



**Nationally Significant Infrastructure Project: EN010130 – Outer Dowsing Offshore Wind
(Generating Station)**

**Response to The Examining Authority's written questions and requests for information
(ExQ1) issued on 6 November 2024**

Prepared by Lincolnshire County Council (LCC)

November 2024

The following table sets out the Council's response to the Examining Authority's (ExA's) written questions and requests for information (ExQ1) where a response from the County Council was sought.

| ExQ1 DCO Draft Development Consent Order | Question | LCC Response |
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| Q1 DCO 1.5 | <p>Part 3, Articles 12 to 16</p> <p>In its Local Impact Report (LIR), LCC [REP1-053] requests a time frame of 56 days as more reasonable if deemed consent were to be retained.</p> <p>Explain, with further reasoning, why a time period of less than 56 days is not considered sufficient by the local authority.</p> | <p>LCC do not consider that 56 days is sufficient time in relation to providing the undertaker with a decision and this should be increased to 13 weeks. Where further information is required 56 days is not long enough and this should be increased to 10 weeks so that sufficient time to review and consult other parties.</p> <p>LCC has proposed 13 weeks which would be in line with the recent DCO decision for Cottam Solar Project.</p> |
| DES Good Design | | |
| Q1 DES 1.6 | <p>Effectiveness of mitigation</p> <p>Is the local authority satisfied that the Applicant's approach to mitigating the adverse effects of the onshore substation in the wider landscape would be effective. If not, what further design opportunities should the Applicant explore in order to achieve the best possible design outcome for the onshore substation?</p> | <p>There is a provision for mitigation planting both onsite and offsite, the Council have discussed this with the applicant as the project has progressed. The Council believe there is some merit in mitigation planting, but do consider the use of this as a sole method for screening to be both potentially ineffective, given the scale of the building and also detrimental to the open character of the landscape. There would have to</p> |

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| | | <p>be a robust management plan to ensure the masterplan became a reality. It would involve ongoing monitoring both to achieve establishment at year 15 and ensure the health and vibrancy of the mature planting. At a recent community consultation event, there was a design panel member who suggested that instead of hiding the building behind planting that there was merit in pursuing a creative design solution that stood alone as a piece of architecture and while softened by strategic planting the idea of hiding it behind planting was not necessarily ideal. The Council agree with this idea, but at application stage have no indication of the direction the design is developing.</p> <p>There was also some local resident opposition, that was voiced at the consultation event, to too much planting due to the introduction of pigeon roosts.</p> <p>Blocks of tree planting would be desirable compared to hedgerows, it would be useful if historic maps were identified which highlighted old field boundary planting and these could be replicated if the idea of extensive mitigation planting were pursued. Strategic planting rather than blanket planting would be desirable, in addition to the idea of having a strong designed building or group of buildings that resembled the farm vernacular in terms of scale and design.</p> |
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| HOE Habitats and Onshore Ecology, including Onshore Ornithology | | |
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| Q1 HOE 1.3 | <p>Greater Lincolnshire Local Nature Recovery Strategy (LNRS)</p> <ul style="list-style-type: none"> • What are the timescales for the preparation of the LNRS? Is it likely to be available during the Examination? | <p>The Greater Lincolnshire Local Nature Recovery Strategy is currently still in development. The current timetable is for public consultation in late Spring 2025 with publication in Autumn 2025.</p> |
| Q1 HOE 1.4 | <p>Biodiversity Net Gain (BNG)</p> <ul style="list-style-type: none"> • Is the project committed to delivering BNG? If so, how is this secured? If not, why not? • Please provide an update on the identification of potential opportunities to deliver BNG. • Confirm if opportunities off-site are being sought in the event that on-site BNG cannot be delivered. Paragraph 105 of the BNG Project Principles and Approach document [APP-302] states that this would be the case but this appears to be contradicted by paragraph 52 of the Outline Landscape and Ecological Management Strategy (OLEMS) [PD1-054]. Do these documents need to be revised to ensure consistency? • If off-site BNG can be delivered, can the project commit to a specified level of BNG to be achieved? • With reference to paragraph 107 of the | <p>Section 4.6 of Overarching National Policy Statement for Energy (EN-1) (17 January 2024) states: <i>“Energy NSIP proposals, whether onshore or offshore, should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity, and the wider environment where possible.</i> LCC maintains its stated position that the project should deliver a minimum of 10% BNG across area, hedgerow and watercourse habitat types as is best practice for NSIPs in advance of mandatory requirements being introduced next year.</p> <p>Application of the Biodiversity Gain Hierarchy guides developers to firstly deliver enhancements on site before seeking to deliver off site. If this is not possible, Biodiversity Units may be purchased from a habitat bank and if none are available, Statutory Credits may be purchased as a last resort. LCC believes that the Applicant has not yet demonstrated that it is not possible to comply</p> |

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| | <p>BNG Project Principles and Approach document [APP-302], confirm if the project would qualify for purchase of statutory credits.</p> | <p>with the mitigation hierarchy either by providing on-site enhancements, off-site enhancements or by purchasing Biodiversity Units from a habitat bank within Lincolnshire. LCC therefore believes that the project is unlikely to qualify for the purchase of Statutory Credits.</p> |
| <p>Q1 HOE 1.8</p> | <p>Ecological Steering Group, Environment Compliance Officer and Ecology Enhancement Fund</p> <p>LCC's Local Impact Report (LIR) [REP1-053] requests the establishment of an Ecological Steering Group along with the appointment of an Environment Compliance Officer (funded via a S106 agreement) and the establishment of an Ecology Enhancement Fund.</p> <ul style="list-style-type: none"> • Please provide further comments on the role of the Environment Compliance Officer, having regard to the role of Ecological Clerk of Works as proposed by the Applicant. • Clarify if LCC proposes that the Ecology Enhancement Fund would form part of the requested S106. How would such a fund relate to BNG? • Please outline how the proposed S106 would meet the necessary legal tests. | <p>Given LCC's strategic, county-wide overview in relation to ecology and biodiversity for NSIPs and Local Nature Recovery Strategy, the role of the Environment Compliance Officer would be to ensure that environmental mitigation and enhancement works are delivered, monitored and maintained effectively and in a co-ordinated manner with other emerging energy infrastructure developments in this locality. This co-ordinated approach will help to ensure that schemes deliver maximum possible benefits for biodiversity in a co-ordinated holistic manner rather than each individual project working independently.</p> <p>The Ecology Enhancement Fund would be administered by LCC in consultation as necessary with local environmental stakeholders. The overall aim of the fund would be to provide a local environmental legacy for the proposal. A 'halo' area of around 5km could be established around the development within which projects will be eligible for funding. This will ensure that any</p> |

