acknowledge this comment. The Applicant submitted a Suggested Itinerary for an Accompanied Site Inspection [PDC-006] by the ExA to the Butt Farm site in January 2025.
9.8	v. an expectation that there will be a need for operational lighting and security lighting at the converter stations given their national significance which needs to be assessed in terms of visual impact;	See Response 7.81, above.
9.9	vi. the need for robust fire security measures at the converter stations;	As detailed in Chapter 6 EIA Methodology [APP-076] section 6.7.6.1 'Major Accidents and Disasters' no significant risks from major accidents and disasters have been identified given the measures in place to mitigate any risks. Table 6-11 of the ES Chapter has considered the potential for fire at the Onshore Converter Stations and states that "Hazards at the Onshore Converter Stations potentially include oil insulated circuit breakers, transformers and generators. The highest appropriate levels of fire protection and resilience will be specified for the Onshore Converter Stations to minimise fire risks. The Onshore Converter Stations are also located away from populated areas

I.D.	Key Issues	Applicants' Response
		<p><i>(see Volume 7, Chapter 4 Site Selection and Assessment of Alternatives (application ref: 7.4). The Applicants will ensure all relevant regulations requiring fire safety are rigorously applied, and that any additional permits or consents relating to the Onshore Converter Station are applied for if required.)</i></p>
9.10	<p>vii. the strengthening of the wording within the ecology conditions to include 'must' rather than 'should', as well as the need for mitigation to be established prior to consent being granted not at the pre-commencement stage;</p>	<p>The Applicants have reviewed the Draft DCO (Revision 4) [AS-130] Requirement 12 (ecological management Plan) and Requirement 23 European protected species: onshore and no reference to 'should' is included.</p> <p>Requirement 23 European protected species was updated in responses to relevant representations, in December 2024 (Revision 3 of the Draft DCO [AS-120]). All relevant mitigation measures are included in the Outline Ecological Management Plan (Revision 3) [AS-114], based on the relevant survey information as agreed with the ERYC.</p>
9.11	<p>viii. concern that there are no specific details of the converter stations which could have an impact on whether this is acceptable, would like to ensure a design panel is required to consider the details of the converter stations which should include relevant ward councillors, and</p>	<p>Please see responses to 7.15 and 7.16 above.</p>
9.12	<p>ix. the futureproofing of the trenching and non-trenching of the cableways to ensure that there are opportunities for cable route sharing in the event other schemes come forward in the future, or there is a need to enhance or upgrade the scheme at a later date;</p>	<p>The Applicants are not proposing to include infrastructure for other Projects, as part of this Application. However, the cable ducts for the second Project will be laid when the first Project is constructed, as discussed in section 5.8.2.3 of Chapter 5 Project Description [APP-071].</p>

Appendix A An additional visualisation for Viewpoint 3 showing the extent of the Temporary Construction Compound and 2.4m fence



Baseline photograph



OS reference:	501312 E 437238 N
AOD (Above Ordnance Datum):	37.81 m
Direction of view:	135°
Horizontal field of view:	90° (cylindrical projection)

Vertical field of view:	27°
Image Enlargement Factor:	96%
Paper size:	841 x 297 mm (half A1)
Correct printed image size:	820 x 250 mm

Camera:	NIKON D750
Lens:	Nikkor AF 50mm f/1.8D
Camera height:	1.5 m (above AOD)
Date and time:	17/01/2023 12:55

Data Sources:	Topography to inform AOD heights: 1m National LiDAR programme DTM (2020), Environment Agency
	3D model informed by Site option layouts and development height parameters provided by Royal Haskoning
	DHV on 11/10/2023.

