

Outer Dowsing Offshore Wind

The Applicant's Response to Action Points 2, 7, 9 of ISH3 and Correction to LV 1.4 Response

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Acronyms & Definitions

Abbreviations / Acronyms

Abbreviation / Acronym	Description
AMS	Agricultural Management Strategy
BNG	Biodiversity Net Gain
CLG	Community Liaison Group
DAD	Design Approach Document
DCO	Development Consent Order
DPS	Design Principles Statement
DRP	Design Review Panel
ECC	Export Cable Corridor (offshore ECC or indicative onshore ECC)
EIA	Environmental Impact Assessment
EMP	Ecological Management Plan
ES	Environmental Statement
ExA	Examining Authority
GIS	Geographic Information System
GW	Gigawatt
IDB	Internal Drainage Boards
ISH	Issue Specific Hearing
JNCC	Joint Nature Conservation Committee
LCC	Lincolnshire County Council
LMP	Landscape Management Plan
LPA	Local Planning Authority
ODOW	Outer Dowsing Offshore Wind (The Project)
OLEMS	Outline Landscape and Ecological Management Strategy
PAMP	Public Access Management Plan
PEIR	Preliminary Environmental Information Report
PRoW	Public Right of Way
SoC	Statement of Commonality
SoCG	Statements of Common Ground

The Applicant's Response to Action Points 2, 7, 9 of ISH3 and Correction to LV 1.4 Response

1. This document is provided in response to Action Points 2, 7 and 9 arising from Issue Specific Hearing ("ISH") 3 held on Thursday 5 December.
2. Additionally, the Applicant has noted text has been omitted in error from the response to Q1 LV 1.4 and this answer has been updated with the missing text included.