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| | | <p>environmental benefits delivered maintain a clear geographical linkage to the proposal. Criteria used to assess applications to the fund could include the application's fit with opportunities identified in the emerging Greater Lincolnshire LNRS, value for money and evidence of local support for the application.</p> <p>LCC considers that the Ecology Enhancement Fund would be in addition to any commitments made by the applicant relating to BNG. LCC maintains its stated position that the project should deliver a minimum of 10% BNG as is best practice for NSIPs in advance of mandatory requirements being introduced.</p> <p>National Policy Statement EN1 notes that where significant impacts occur then EN1 requires impacts are minimised and mitigated as far as possible. It is LCC view that without ensuring that the ecological mitigation proposed either in respect of screening of the sub-station via landscaping or the reinstatement and enhancement of the areas the cable routes passes through then the development would cause unacceptable significant impacts. Therefore, it is necessary that all the ecological mitigation proposed by the applicant is delivered monitored and maintained once the construction is completed and beyond. Whilst the Council</p> |
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| | | <p>welcomes an Ecological clerk of Works the impacts of the development are considered to be so significant that it is also necessary for the an independent checking and monitoring of all the ecological mitigation to ensure the development is acceptable. Therefore the Council believes that the requirement of an Environment Compliance Officer and associated fund is related to the development and necessary as without it there is a risk that the mitigation proposed may not be delivered in a timely fashion and be subsequently monitored for failures. It would ensure that failures of landscaping or other ecological mitigation is checked on a pro-active basis and responded to quickly rather than the risk that this is only secured re-actively if it is left in the applicant's control. Also given the likely cumulative impacts of other developments in the area places even more importance that such landscaping mitigation is delivered and maintained and similar requests will be made to other developers brining forward schemes in this area so that this can be managed in a co-ordinated way rather than be left to each developer to undertake the monitoring and maintenance of the landscaping and other ecological mitigation independently.</p> |
| Q1 HOE 1.14 | <p>Monitoring, aftercare and compliance audits Section 3.9 of the OLEMS [PD1-054] provides some information in relation to monitoring with a</p> | <p>LCC welcomes the commitment to retain an Ecological Clerk of Works on site throughout the construction period.</p> |

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| | <p>commitment to provide further detail in the Ecological Management Plan (EMP) and Landscape Management Plan (LMP).</p> <ul style="list-style-type: none"> Do the local authorities have any specific comments to make in relation to proposals and the level of information provided in outline? | <p>In relation to monitoring of the establishment compensation or enhancement away from the OnSS, the Applicant states that this would only occur during years 1-5 whilst any new habitats are establishing. LCC advises that if the Applicant wishes to include any newly created habitats as BNG, monitoring should be undertaken for a minimum period of 30 years as is proposed at the OnSS.</p> <p>Given the scale of the building and the belief that it would be a functional structure (instead of alternatives mentioned above), the mitigation planting is likely to be significant. The application is currently light on detail, so the Council seeks clarification on the OnSS design. The Council requests that a management plan is produced that seeks an establishment rate of in excess of 90% of planting. At the time of planting the species should be carefully chosen to fit the locality and able to withstand extremes of the climate. Establishment care, with full replacement of failed species should last for 3-5 years, it would normally be 2 years.</p> <p>Ideally any final management plan should range to year 30 and be updated every 5 years. It is important that there is the ability for local authorities to scrutinise the effective establishment of the mitigation planting which is a</p> |
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| | | role that the Environment Compliance Officer could undertake this scrutiny. |
| HE Historic Environment | | |
| Q1 HE 1.3 | <p>LCC in its WR [REP1-043] considers archaeology of more than a local/regional significance could be damaged or disturbed.</p> <ul style="list-style-type: none"> • Explain why you consider this to be the case? | <p>The limited programme of archaeological field evaluation has left large areas uninvestigated so the archaeological potential for these areas is unknown. Given the size and extent of the redline boundary, areas of currently surviving archaeology will undoubtedly be present.</p> <p>The lack of sufficient baseline evidence means that the levels of significance cannot be determined for any unevaluated archaeology across the redline boundary.</p> <p>EN-1 outlines requirements for understanding the significance of heritage assets that will be affected, including paragraph 5.9.12: 'The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents.'(Section 5.9.9 – 5.9.15)</p> |
| Q1 HE 1.4 | <p>Further Archaeological Surveys/Works Further to the comments from LCC [RR-004] relating to the lack of evaluation at all levels (including aerial photographs, geophysical survey and trial trenching), can LCC and HE comment on:</p> | <p>Geoarchaeological surveys are standard practice for large schemes. This does not replace the need for conventional archaeological evaluation including trenching necessary for ground-truthing and for the provision of baseline evidence</p> |