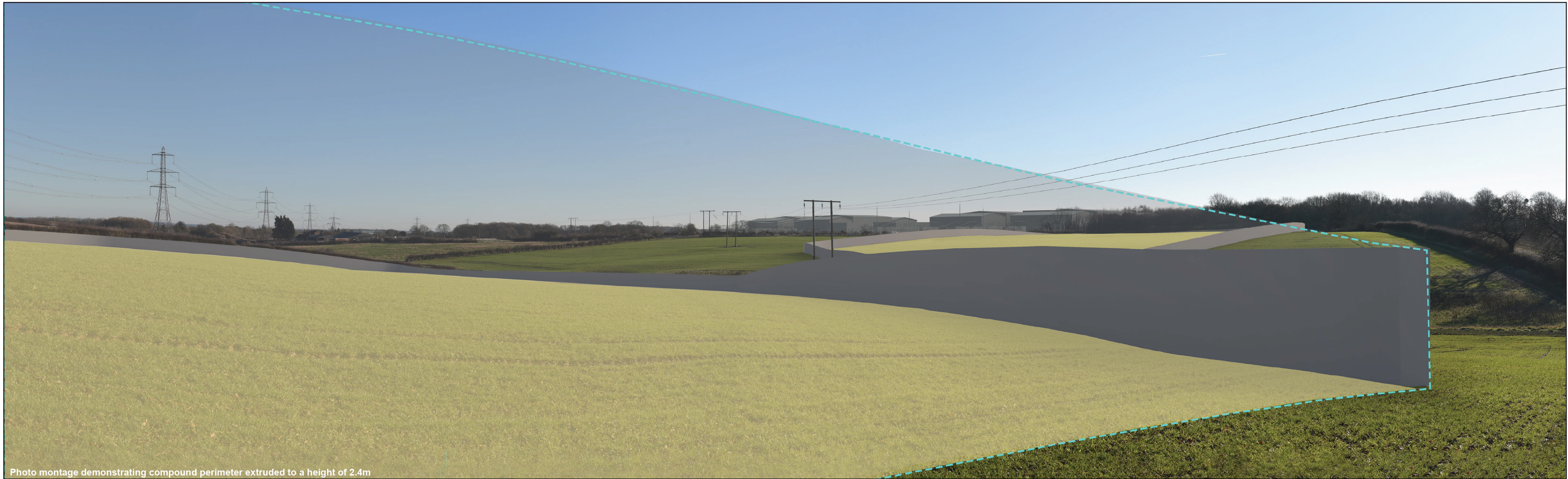


Photo montage demonstrating compound perimeter extruded to a height of 2.4m



OS reference: 501312 E 437238 N
 AOD (Above Ordnance Datum): 37.81 m
 Direction of view: 135°
 Horizontal field of view: 90° (cylindrical projection)

Vertical field of view: 27°
 Image Enlargement Factor: 96%
 Paper size: 841 x 297 mm (half A1)
 Correct printed image size: 820 x 250 mm

Data Sources:
 Topography Digital Terrain Model (DTM) uses 1m National LIDAR programme (2020) Environment Agency data and Ordnance Survey OST50 data.
 Platform height of Western HVDC at 33.45m AOD and Eastern HVDC at 30.4m provided by Royal Haskoning on 12/10/2023

Appendix B Impact Assessment Conservation Payment Certificate (IACPC)



Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate

T. 020 8026 1089
E. gcndll@naturalengland.org.uk

The appropriate authority shall not grant a licence under Regulation 55(9)(b) unless they are satisfied that actions authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

This Certificate is provisional once all information required in sections 1, 2, 3 and 4 has been inserted by Natural England and it has been issued to the Applicant. A provisional Certificate shall be given the date inserted by Natural England in section 4. A Certificate remains provisional until:

- It has been signed and dated by the Applicant in section 6; and
- Natural England's administration fee has been invoiced for and (if applicable) the 1st Stage Conservation Payment has/have been paid; and
- It has been counter-signed and dated on behalf of Natural England in section 8.

At which point this Certificate shall be complete and effective and shall be given the date on which it is signed by Natural England in section 8.

A provisional Certificate that determines that a 1st Stage Conservation Payment is required will lapse after 6 weeks from the date given in section 4, unless signed and dated by the applicant in Section 6.

A provisional Certificate that determines that a 1st Stage Conservation Payment is *not* required will lapse after 3 months from the date given in section 4, unless signed and dated by the applicant in Section 6.

Lapse date: 29/05/2024

1. Application Details

(1.1) Name of Applicant: (and company number where relevant) "the Applicant"	██████████ - Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited. (Registered numbers: 13656240-13656525) Windmill Hill Business Park, Whitehill Way, Swindon, Wilts, SN5 6PB
(1.2) Site name / address: "the Site"	Dogger Bank South Wind Farm. Beverley Bypass Woodmansey, East Riding of Yorkshire, HU17 0RN (nearest).
(1.3) Grid reference for site: 10 figure reference from the centre of the site (or start/end points for linear schemes)	TA 17215 57895 - TA 03767 35442
(1.4) District Level Licensing Enquiry number:	DLL-ENQ-SYNL-00077
(1.5) District Level Licensing Enquiry form date:	04/03/2024