1.1 Applicant’s Response to Action Point 2 from Issue Specific Hearing 3

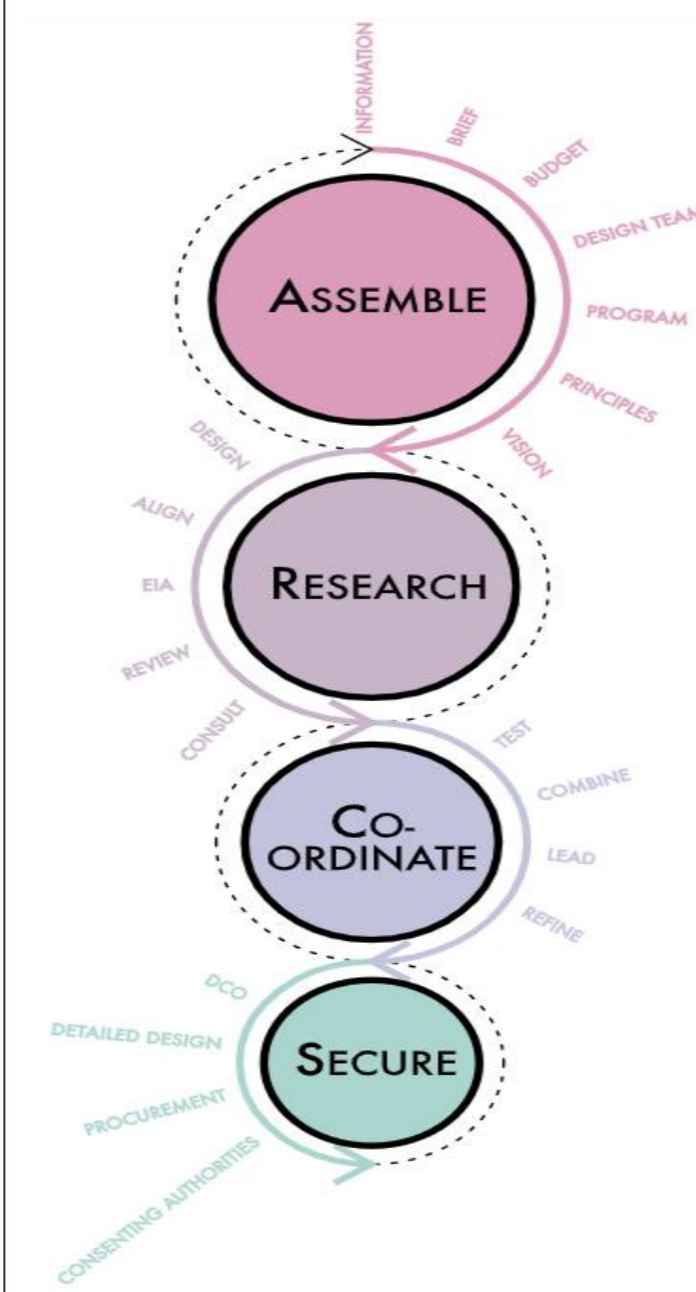
ID	Response to Action Point 2 from Issue Specific Hearing 3	Applicant Response
1	<p>Action Point 2 from ISH 3 (EV7-010) requested: <i>Provide confirmation of the intended Advice Note to be referenced in ExQ1 DES 1.6. Also, to map the steps it has taken along its design process so far to the steps in the Advice Page on Good Design illustrated by the Good Design process diagram in its revised response</i></p> <p>The Applicant has therefore provided an updated response covering both a revised Applicant response to original Examining Authority (ExA) Question DES 1.6 and addressing the request from the ExA in Action Point 2.</p> <p>For the avoidance of doubt, reference to “Advice Note 15” was an error and so has been removed from the revised response.</p> <p>Question DES 1.6 “The Planning Inspectorate’s Advice on Good Design for Nationally Significant Infrastructure Projects (NSIPs) The ExA notes the recent publication of the Planning Inspectorate’s guidance entitled Nationally Significant Infrastructure Projects: Advice on Good Design. While it is mindful that the publication of this advice comes some months after the Applicant’s submission, the ExA would nevertheless welcome the Applicant’s view on how its design processes and proposals for the Proposed Development align with this advice. In addition, the Applicant is asked to set out where its current proposals and design processes differ from those established by the Advice on Good Design for NSIPs and to set out how the Applicant can align its design proposals and processes more closely with this advice during the Examination.”</p>	<p>The Planning Inspectorate’s recently published ‘Advice on Good Design for Nationally Significant Infrastructure Projects’ (October 2024) identifies a good design process as comprising the following six components;</p> <ul style="list-style-type: none"> • <i>‘an effective, intentional, transparent, and deliverable process;</i> • <i>a collaborative, multi-disciplinary approach including positive community and land rights engagement;</i> • <i>a succinct and ambitious vision for the project, underpinned by a clear analysis of the context for the place, its environment and the opportunities for creating social value, including for the local and wider economy;</i> • <i>a clear statement of design principles that will drive the project and deliver wider value and benefits beyond the core purpose of the scheme;</i> • <i>a narrative that explains how the approach to design has evolved, the reasons for the choices that have been, or will be, made, an explanation of the multiple beneficial outcomes the project will achieve and how they will be secured; and</i> • <i>design leadership supported by an engaged design champion to ensure design governance is secured and the design principles drive a structured design process and hierarchy of design control.’</i> <p>The Applicant has been committed to good design from the outset of the Project and fulfils these six components of good design in the following ways;</p> <p>An effective, intentional, transparent, and deliverable process</p> <p>The Design Approach Document (DAD) (APP-292) summarises the design processes that guide the Project and the consideration of key design solutions and decisions; it sets out the overarching vision, design principles and commitments and outlines how these will be implemented into detailed design. For example, Table 3.1 of the DAD sets out the Project’s approach to good design and lists out the achievements against each design consideration. It should be noted that both the DAD (APP-292) and the Design Principles Statement (DPS) (APP-293) will be updated to reflect relevant offshore infrastructure, which will be submitted into the Examination at Deadline 4.</p> <p>The Applicant is keeping detailed records of all work undertaken as part of the Project, including all meetings, consultation events, site surveys, desk-based studies, consideration of alternatives and development of design solutions. This is to ensure that the process is transparent, is responding to the requirements of the Project and is following an evidence-based approach to deliver the best practicable outcomes.</p> <p>A collaborative, multi-disciplinary approach including positive community and land rights engagement</p> <p>The Applicant has drawn together a multi-disciplinary team of specialists, collectively covering the breadth of disciplines relevant to the Project and with invaluable experience working on similar NSIPs. The specialists have worked collaboratively with the client team, engineers, and each other to ensure a holistic approach that fully considers the interaction between the disciplines. For example, the siting of the onshore substation was informed by a combination of specialist information on soils, hydrology, land-use and with the objective of minimising effects on ecology, archaeology, landscape character and visual amenity.</p> <p>The Applicant has also implemented an extensive programme of community and landowner engagement to ensure all parties are being kept well informed and up-to-date with the progress of the Project and to provide the opportunity to contribute meaningfully to the refinement of the Project. The information in Table 4.1 of the DAD (APP-292) documents the ways in which community and landowner involvement have positively influenced various aspects of the Project, for example, the removal, addition and relocation of access tracks in response to landowner feedback.</p>