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| | <ul style="list-style-type: none"> • the Applicant’s response to Relevant Representations – including details of geoarchaeological works [PD1-071, Section RR-027.006]; • the Onshore Archaeological Geophysical Report [PD1-080]; and • updated Requirement 17 of the draft Development Consent Order (dDCO) [AS1-024] | <p>required for an effective mitigation strategy.</p> <p>Approximately 63% of the redline boundary has been subject to geophysical survey. This means over a third of the scheme has not been done.</p> <p>Full geophysical survey and AP analysis of the full redline boundary is standard archaeological practice and is in the Lincolnshire Archaeological Handbook for requirements for archaeological work undertaken within the county.</p> <p>Where geophysical survey and aerial photo assessment is not done archaeological sites and features will be missed and information will be lacking.</p> <p>Areas not subject to geophysical survey will need a greater level of trenching to adequately evaluate the archaeological potential.</p> <p>Trenching results are essential for ground-truthing where the archaeology is across the redline boundary and establishing the extent, nature, depth and significance of the areas of archaeological sensitivity.</p> <p>Regarding the updated Requirement 17 of the dDCO, given that there is insufficient information for site-specific mitigation across the redline</p> |
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| | | <p>boundary, the Council advise that there be a trenching phase to establish sufficient baseline evidence across the scheme. The Council therefore recommend that the Mallard Pass wording for the archaeological requirement be used for this application should the DCO be granted.</p> |
| <p>Q1 HE 1.5</p> | <p>Updated Onshore Outline Written Scheme of Investigation (OWSI) for Archaeological Works Are you satisfied that the updated OWSI [PD1-052] provides sufficient detail on:</p> <ul style="list-style-type: none"> • preservation in situ and enforceable measures? • determining the significance of archaeology which may be affected? • contributing to knowledge and understanding, public benefit and public dissemination of information? <p>Are you satisfied that it provides sufficient protection for unknown heritage/archaeological assets with appropriate mitigation in place to preserve such assets?</p> | <p>The OWSI sets out the standard generic options for archaeological mitigation. These need to be tied to sufficient baseline evidence for site-specific fit for purpose proportionate mitigation measures.</p> <p>For preservation in situ and enforceable measures, the OWSI states that this will be provided at a later date. This is not satisfactory. The Council would expect these details to be set out within the OWSI.</p> <p>The OWSI has no methodology for assessing the significance of archaeology that could be affected. The Council would expect these details to be included within the OWSI.</p> <p>The Council are pleased with the measures for knowledge and understanding, public engagement and dissemination provided by the Applicant within the OWSI.</p> <p>LCC is not satisfied that the OWSI provides for</p> |

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| | | <p>sufficient protection for unknown archaeological assets. The OWSI scope of works are generic. Again, the Council require site-specific and targeted mitigation measures that are effective, fit for purpose and enforceable.</p> <p>LCC has concerns that the measures detailed within the OWSI would not be effective in identifying archaeology within the redline boundary and determining its significance</p> |
| Q1 HE 1.6 | <p>Middlecott Almshouses In light of [RR-084] Anthony Kindred and [RR-085] Lisa Kindred and the Applicant's response to Relevant Representations [PD1-071], clarify, with reasons, whether you consider the Applicant's conclusions in relation to the impact of vibration, noise and dust upon Middlecott Almshouses to be satisfactory.</p> | <p>LCC has no comments to make in respect of Noise, Vibration or Dust and defers to East Lindsey District Council, Boston Borough Council and South Holland District Council as the relevant as the relevant pollution control authorities.</p> |
| Q1 HE 1.7 | <p>Aerial Photographs Please explain the additional information that could be gained using aerial photographs and set out how this might assist the Examination.</p> | <p>Aerial photography shows archaeological features as cropmarks such as ditches, villas or roads.</p> <p>Air photo analysis is a non-invasive, rapid and inexpensive technique allowing the archaeologist to new archaeological sites and enhance information on existing ones.</p> <p>It is a standard practice of desk-based assessment. The Council would expect a full AP assessment across the whole redline boundary for any large scheme and it is in the Lincolnshire Archaeological</p> |

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| | | <p>Handbook requirements.</p> <p>Sites will be missed as the full AP assessment has not been done and valuable and easily available evidence has not been included within the assessment.</p> <p>A full AP assessment should be undertaken of the full redline boundary, which would give the Council a better understanding of the archaeological potential and inform the trenching programme.</p> <p>Historic England state that <i>“The full extent of our historic environment is still unknown. We use remote sensing to identify, record and improve understanding of sites and landscapes across England. Aerial photographs, and the mapping derived from them, should be an intrinsic part of any assessment of the historic environment.”</i> (Historic England).</p> |
| Q1 HE 1.8 | <p>Emerging Regional Policy LCC Relevant Representation [RR-004] mentions forthcoming archaeology regional policy in relation to trenching of impact zones. Please provide details of such policy and the current status of any documents.</p> | <p>The regional policy document is currently being drafted by the former Nottinghamshire County Archaeologist,</p> <p>The Council is engaging with the Association of Local Government Archaeological Officers (ALGAO) and CifA regarding a standard approach by the profession to large infrastructure schemes.</p> |

| LU Land Use, Geology and Ground Conditions | | |
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| Q1 LU 1.1 | <p>Written Ministerial Statement (WMS) - Solar and protecting our Food Security and Best and Most Versatile (BMV) Land</p> <p>Lincolnshire County Council's (LCC) Local Impact Report (LIR) [REP1-053] and Written Representation [REP1-043] state that the WMS made on 15 May 2024 (UIN HCWS466) is a relevant policy consideration for the Proposed Development. The Applicant's response to the same point in LCC's Relevant Representation [RR-004] is that the WMS "is in reference to the impact that solar developments have upon BMV land, rather than renewable energy developments in general" [PD1-071].</p> <ul style="list-style-type: none"> • Is the WMS a relevant consideration for the Proposed Development? • If so, explain why and what implications does it have? | <p>There was specific reference in the WMS to Lincolnshire and to the 'cumulative effect' of clusters of solar development on agricultural land (BMV). The policy is not specifically changed with regard to BMV in the NPPF but there is greater written emphasis on food security, though again no actual change to policy. The WMS remains in force and represents a recent confirmation of the Government's position on the need to protect BMV and food security.</p> <p>The wording of the policy is directed towards solar projects as that was a particular type of development that was expanding at the time the WMS was presented to Parliament'</p> <p>Given that the purpose of the WMS is seeking to protect food security and BMV the Council's view is that the WMS is not necessary targeting a particular development but the Governments intention to protect food security and BMV. The Council asserts that It is the same consequence if BMV land is lost to solar panels as it is to substations or other energy infrastructure resulting from renewable/energy projects and this is what the WMS is seeking to protect.</p> <p>Again the cluster is as significant for a number of applications for sub-stations as it is to solar</p> |