2. Impact assessment

- 2.1 Total number of ponds within proposed site boundary
- 2.2 Total number of ponds within 250m buffer around the proposed site boundary
- 2.3 Expected total number of ponds functionally lost
All ponds within the red line boundary are considered lost as standard. Impacts on ponds outside of the red line boundary, up to 250m from the proposed site, are considered proportionally.
- 2.4 Does this development qualify for an alternative Impact Assessment approach?
- Householder Linear scheme
- Temporary Impacts Phased development
- Other

3. Compensation

- 3.1 Has the DLL enquiry been submitted with survey information, or has Natural England's modelled 'No-Survey' option been utilised? Survey No-Survey
- 3.2 Which Risk Zone does the development lie in:
(No Survey route only) Amber Zone Green Zone Combination Used for Linear schemes only
Any additional details
- 3.3 Associated Risk Zone compensation ratio:
(No Survey route only) Ratio is associated with the risk zone above it. 2:1 1:1 Other (Provide details below)
- 3.4 Pond compensation ratios:
(Survey route only) GCN 'Present' Ponds - 4:1
GCN 'Un-surveyed' Ponds - 2:1
GCN 'Absent' Ponds - 1:1
- 3.5 Additional Multipliers:
Applicable only under an alternative Impact Assessment approach e.g. Temporary impacts multiplier.
- 3.6 Number of compensation ponds required:
[Expected total number of ponds lost] x [compensation ratio(s)]
- 3.7 Is the Time-lag multiplier of 1.1x required?
Multiplier applied when allocated compensation ponds are under a year old (not yet fully functional). Yes No In Part
- 3.8 Total number of compensation ponds required
After all multipliers
- 3.9 Is a 1st Stage Conservation Payment required?
Mandatory when three or more compensation ponds are required, unless otherwise stated by Natural England. Yes No

4. Administration Fee and Conservation Payment

- 4.1 Natural England charges a non-refundable Administration Fee of £570 + VAT for the production of a provisional Impact Assessment and Conservation Payment Certificate. An invoice for this fee will be issued at the point of production of the provisional Impact Assessment and Conservation Payment Certificate, payable within 28 days of issue.
- 4.2 Applicants must also make a Conservation Payment to Natural England, to allow Natural England to pay for the creation of sufficient new great crested newt habitat to compensate for the impacts of the Applicant's proposals and maintain this habitat for 25 years.
- 4.3 If the total number of compensation ponds required is 3 or more the Conservation Payment shall be split into two staged payments: a 1st Stage Conservation Payment and a 2nd Stage Conservation Payment. In the case of a phased development, see Annex 4.
- 4.4 An Applicant who is not required to make staged payments will be issued with a VAT-inclusive invoice for the Conservation Payment once it has applied to Natural England for a GCN District Level Licence. That invoice will be payable within 28 days of issue and refundable only in the circumstances set out at clauses 5.8, 5.9 and 5.10, below.
- 4.5 An Applicant who is required to make a 1st Stage Conservation Payment will be issued with a VAT-inclusive invoice for that payment once it has signed the provisional Impact Assessment and Conservation Payment Certificate at section 6, below, and returned it to Natural England. That invoice will be payable within 28 days of issue and refundable only in the circumstances set out at clauses 5.8, 5.9 and 5.10 below. When an Applicant is required to make a 1st Stage Payment Natural England will not complete the Impact Assessment and Conservation Payment Certificate by signing and dating it at section 8 until that payment has been made.
- 4.6 An Applicant who has made a 1st Stage Conservation Payment will be issued with a VAT-inclusive invoice for the 2nd Stage Conservation Payment once it has applied to Natural England for a GCN District Level Licence. That invoice will be payable within 28 days of issue and refundable only in the circumstances set out at clauses 5.8, 5.9 and 5.10, below.
- 4.7 Except for householder home improvement projects or where planning permission has been received following a householder planning application a further non-refundable fee of £690 will be charged at the point of issue of any subsequent licence under reg. 55 of the Conservation of Habitats and Species Regulations 2017 (as amended), payable within 28 days of issue.

Basis of calculation of Conservation Payment:

5.1	compensatory ponds required at £ 17,215.00	each = £87,796.50	plus VAT = total	<u>£ 105,355.80</u>	.
	If a 1 st Stage Conservation Payment is required, the Conservation Payment shall be split as follows:				See 4.2 to 4.6, above
	1 st Stage Conservation Payment:	£23,562.00	plus VAT = total	<u>£ 28,274.40</u>	See 4.5, above
	2 nd Stage Conservation Payment:	£64,234.50	plus VAT = total	<u>£ 77,081.40</u>	See 4.6, above
Plus:					
	Administration fee for Impact Assessment and Conservation Payment Certificate	£570 plus VAT = total	<u>£684</u>		See 4.1, above
	Fee payable on the issue of a licence	<u>£690</u> (no VAT)			See 4.7, above
	Date:	17/04/2024			See clause 5.11, below

Additional comments on the Conservation Payment:

A breakdown of the Conservation Payment per pond is given at Annex 2.