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| | | <p>projects and in this particular area solar projects as well as other forms of renewable energy are emerging. Therefore it is the Councils view the WMS is as relevant for this project as it is for solar development and should be a consideration where there are clusters of energy generation projects emerging in a locality rather than just for solar development.</p> |
| Q1 LU 1.7 | <p>ALC and soil surveys NE Written Representation [REP1-063] maintains its position that the Applicant should present ‘site specific’, both detailed and semi detailed ALC surveys to inform the decision maker in their application of National Policy Statement (NPS) EN-3. The Applicant deems this to be unnecessary at it considers that it has assessed the worst-case scenario in the Environmental Statement (ES) by classifying all Grade 3 land as Grade 3a, therefore falling under the definition of BMV land.</p> <ul style="list-style-type: none"> • Can LCC and the Local Planning Authorities confirm if they consider it necessary for ALC and soil surveys to be carried out prior to the application being decided? Please provide reasoning with reference to policy and any parallels with other projects that the local authorities are aware of. | <p>The Council agree with NE that where there is or is likely to be BMV, based on provisional maps and ‘likelihood of BMV’ then survey in accordance with NE guidelines should occur. This would be auger sampling every 100metres as per TIN049 and 1988 Guidelines.</p> <p>A solar farm in Yorkshire (APP/Y2736/W/24/3342002) was classified provisionally as Grade 3 in entirety, but on ALC survey the applicant found mostly BMV, with some Grades 1 and substantial Grade 2 – not in dispute between the parties. The provisional maps are not sufficient to be able to simply ‘upgrade 3 to 3a’.</p> <p>Also is could be difficult for the applicant to restore land to Grade 3a after trenching works if it was not 3a to start with.</p> |
| Q1 LU 1.15 | <p>Level of detail in the outline SMP Interested Parties including NE and agricultural businesses</p> | <p>As long as there is commitment to ‘populate’ the SMP with detail of the soils found and any issues</p> |

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| | <p>have expressed concern regarding the level of detail provided in the outline SMP. The ExA notes that LCC’s LIR [REP1-053] considers the outline SMP to be acceptable but goes on to state that in populating the document, it will be necessary to identify the individual areas of land and the route for soil stripping, trenching, restoration as well as addressing soil challenges such as running sands and drainage in detail.</p> <ul style="list-style-type: none"> Does the outline SMP provide sufficient detail at this stage? If not, please elaborate on specific additions that are necessary. | <p>such as drainage at the time, perhaps with a suitable agricultural or soils specialist then the detail may be acceptable presently.</p> <p>If parts of the site are not to be surveyed for ALC it is less likely that the SMP will have the detail necessary to make the right decisions on stripping, storage and subsequent restoration.</p> <p>This favours a full soil survey of the route for ALC and soils management purposes.</p> |
| <p>Q1 LU 1.17</p> | <p>Cable burial depth and potential implications Table 8.5 of the Project Description [APP-058] states that the minimum trench depth to cable protection tile is 1.2m. However, the ExA notes that the Applicant refers to a minimum burial depth of 1.25m in its response to Relevant Representations [PD1-071]. “Recently completed extensive ground investigations” of the onshore ECC and 400kV cable corridor, including Fenland silts are also referenced by the Applicant. Nevertheless, the ExA notes that the results are intended to inform the detailed design stage.</p> <p>The Written Representation from TH Clement & Sons Ltd [REP1-050] provides further details and photographic evidence of potential issues that may arise from the proposed cable depth,</p> | <p>Generally farm cultivation equipment would not operate at depths as deep as 1.2metres.</p> <p>However land drains are often placed at depths of 0.5 to 1.5metres and so where trenching occurs there is the likelihood for damage to existing drains. Properly recorded, these can be repaired at restoration.</p> <p>However, after the cable is laid it would not be possible to install new drainage works at or close to the cable at normal agricultural depths. The cable will be in situ permanently occasional new land drains may be needed at or close to the cable. This should be considered.</p> <p>Some very sandy or peaty soils may in certain</p> |

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| | <p>including for drainage and the risk of farm machinery coming into contact with cabling after getting bogged down. Similar concerns are echoed in multiple other Relevant Representations, including, Brown & Co [RR-012], Hub Rural Ltd on behalf of The Holmes 1987 Pension Fund [RR-029], The Lincolnshire Association of Agricultural Valuers Land Interest Group [RR-035] and William Barker [RR-077]</p> <ul style="list-style-type: none"> • Are LCC and the LPAs aware of any examples in the area where cable depth has presented similar issues raised by Interested Parties? • Do Interested Parties have any evidence of cabling rising and moving from its intended position due to the nature of local soils? | <p>circumstances cause farm machinery to bog down. It would be quite rare but possible.</p> <p>Where particular soils that might cause this are known a deeper laying of the cable might be useful, if practicable.</p> <p>Similarly in peat soils, shrinkage could cause/allow the cable to move and become vulnerable to cultivation equipment. This should be considered in the SMS.</p> |
| LV Landscape and Visual Effects | | |
| <p>Q1 LV 1.1</p> | <p>Landscape mitigation during the construction phase Environmental Statement (ES) Chapter 28 [APP-083 Table 7.1] identifies significant effects on residents on Croft Bank, Bleak House Farm and Fosdyke Bridge during the construction phase and significant effects for road users, walkers and horse riders. It would appear from the ES [APP-083 Section 5.4] that construction phase mitigation is limited and relies upon sensitive</p> | <p>The Council consider that the effect of the construction phase on the study area needs more consideration. The rural character of the road network, with soft verges, alongside the need to provide access into the fields has the potential to result in significant disruption and damage to the landscape. It is the Council consideration that this effect would extend beyond the 2km study area. The Council agree that the duration of the construction period will amplify the effects, as the</p> |