The Conservation Payment must be made in full before a licence under regulation 55 of the Conservation of Species and Habitats Regulations 2017 (as amended) may authorise activities that would otherwise breach Regulation 43 of those regulations.

5. Further Important Information

- 5.1 It is the duty of the Applicant to inform Natural England if the extent of the land affected by the proposed development is not exactly as shown on the Plan attached as Annex 3 to this Certificate or if it alters at any time after the date of this Certificate. An offence may be committed if incorrect information is submitted to Natural England in the course of the licensing process.
- 5.2 Natural England shall be entitled to terminate this Certificate if information subsequently received causes it to reasonably conclude that the impacts on great crested newts, or the required level of compensation, of/for the Applicant's proposals on the Site have been under-stated in this Certificate. Before terminating this Certificate Natural England shall give the Applicant reasonable notice of its intentions and the opportunity to make a written representation against withdrawal.
- 5.3 This Certificate relates only to the development described in this form and not to any associated or enabling development.
- 5.4 Natural England's assessment of the total number of ponds to be lost at the Site is informed by the information provided by the Applicant in its Enquiry Form. However, where an Applicant has not provided up to date survey data Natural England determines the number of ponds to be lost at the Site from its own information. In all cases Natural England retains discretion in assessing the number of ponds to be lost as a result of the Applicant's proposals at the Site and its decision shall be conclusive.
- 5.5 This Certificate is not a licence granted under reg. 55 of the Conservation of Habitats and Species Regulations 2017 (as amended) (henceforth "the 2017 Regulations") and is not a confirmation or warranty that such a licence will subsequently be granted.¹ Natural England excludes all warranties and representations in so far as the law permits.
- 5.6 If Natural England subsequently grants a licence to the Applicant under reg. 55 of the 2017 Regulations any such licence will be subject to the conditions therein set out, which may include (but not be limited to) conditions that activities may not be commenced until the Applicant has paid the Conservation Payment in the amount and manner set out herein and that activities may not be commenced until compensatory works have reached a specified stage of completion.
- 5.7 If Natural England subsequently grants a licence to the Applicant under reg. 55 of the 2017 Regulations Natural England agrees to use and hold Conservation Payment monies payable by and received from the Applicant for the purposes and period of time set out in Annex 2 to this Certificate. Any surpluses properly arising after 25 years from the date of the grant of a licence shall be retained and used by Natural England for the purposes of enhancing the conservation status of great crested newts in England.
- 5.8 If planning permission or other essential regulatory consent (including a licence to the Applicant under reg. 55 of the 2017 Regulations) for the Applicant's proposals on the site are refused, or are not applied for, the 1st stage Conservation Payment(s) made by the Applicant to Natural England pursuant to this Certificate will be repaid in full.
- 5.9 If following the receipt of planning permission and/or all other essential regulatory consents but prior to the commencement of any works on the Site that could kill or disturb great crested newts or damage or destroy their habitat the Applicant confirms in writing to Natural England that it no longer wishes to proceed with its proposals on the Site any 1st Stage Conservation Payment already made shall be forfeit and any 2nd Stage Conservation Payment already made will be repaid subject to the deduction of such costs as have reasonably been incurred by Natural England or habitat creation contractors on its behalf prior to the receipt by Natural England of such written confirmation. An Applicant who was not required to make staged payments will be repaid any Conservation Payment already made subject to the deduction of such costs as have reasonably been incurred by Natural England or habitat creation contractors on its behalf prior to the receipt by Natural England of such written confirmation. The Applicant acknowledges that Natural England will spend the Conservation Payment in accordance with the provisions of Annex 2 and appreciates that for the purposes of conserving great crested newts it will be reasonable to spend a high proportion of the Conservation Payment within a short period of receiving it.
- 5.10 If the Applicant only carries out part of the development on the Site and has less impact than that assessed at part 2 of this Certificate it shall be entitled to request Natural England to recalculate the Conservation Payment. Such request shall be in writing and shall contain all the information necessary to allow Natural England to assess the impact of the modified development. If the recalculated Conservation Payment is lower than the Conservation Payment(s) already paid the Applicant shall be entitled to reimbursement of the difference on the following basis: a 1st Stage Payment shall be forfeit; the balance may be repaid from a 2nd Stage Payment subject to the deduction of such costs as have reasonably been incurred by Natural England or habitat creation contractors on its behalf prior to the receipt by Natural England of the request to recalculate; an Applicant who was not required to make staged payments will be repaid the difference subject to the deduction of such costs as have reasonably been incurred

by Natural England or habitat creation contractors on its behalf prior to the receipt by Natural England of such written request. The Applicant acknowledges that Natural England will spend the Conservation Payment in accordance with the provisions of Annex 2 and appreciates that for the purposes of conserving great crested newts it will be reasonable to spend a high proportion of the Conservation Payment within a short period of receiving it.

- 5.11 Once signed and dated in section 8, this Certificate shall remain effective for the period of 25 years from the commencement of works on the Site that could kill or disturb great crested newts or damage or destroy their habitat; save that if after two years from the date of this Certificate the Conservation Payment set out at part 4 of this Certificate has not been paid in full Natural England shall be entitled to review and revise the amount of that payment to such sum as at the date of such review is sufficient to pay for the creation and maintenance of sufficient great crested newt habitat to compensate for the impacts of the Applicant's proposals for 25 years. Until signed and dated in section 8 this Certificate is provisional only and if it has been determined that a 1st Stage Conservation Payment is required it will lapse and be of no further effect after 6 weeks from the date given in section 4. If it has been determined that a 1st Stage Conservation Payment is not required this Certificate will lapse and be of no further effect after 3 months from the date given in section 4.
- 5.12 This Certificate may not be relied on by any person other than the Applicant and may not be assigned to any other person without the prior written consent of Natural England. Natural England's consent will be conditional upon any assignee signing a Certificate in like form to this Certificate, or as appropriate to the circumstances, subject to which consent shall not unreasonably be withheld.
- 5.13 Natural England's total liability arising under or in connection with this Certificate, whether in contract, tort (including negligence or breach of statutory duty), misrepresentation, restitution or otherwise shall be limited to the amount of the Conservation Payment paid by the Applicant to Natural England and un-spent as at the date of adjudication of the claim.
- 5.14 The Applicant's total liability arising under or in connection with this Certificate, whether in contract, tort (including negligence or breach of statutory duty), misrepresentation, restitution or otherwise shall be limited to the amount of the Conservation Payment properly calculable on the basis of the actual development to which this Certificate relates.
- 5.15 Neither Natural England nor the Applicant shall be liable to the other for any indirect, special or consequential loss or damage or any loss of profits, turnover, business opportunities or damage to goodwill (whether direct or indirect).
- 5.16 No variation of this Certificate shall be valid unless it is in writing and signed by or on behalf of both parties.
- 5.17 Nothing in this Certificate shall prejudice, conflict with or affect the exercise by Natural England of its statutory functions (including as statutory consultee), purpose, powers, rights, duties, responsibilities or obligations arising or imposed under any legislative provision enactment, bye-law or regulation whatsoever, nor shall it fetter the exercise of any discretion Natural England may have.
- 5.18 Natural England may terminate this Certificate immediately on notice in writing where, in Natural England's reasonable opinion, compliance with the obligations in this Certificate is likely to conflict with Natural England's statutory functions (including as statutory consultee), purpose, powers, rights, duties, responsibilities or obligations.
- 5.19 The Applicant acknowledges that Natural England is subject to the requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (both as amended) and cannot guarantee confidentiality. The Applicant shall assist and co-operate with Natural England as necessary to comply with these requirements. In responding to a request for information, including information in connection with the subject matter of this Certificate Natural England shall where in its absolute discretion it deems necessary use reasonable endeavours to consult with the Applicant. Notwithstanding this the Applicant acknowledges that Natural England may disclose information without consultation, or following consultation with the Applicant having taken its views into account.
- 5.20 The Applicant shall ensure that all information produced in connection with the subject matter of this Certificate or relating to this Certificate is retained for disclosure and shall provide all necessary assistance as reasonably requested to enable Natural England to respond to a request for information within the time for compliance and shall permit Natural England to inspect such records as requested from time to time.
- 5.21 Nothing in this Certificate is intended to, or shall be deemed to, constitute a partnership or joint venture of any kind between Natural England and the Applicant. No party shall have authority to act as agent for, or to bind, the other party in any way.
- 5.22 The parties do not intend any term of this Certificate to be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person that is not a party to it.