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| | <p>siting and that there are no specific intentions to provide landscape mitigation, including for Temporary Construction Compounds (TCC) and Cable Installation Compounds (CIC).</p> <ul style="list-style-type: none"> • is this interpretation correct or, if not, signpost where specific mitigation would take place to reduce the visual impression of the compounds within the landscape? • if the interpretation is correct, provide reasoning which justifies why it would be appropriate to have such significant construction features in the landscape without dedicated visual mitigation, given that they could well be in place for 48 months (4 years)? <p>LPA may also respond.</p> | <p>compounds will be relevant for a significant period of time. Also, there will be significant numbers of movements of large vehicles across the construction period.</p> <p>Due to the scale and longevity (which is not fully itemised) of the compounds the Council do feel that mitigation consideration is limited. However, the growth timespan of any mitigation would not depress the effects significantly, as the LVIA is considering a 15-year period before mitigation planting becomes effective.</p> <p>Consequently, alternative mitigation measures could be used combination with planting, for example earth bunding. Care would need to be given to any location of bunding so not to adversely affect the open character of the landscape.</p> |
| <p>Q1 LV 1.2</p> | <p>Construction traffic</p> <p>LCC state that 'the assessment of effects on the existing landscape fabric of the study area, has been under considered given the small local road network and the scale of the construction traffic for the Onshore Substation (OnSS)' [REP1-053]</p> <ul style="list-style-type: none"> • LCC is requested to expand on this concern to provide further specific detail and what it considers the assessment of effects should be? | <p>The Council consider that the scale and frequency of construction vehicle movement have not been fully assessed. Such movements will affect the soft verge character of the relatively narrow network of roads once the major roads have been exited. The application does not fully detail the scale of vehicle movement therefore in line with the ES the Council have considered a worst-case scenario, where multiple large- vehicle movements adversely impact on the local road network. Wider highways work which include road widening or improvements and works to</p> |

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| | | <p>vegetation, including cutting back and removal, has the potential to change landscape character or open up views. The compounds would be visible from the local road network and represent a man-made structure of considerable size for a significant period of time.</p> |
| <p>Q1 LV 1.3</p> | <p>Residential Receptors A Residential Visual Amenity Assessment (RVAA) has not been undertaken.</p> <ul style="list-style-type: none"> • LPA, is this a reasonable approach? • LPA, what weight should be given to private views from residential properties in the Examination, in the ExA's considerations and in the Secretary of States (SoS) decision? | <p>Chapter 28 Landscape and Visual Impact Assessment vol 1 does not mention RVAA or residential visual survey . However, a number of properties (5) have been identified within the study area as having potential for visual effects. Some of these (e.g. Welland House Farm) have been assessed as part of representative viewpoints. Given the scale of the OnSS and the degree of disturbance that will arise from the cable route, as well as the impact of the construction stage the Council would suggest an individual assessment for each residential property is carried out, covering the Distance from the proposed development, magnitude of change and level of effect. However, it is unlikely that Residential Visual Amenity Threshold would be reached and therefore a full RVAA would likely not be required. In accordance with LI TGN 02/2019 the Council do consider that the proposed development would likely not meet the threshold requirement for an RVAA - despite the introduction of noise, dust, outlook and visual amenity impacts during any of the development stages, and subsequently not require a full RVAA.</p> |

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| | | <p>However, the Council would expect residential properties with receptors that have the potential for visual effects should be fully considered and assessed.</p> |
| <p>NV Noise and Vibration</p> | | |
| <p>Q1 NV 1.1</p> | <p>Noise and Vibration effects on Property The Relevant Representation (RR) submitted by Barry Cooper [RR-080] raises concerns over the potential effects due to noise and vibration.</p> <p>In the Applicant's response to RR [PD1-071], the Applicant notes that no significant noise and vibration effects were identified with the implementation of mitigation measures and the implementation of the Outline Noise and Vibration Management Plan [APP-269]. The Applicant's response also emphasizes the summaries of the effects from the Noise and Vibration in the ES Chapter 26 on Noise and Vibration [APP-081] and states that the effects of Noise and Vibration on the Mr Copper's property are 'Minor Adverse Level of Effect', which are not considered significant in terms of the EIA regulations.</p> <p>Considering the Applicant's response to RRs [PD1-071], are the Applicant's conclusions in relation to the impact of noise and vibration on the property mentioned in [RR-080] satisfactory? If not, explain your position with evidence to support your view.</p> | <p>LCC has no comments to make in respect of Noise and Vibration and defers to East Lindsey District Council, Boston Borough Council and South Holland District Council as the relevant as the relevant pollution control authorities.</p> |

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| <p>Q1 NV 1.5</p> | <p>Vibration effects</p> <p>The RR submitted by Nicola Ann Pearson [RR-091], raised concerns about structural damage to the cottage due to vibrations from heavy vehicles in close proximity.</p> <p>In the Applicant's response to the RR [PD-071]The Applicant specifies the Peak Particle Velocity (PPV) levels for both daytime and nighttime during construction and operations committed for the Proposed Development, with reference to British Standard 7385-2:1993, Evaluation and Measurement for Vibration in Buildings — Part 2: Guide to Damage Levels from Groundborne Vibration.</p> <p>With reference to the Applicant's response to these RRs [PD1-071], do you find the Applicant's conclusions regarding noise and vibration on the Cottage during construction satisfactory? If it is not satisfactory, explain your position with evidence to support your view.</p> | <p>LCC has no comments to make in respect of Noise and Vibration and defers to East Lindsey District Council, Boston Borough Council and South Holland District Council as the relevant as the relevant pollution control authorities.</p> |
| <p>OC Onshore Construction Effects</p> | | |
| <p>Q1 OC 1.4</p> | <p>Development Plans and Policies</p> <p>Confirm if you agree with the Applicant's analysis of the policies relevant to the Onshore Construction Effects of the Proposed Development.</p> <p>Inform the ExA and relevant Interested Parties of any alterations to the Development Plan in your areas since the Application for the Proposed Development was submitted.</p> | <p>It is confirmed that the applicant have included all of the relevant policies within the District and Borough Council Local Plans, but less focus has been placed on the Lincolnshire Minerals and Waste Local Plan</p> <p>The Lincolnshire Minerals and Waste Local Plan has commenced its statutory review with the Regulation consultation concluding on 25th</p> |

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| | State whether any further changes are expected before the close of this Examination. | September it is not expected that the Regulation 19 stage will commence until after the examination has completed. |
| SV Seascape and Visual | | |
| Q1 SV 1.1 | <p>Duty to further the purposes of National Landscapes</p> <p>Paragraph 5.10.7 of National Policy Statement (NPS) EN-1 states that “For development proposals located within designated landscapes the Secretary of State should be satisfied that measures which seek to further purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development.” Paragraph 5.10.8 of NPS EN-1 goes on to clarify that the “duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them.”</p> <ul style="list-style-type: none"> • Do NE and the Local Authorities have any comments to make in relation to the duty and the Proposed Development? Is the duty applicable? If so, has it been met? | <p>Utilising undergrounding for the cabling, as opposed to a surface transmission line, helps to demonstrate that the project has taken account of the sensitivity of the views from the Lincolnshire Wolds National Landscape, helping to safeguard the area’s nationally recognised and protected natural beauty – a component of which includes the extensive views both to and from the Wolds and both its immediate and wider setting. The Lincolnshire Wolds National Landscape is particularly sensitive to neighbouring developments due to the wide visual envelope on account of the juxtaposition between the higher ground of Wolds and the flat/low-lying coastal and grazing marshes to the east, and the clay vale to the west.</p> <p>So, in terms of applying the new duty the Council would suggest that this is applicable, as it does apply to the setting as well as and development within the national landscape; the developer should be requested to provide some assurances that the setting and visual envelope of the Lincolnshire Wolds NL/AONB are not just protected but enhanced by the project.</p> |

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| <p>Q1 SV 1.2</p> | <p>Proposed Lincolnshire Heritage Coast Table 17.2 of Environmental Statement (ES) Chapter 17 [AS1-044] identifies that “Natural England and the local planning authority have ambitions for a Lincolnshire Heritage Coast”. However, as the proposal was considered at the time to be at an early stage with little detail available, it is not assessed in the ES.</p> <ul style="list-style-type: none"> • What is the current status of the proposed Heritage Coast? If available, what are timescales for its designation? • Is any further consideration of the proposed Heritage Coast required in relation to the Proposed Development? | <p>Heritage Coast is currently awaiting the Natural England Designations team to review it but the Council do not know of their timeframes</p> <p>In terms of further consideration the Council is not sure at the time of submission of the application whether the World Heritage Site bid was known. This is the East Coast Flyway which is currently at the Preliminary Assessment Appraisal stage of the bid to be a World Heritage Site..</p> |
| <p>Q1 SV 1.9</p> | <p>Offshore design considerations A Design Approach Document [APP-292] and Design Principles Statement [APP-293] are provided by the Applicant to inform the project at the detailed design stage. However, the documents focus on design matters at the proposed onshore substation.</p> <ul style="list-style-type: none"> • Can the Applicant, Natural England and the Local Authorities provide comments on whether there would be any merit in the consideration of offshore infrastructure, particularly the ORCPs, in these documents to facilitate good design? | <p>LCCs comments to date surrounding design and visual impacts have been focused on the onshore elements of the scheme, particularly the OnSS. LCC considers that due to the distance of the offshore built elements including the ORCPs from Lincolnshire County Councils administrative boundaries there would be limited merit of including this within any design document as LCC is unlikely to comment on offshore elements of the scheme due to the distance from the Lincolnshire coastline.</p> |
| <p>Q1 SV 1.10</p> | <p>Seascape viewpoints</p> | <p>The Council has focussed its assessment for visual</p> |

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| | <p>Table 17.2 of Chapter 17 of the ES [AS1-044] states that NE suggested Gibraltar Point as a suggested additional viewpoint. The Applicant responds by stating that this was considered but “discounted due to the distance to the elements of the Project and the range of other viewpoints included in the SLVIA”.</p> <ul style="list-style-type: none"> • Do Natural England and the Local Authorities have any comments to make on the selection of viewpoints as identified in Table 17.6 of the ES? | <p>impacts for the on-shore impacts and not the off-shore visual impacts. Given the distance of 54km to the off-shore wind farm it is not considered that it is necessary to include any additional viewpoints to consider the off-shore impacts.</p> |
| SE Socio-economic Effects | | |
| <p>Q1 SE 1.1</p> | <p>Please identify the main locations of concern in relation to tourism impacts and evidence how they consider that construction activities could impact upon these locations?</p> | <p>LCCs main areas of concern regarding tourism relate to the beaches and costal resorts located along the route including, but not limited to, Anderby Creek, Chapel St Leonards, Ingoldmells, Skegness and Gibraltar Point. Recreational routes such as King Charles III England Coast Path, other tourist attractions and holiday accommodation parks are also of concern.</p> <p>It is LCCs concern that the perception of Lincolnshire as a tourist destination may be detrimentally impacted by construction activities particularly with regard to visual and highways impacts from construction activities. Such as, the potential of increased congestion due to additional HGVs on the road network.</p> <p>LCC considers that construction activities could dissuade potential tourists from visiting Lincolnshire resulting in a loss of income and jobs</p> |