- 5.23 This Certificate and all disputes or claims arising out of or in connection with the activities of the parties in connection with it shall be governed by and construed in accordance with the law of England.
- 5.24 The Annexes to this Certificate form part of and are incorporated into this Certificate and the agreement between Natural England and the Applicant.

6. Declarations

This Declaration may only be signed by either:

- The person identified at 1(a) of the Enquiry Form, as the individual Applicant; or
- A director or senior authorised employee of the corporate Applicant identified in 1.1; or in either case:
- A person authorised in writing by the Applicant to complete the Enquiry Form and to make this Declaration. *Any such written authorisation must identify the site and development concerned and be irrevocable.*

The Applicant declares as follows:

- All of the information provided by the Applicant to enable Natural England to produce this Certificate is up to date, complete and correct;
- All of the information provided by the Applicant in the District Level Great Crested Newt Licence Enquiry Form is up to date, complete and correct;
- The terms and conditions contained within this Certificate are agreed and accepted.

Signed:

Print Name and position of signatory:

For electronic applications, please insert an electronic signature above or tick this box to confirm with the declaration:

I confirm that I (the above) am duly authorised by the Applicant to sign and submit this document on its behalf:

Dated:

26/04/2024

Invoicing – details of where the invoice(s) should be sent (for first stage payment only)	
Email address for invoice:	ap.finance@rhdhv.com (cc: <input type="text"/>)
Purchase Order Number * for Conservation Payment:	PC2340-104-111
Company Name:	Royal HaskoningDHV UK Ltd
Address:	Westpoint Peterborough Business Park Lynch Wood Peterborough
Postcode:	PE2 6FZ
County:	Cambridgeshire
Customer contact name	Accounts Payable
Telephone number:	01733 334455

* Or an alternative reference code. This is a requirement in order for Natural England to raise the invoice

Any person who in order to obtain a licence under regulation 55 of the 2017 Regulations knowingly or recklessly makes a statement or representation, or furnishes a document or information which is false in a material particular, shall be guilty of an offence and may be liable to criminal prosecution. A person found guilty of such an offence is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

7. Use of this Certificate

In consideration of the Applicant's obligations arising herein Natural England consents to the use of this Certificate by the Applicant in support of an application for planning permission, or development consent under the Planning Act 2008, for development on the Site. Under District Level Great Crested Newt Licensing Natural England carries out its formal determination for the purposes of Regulation 55 of the 2017 Regulations after the grant of planning permission, or development consent under the Planning Act 2008, for the development in question. Accordingly, as at the date of this Certificate that formal determination has not yet been carried out.

However, in signing this Certificate Natural England has considered the matters it believes to be necessary to satisfy Regulation 55 (9) (b) of the 2017 Regulations ("that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range") and has concluded that payment by the Applicant of the Conservation Payment will suffice to allow the impacts on great crested newts of the Applicant's proposals on the Site to be adequately compensated, and therefore that these proposals will not be detrimental to the maintenance of the population of great crested newts at a favourable conservation status in their natural range.

This Certificate reflects Natural England's views in relation only to great crested newts on and within 250m of the Site.

8. Natural England

Signed for and on behalf of Natural England
Duly authorized:

Print Name and position in Natural England:

Dated:

23.09.2024

¹ In order for Natural England to grant a licence to the Applicant under reg. 55 of the 2017 Regulations it must be satisfied, inter alia, that the activities so licensed meet the provisions of reg. 55 (2) and 55 (9) (a) and (b). Compensatory works funded by the Conservation Payment set out in this document allow the provisions of reg. 55 (9) (b) to be satisfied ("that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"), but do not address the issues raised in reg. 55 (2) ("...imperative reasons of overriding public interest, including those of a social or economic nature ...") or 55 (9) (a) ("that there is no satisfactory alternative"). Accordingly, no representation, assurance, condition or warranty is given by Natural England to the effect that activities associated with the development described in this form will go on to be licensed by Natural England.

Annex 1

Privacy Notice

Who collects your data?

The data controller is Natural England, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX. You can contact the Natural England Data Protection Manager at: Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP; foi@naturalengland.org.uk

The Defra group Data Protection Officer is responsible for checking that Natural England complies with legislation. You can contact them at: Department for Environment, Food and Rural Affairs, SW Quarter, 2nd floor, Seacole Block, 2 Marsham Street, London SW1P 4DF. DefraGroupDataProtectionOfficer@defra.gsi.gov.uk

What of my data is being collected and how is it being used? What is the legal basis for the processing?

The data collected by Natural England includes: an Applicant's name and contact details, the name and contact details of any agent appointed by the Applicant, the name and contact details of individual points of contact within the Applicant's organisation and that of the Applicant's agent, customer type, the nature of the Site, the development proposed on the Site, reasons for that development, and bank account information for refunds.

Natural England uses such data to run a great crested newt licensing scheme ("the Scheme") in the area in which the Site is located. Processing is necessary (a) for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller. That task is to conduct the licensing functions delegated by Defra to Natural England under section 78 of the Natural Environment and Rural Communities Act 2006 and (b) for the performance of the contractual terms set out in this Certificate.

The processing by us of personal data relating to wildlife-related or animal welfare offences or related security measures is carried out only under official authority. This information is used in assessing an application as it is a material fact.

Who will my data be shared with?

Information provided by or on behalf of the Applicant and any supporting material will be used by Natural England to undertake our licensing functions and to operate the Scheme. This will include assessing an Applicant's proposals in line with the Scheme, producing a Scheme certificate, assessing an Applicant's licence application, issuing a licence if applicable, monitoring compliance with licence conditions and collating licence returns and reports. In carrying out these functions Natural England may discuss your Scheme application with third parties such as contractors commissioned to deliver the necessary habitat compensation. Natural England may for particular licence applications and at specific stages of the licensing process discuss your application with third parties. The details of this sharing are set out here <https://www.gov.uk/government/publications/wildlife-licensing-privacy-notice>

Natural England recognises there is significant public interest in wildlife licensing and in those who benefit from receiving a wildlife licence. Therefore, we may make information publicly available. Information released may include, but is not limited to, your name or business name, application and licence details as well as reports and returns. Natural England, however, realises that some licensed activities can be sensitive and we **will not** release information that could harm people, species or habitats. In some cases, for example, this may mean not releasing the names and addresses of individuals or the location of the licensed activity.

We will respect personal privacy, whilst complying with access to information requests to the extent necessary to enable Natural England to comply with its statutory obligations under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000.

How long will my data be held for?

Your personal data will be kept by us for 7 years beyond the period of effectiveness of this Certificate.

If you are relying on my consent to process data, can I withdraw my consent?

No, because the processing is not based on consent.

What will happen if I don't provide the data?

Failure to provide this information will mean that we will be unable to assess your application for a Scheme certificate and/or a wildlife licence.

Will my data be used for automated decision-making or profiling?

The information you provide is not connected with individual decision making (making a decision solely by automated means without any human involvement) or profiling (automated processing of personal data to evaluate certain things about an individual).

Will my data be transferred outside of the EEA?

The data you provide will not be transferred outside the European Economic Area.

What are my rights?

A list of your rights under the General Data Protection Regulation, the Data Protection Act 2018, is accessible at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

How do I complain?

You have the right to lodge a complaint with the ICO (supervisory authority) at any time. Should you wish to exercise that right full details are available at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

Natural England's Personal Information Charter

Details of our Personal Information Charter can be found at: <https://www.gov.uk/government/organisations/natural-england-personal-information-charter>