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| | | <p>which are supported by the tourism industry, as such, LCC consider main construction activities should take place outside of main tourism season (April to September).</p> |
| <p>TT Traffic and Transport</p> | | |
| <p>Q1 TT 1.1</p> | <p>Transport Assessment The Local Impact Report (LIR) submitted by LCC [REP1-053, Paragraphs 10.11 to 10.16], suggests that additional roads with reasonable levels of traffic, such as Ingoldmells Road, Sloothby High Lane, South Ings Road, and Marsh Lane, should also be crossed using trenchless techniques. LCC highlights the absence of flow data in Figures 27.1.7, 27.1.8, and 27.1.9 of [APP-118], the need for drawing corrections in AC-15, Sheet 5 of the Construction Access General Arrangements [APP-221], and the requirement for a Section 278 Minor Works permit for the proposed passing places. LCC expects that the necessary technical approvals should be obtained from LCC for works in the highway. With reference to paragraphs 10.11 to 10.16 of the LIR of LCC [REP1-053] and LCC's Relevant Representation (RR) [RR-004], how does the Applicant's response to RRs [PD1-071, RR-004.004 to RR-004.009] address the concerns raised? If the concerns are not resolved, can you explain your position for each concern and provide your recommendations to address each unresolved concern?</p> | <p>The applicant will use Trenchless techniques on all adopted roads. The applicant states that LCC's minor works process will be used for passing bays and LCC's Permitting scheme will be used for works on the highway. This approach is acceptable to LCC.</p> |

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| <p>Q1 TT 1.2</p> | <p>Conflict between non-motorised users and construction traffic LCC has highlighted that ‘the use of rural roads, which have no dedicated provisions for pedestrians, cyclists, or equestrians, may result in the increased potential for conflict between these user groups and construction traffic’ [REP1-053 paragraph 10.9]. LCC is requested to further explain the specific mitigation required to restrict vehicular activity on these roads and how this would form part of phase specific construction management plans, secured through the DCO?</p> | <p>As set out above the Council consider that the scale and frequency of construction vehicle movement have not been fully assessed and therefore there exists a potential for large HGVs to be using rural roads that are not designed for this size of vehicle. During the summer period in particular these roads are likely to be used for recreational purposes particularly in vicinity of the coastal areas where there will be significant numbers of tourists who will not be familiar with the local rural road network and will not expect to meet large HGVs on these rural roads.</p> <p>Therefore, measures need to be put in place to minimise the use of non ‘A’ and ‘B’ class roads by construction traffic and where this is not possible to seek to use times of the year and day when such conflicts are least likely to happen.</p> |
| <p>Q1 TT 1.3</p> | <p>Traffic problems near Fosdyke Playing Field With reference to Fosdyke Playing Field’s Relevant Representation [RR-022], which raises concerns about roads and traffic problems during construction and the Applicant’s response to Relevant Representation [PD1-071] Are you content with the Applicant’s response in relation to onshore traffic during construction? If not, provide your justification with evidence to support.</p> | <p>The Council has not looked at this particular issue in any detail but do not have any issue with the applicants individual construction programme but where further safeguards will be necessary is in relation to other emerging schemes and how the cumulative impacts of multiple projects undertaking construction activities at the same time in this locality are managed to ensure there are not issues on the local highway network as set out in this representation.</p> |
| <p>Q1 TT 1.4</p> | <p>Construction Traffic Effects In [RR-093], Nicholas Alexander Sermon has raised</p> | <p>The Council has no issue to raise with the applicant’s response on this matter.</p> |

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| | <p>concerns about a construction compound within 100 meters of the property and the effects of construction traffic on the property. In the Applicant's response to Relevant Representations RR-093.001 of [PD1-071], the Applicant states the basis for selecting Construction Access Point 40 and the maximum number of construction Heavy Goods Vehicles (HGVs) to Construction Access Points 40 and 41 [AS1-012]. Do you find the Applicant's conclusions in RR-093.001 [PD1-071] satisfactory? If not, please provide your reasoning.</p> | |
| <p>Q1 TT 1.5</p> | <p>Access to Property The RR submitted by Barry Cooper [RR-080] raises concerns over the potential effects on access to property due to the proposed routes of HGVs during construction period. In the Applicant's response to Relevant Representations [PD1-071], the Applicant states a scheme of passing places has been proposed on the local construction vehicle access route between the A52 and the onshore cable corridor on Low Road / Yawling Gate Road / Howgarth Lane to mitigate the impact of construction traffic and allow two HGVs to pass should they meet along the route, as shown in Chapter 27 Appendix 1 Transport Assessment Annex N Passing Place Proposals [document 6.3.27.1, APP-229]." The Applicant's response also emphasizes the Outline Construction Traffic Management Plan (CTMP) [APP-289]. Considering the Applicant's response to Relevant</p> | <p>The Council has no reason to dispute the applicants conclusions on this matter.</p> |

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| | Representations [PD1-071], are the Applicant's conclusions in relation to the access to property mentioned in [RR-080] satisfactory? If not, explain your position with evidence to support your view. | |
| Q1 TT 1.6 | <p>Cumulative Transport Assessment during construction</p> <p>Paragraph 10.10 of the LIR [REP1-053] and the Relevant Representation of LCC [RR-004] raised concerns about the cumulative traffic impact on the existing A16 and A158 routes due to two other potential NSIPs (National Grid schemes and Ossian Off-Shore Wind and Cable route) combining with the Proposed Development, if they occur simultaneously. The ExA has made a Procedural Decision to request the Applicant to provide a 'Report on the inter-relationship with other infrastructure projects' as mentioned in the ExA's Rule 8 letter [PD-011, Annex B Paragraph 6], recognizing the importance of considering cumulative and in-combination effects with other infrastructure projects. How does RR-004.003 of the Applicant's response to RRs [PD1-071] address the concerns raised? If the concerns are not resolved, provide your recommendations to address them, considering that the Applicant will submit the initial version of a 'Report on the inter-relationship with other infrastructure projects' by D2 [PD-011, Annex B Paragraph 6]</p> | The Applicant's approach is reasonable for conventional planning – that the development that gets consent first has to be considered by later development proposals. However, these are NSIPs –and are of National Strategic Importance – therefore it would be advisable that ExA and ultimately the Secretary of State do consider the cumulative impact and priority for the projects. Otherwise, there is a risk that later NSIPs are unable to be delivered to a particular timescale because the current highway capacity to operate safely has been absorbed by the first wave of NSIPs getting consent. |
| Q1 TT 1.7 | <p>Public Rights of Way (PRoW)</p> <p>In the LIR of LCC [REP1-053], it is noted that the</p> | <ol style="list-style-type: none"> 1. The King Charles III England Coast Path (KCIIECP) has been mentioned on page 8 |

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| | <p>landfall point and surrounding areas impacted by the cable route may disrupt lawful users' access to the coast. The LIR also emphasizes the importance of the local PROW network for accessing the County's Coastal Country Park. Provide signposting which sets out where the Applicant has addressed these concerns. To LCC: Please share your concerns regarding this matter, considering the Outline Public Access Management Plan [PD1-062] and provide recommendations on how they should be addressed</p> | <p>of the OPAMP but this does not appear on the plan and no provision has been made for any diversions or how access is proposed to be managed. This may require Natural England consent separate to any DCO</p> <ol style="list-style-type: none"> 2. The Council welcome the statement that specification of any temporary diversions will be agreed with LCC through consultation on the final PAMP, and in particular the principal that duration and disruption to the network will be kept to a minimum and they will be kept open with either an unmanned or manned crossing 3. Note that discussions are to be had with the "LCC Access Officer" for any diversion. Request clarification if the applicant means the PROW & Access Team? (page 9) 4. Note that warning signs are to be put in place as part of the 'managed access' measures - the exact nature of these signs will need to be agreed by the Council to ensure that they do not constitute a psychological deterrent. 5. The Council is concerned about the statement that a short section of boundary fencing may be erected on each PROW. This is not shown on any of the diagrams and figures giving examples of |
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| | | <p>the crossings. The Council will need to see and agree in advance the details of any boundary fencing and in particular the type of any proposed barriers. There should not be any new barriers unless absolutely necessary, as any barrier can cause problems for users, particularly those who are disabled. As a matter of principal if the PROW is not diverted then the public would have the right of way over the private use, and the development and any temporary measures should respect this. It would be best for the construction site to be fenced or gated off from the PROW, rather than a perimeter fence being erected across a right of way as a matter of course.</p> <p>6. Similarly, there is no definition of managed crossing. The Councils concern here is that the applicant might be looking to have a marshal and control when the public can and cannot cross. Whilst this sounds good in principle as stated above the public have the right of way, and the haul vehicles etc should give way to anyone wishing to cross, not the other way around.</p> <p>7. The Council is not clear what this means: <i>“All PWow crossings will be (if required), diverted to where temporary crossing</i></p> |
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| | | <p><i>points are or along a straight route, where a clear line of signs is provided. No crossing will be at a haul road bend.” Is this to ensure that there is sufficient visibility of the haul road? It seems that there will be crossing points off the right of way already (unsure why) and PRow will then be diverted onto them (possibly creating a shared use route?) Request clarification on this point</i></p> <p>8. Page 10: The principal of the arrangement at Plate 2.1 seems acceptable, provided that no open trenches are left at crossing points. However the document does contradict itself; the diagram does show open trenches across the right of way but the text above it states no open trenches. The Council suggest the diagram is modified to show how the applicant is going to close the trenches off at the crossing points</p> <p>9. The PAMP references that <i>"Should a user not wish to be delayed (albeit any delays would be very short), a map showing a suggested alternative route will be provided at the crossing location."</i> The public when using the right of way or a diverted route should not be delayed” – All the diagrams and descriptions for where a path has a managed crossing</p> |
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| | | <p>does not show points that the public have to stop or would be held back/delayed (which we would take issue with) so the Council is unsure am unsure what this means?</p> <p>10. The Council note that PAMP expects that the temporary closures to be authorised by the DCO. As the Council has raised on other DCO projects in the County regarding the wording of the DCO, there needs to be in place measures for notice to be given etc and maximum durations and notices on site so that we know when it is an enforcement matter or not. The DCO should list this as a condition or the authorisation. The Network Regulation team should also be consulted and be aware on this point as the DCO would override their normal working practices and legislation.</p> <p>11. Page 11: Defined diversion zone: this needs to be within the final PAMP</p> <p>12. Page 16: 8 weeks advance notice is written for any temporary closures. This should be fine.</p> <p>13. Page 16: The option for having a diversion in place but only implementing when necessary is welcome</p> <p>14. Comments on specific diversions:</p> <p>a. Figure 2.6: the Council is unsure</p> |
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| | | <p>why Hogs/48/1 needs to be diverted?</p> <ul style="list-style-type: none"> b. Figure 2.15: Significant diversion on Crof/276/2, 276/3 and 276/4. Can this be shorter? c. Figure 2.34: the paths diverted here are not yet recognised to be PROW. Diversions may not be required. A plan in case they are recognised is welcome however. d. Figure 2.35: the paths diverted here are not yet recognised to be PROW. Diversions may not be required. A plan in case they are recognised is welcome however. <p>15. Where PROW are crossed with a haul road - surfacing will be required to ensure the surface is able to withstand the vehicle use. The applicants confirmation on this point is sought.</p> |
| WE Water Environment | | |
| Q1 WE 1.5 | <p>Flood Risk in the Fosdyke Area In the Relevant Representation (RR) submitted by Anthony Kindred [RR-084], a concern was raised about the Fosdyke Flooding, and the RR submitted by Lisa Kindred [RR-085] raised a concern about flooding due to damage to existing drainage dykes. The Applicant emphasises that the Flood Risk Assessment [APP-211] confirms that the</p> | <p>The Council find the applicant's response satisfactory and have no further comments to add on this point.</p> |

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| | <p>Proposed Development is not expected to have any impact on the Flood Risk of the Fosdyke Area during construction and operation. The Applicant also highlights that the high-level parameters for the crossing of drains are included in the Outline Code of Construction Practice and will be secured through the DCO.</p> <p>With reference to the RR, as well as the Applicant's response to Relevant Representations in RR-084.004 and RR-085.006 of [PD1-071], do you find the Applicant's conclusions regarding the Flood Risk of the Fosdyke area to be satisfactory? If not, please explain your view with evidence to support it.</p> | |
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