Annex 2

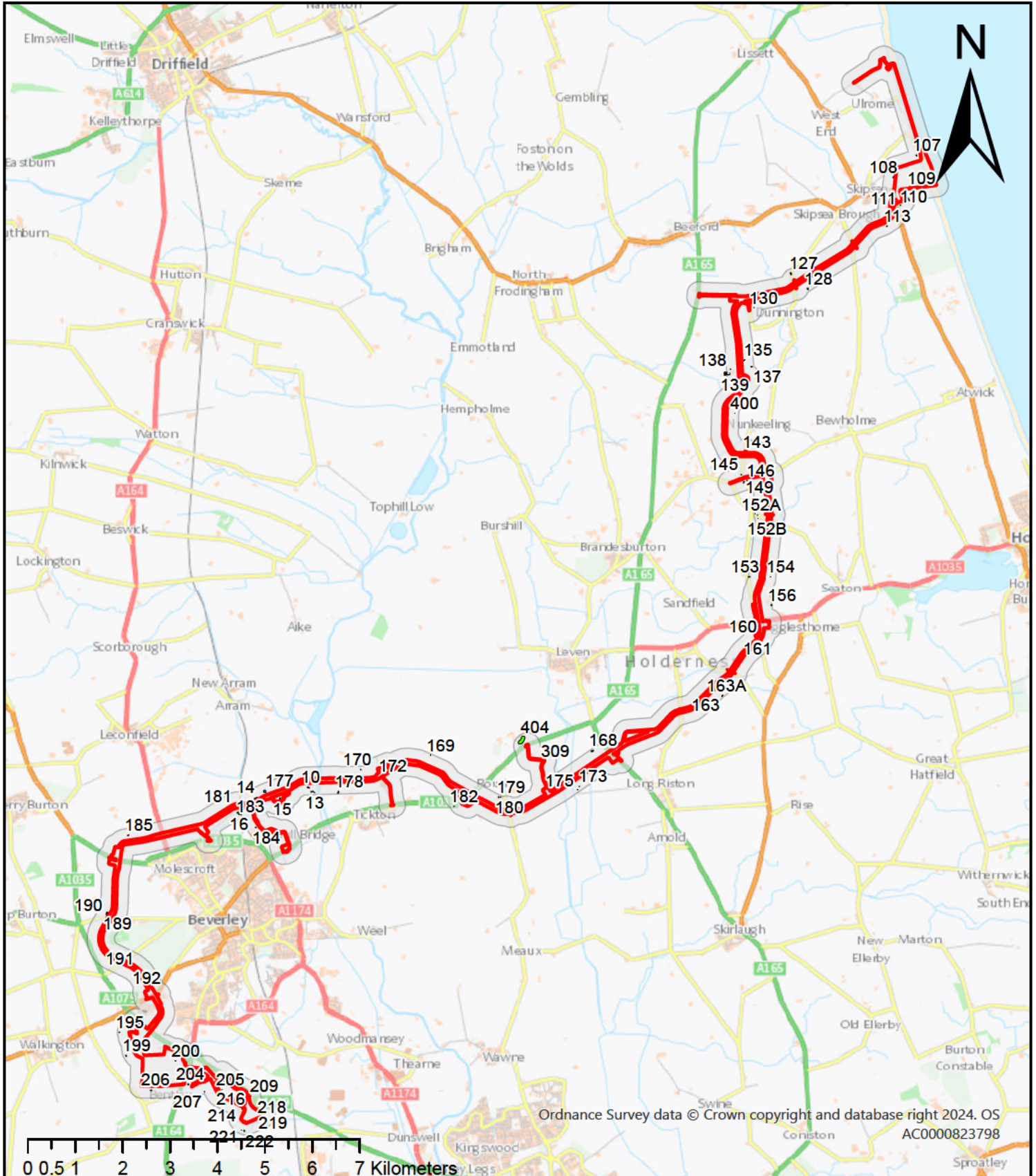
Breakdown of Conservation Payment per compensatory pond required

Habitat delivery (69%)	Compensatory pond creation or restoration*	£3,850 per pond, including cost of obtaining planning permission where necessary	Funds to be spent as soon as possible
	Contingency fund for replacement of compensatory pond	£3,850 per pond initially created	Funds to be pooled spent on the creation of further ponds at Natural England's discretion, within 25 years
	Compensatory pond maintenance	£4,164 per pond initially created	Funds to be pooled spent over 25 years
Habitat monitoring (16%)	Monitoring	£2,560 per pond initially created	Funds to be pooled spent over 25 years, including eDNA and HSI surveys
	Modelling and mapping updates	£182 per pond initially created	Funds to be pooled spent at regular intervals over 25 years
Administration (15%)	Habitat delivery project officer – initial pond creation*	£770 per pond initially created	Funds to be spent as soon as possible
	Habitat delivery project officer – replacement pond creation	£770 per pond initially created	Funds to be pooled spent on the creation of further ponds at Natural England's discretion, within 25 years
	Natural England: management and oversight of scheme at district level; liaison with habitat delivery partners.	£480 per pond initially created	Funds to be pooled spent as appropriate to the delivery of the scheme, within 25 years
	Natural England: procurement, management and oversight of compensatory works at project level; customer liaison.	£589 per pond initially created	Funds to be spent as compensatory works required by this Certificate proceed

Plus VAT

* Items marked with an asterisk relate to immediate costs for pond creation and together constitute the 1st Stage Conservation Payment per compensatory pond, in cases where this is payable separately.

DLL-ENQ-SYNL-00077 - Annexe 3 Location Map (partial TI)



Ponds: GCN Presence per Survey

- No Survey
- Absent
- Present

Site Boundary (Partial Temporary Impacts)

250m Buffer

Ordnance Survey data © Crown copyright and database right 2024. OS AC0000823798



RWE Renewables UK Dogger Bank
South (West) Limited

RWE Renewables UK Dogger Bank
South (East) Limited

Windmill Business Park

Whitehill Way

Swindon

Wiltshire, SN5 6PB

RWE

MASDAR 