ID	Response to Action Point 2 from Issue Specific Hearing 3	Applicant Response
		<p>A succinct and ambitious vision for the project, underpinned by a clear analysis of the context for the place, its environment and the opportunities for creating social value, including for the local and wider economy</p> <p>The DAD (APP-292) sets out the overarching vision for the Project which states <i>“Our next generation offshore wind farm will help form the backbone of the UK’s net zero energy system, engaging communities, delivering opportunities, and empowering transformational environmental change.”</i> This vision expresses the nationally significant role of the Project in delivering green energy and also its locally significant role in delivering positive change within the local community. For example, the Applicant has held four phases of Project-wide consultation and a targeted consultation, 16 Public Information Days, 6 Rounds of Community Liaison Group (CLG) Meetings (4 CLGs) and over 50,000 leaflets issued to local residents. The Applicant aims to continue with regular meetings post consent.</p> <p>A clear statement of design principles that will drive the project and deliver wider value and benefits beyond the core purpose of the scheme</p> <p>Table 3.1 of the DAD (APP-292) introduces the four overarching design principles for National Infrastructure as set out by the National Infrastructure Commission.</p> <ul style="list-style-type: none"> • Climate: Outer Dowsing Offshore Wind is a circa.1.5GW Project and the design will optimise the generation of renewable energy to displace carbon emissions and help meet national and international carbon reduction and renewable energy targets. • People: Listening to the local communities and involving them in the Project’s evolution from the outset has enabled us to design the Project with the local community in mind. • Place: The commitments the Project have made in relation to their landscaping scheme and the design review process is targeted at enhancing the local environment and supporting the sense of identity within the landscape. • Value: The overall aim of the Project is to deliver 1.5GW of renewable energy, enhancing the UKs energy security, delivering on the government’s renewable energy targets and helping to address the climate emergency. <p>Section 3 of the DPS (APP-293) sets out the specific design principles that will be delivered with respect to these four key considerations: climate, people, place and value. For example, under ‘people and value’, it states, <i>‘Parish Councils, local residents and relevant planning authorities will be represented in the design development and consultation process’</i> and under ‘place’, it states, <i>‘The visual impacts of the substation infrastructure will be minimised as far as possible by their sensitive placing, the use of appropriate design, building materials, shape, layout, colour, finishes and landscaping.’</i> Table 3.1 sets out the 17 design principles developed and details their implementation during detailed design.</p> <p>It should be noted that the DPS is considered a ‘live’ document in the sense that it will be updated during examination and post-consent to include the modified, expanded and additional design principles that will be necessary to guide the design as it evolves through the detailed design process.</p> <p>A narrative that explains how the approach to design has evolved, the reasons for the choices that have been, or will be, made, an explanation of the multiple beneficial outcomes the project will achieve and how they will be secured</p> <p>Ongoing careful and accurate documentation of all Project stages has been undertaken by the Applicant. The DAD (APP-292) and DPS (APP-293) present a narrative that explains how the approach to design has evolved and will continue to evolve and how the multiple benefits of the Project will be secured through the draft DCO. The documentation of the siting of onshore and offshore infrastructure is presented in Chapter 4 of the ES – Site Selection and Alternatives (APP-059). As the detailed design progresses and evolves post-consent, the design principles secured within the DAD (APP-292) and DPS (APP-293) will be built upon to reflect the greater level of detail regarding design decisions and the multiple beneficial outcomes of the Project.</p> <p>Design leadership supported by an engaged design champion to ensure design governance is secured and the design principles drive a structured design process and hierarchy of design control</p>

The Project has appointed a Design Champion, David Few, the Project Director for the Project who has been engaged since the early stages and will continue to ensure good governance around the implementation of good design, by ensuring the design principles are fit for purpose, the structured design process enables the optimisation and implementation of the design principles and that the design review process leads to a robust and defensible outcome.

Advice on Good Design – Stages of the Design Process (Assemble, Research, Co-ordinate and Secure)

The Planning Inspectorate’s ‘Advice on Good Design’ (October 2024) illustrates the four stages of the design process; assemble, research, co-ordinate and secure, using a flow diagram.



The steps which the Applicant has undertaken to secure and deliver good design are mapped out below, in respect of the four stages (assemble, research, co-ordinate and secure).

Assemble

In February 2021, the Applicant was awarded Preferred Bidder status by The Crown Estate for the Project Agreement for Lease (aFL) array area. At the outset of the Project, the Applicant made the following statement;

“Environmental stewardship and community engagement are central to Outer Dowsing Offshore Wind’s vision. Our aim is to have a long term positive environmental impact through responsible design optimisation of the project, honest and transparent engagement with local communities and stakeholders, and proactive mitigation solutions.”

The Applicant assembled a multi-disciplinary team of specialist consultants that would ensure all environmental, social and economic issues would be given the detailed consideration they required, and, through collaborative working, these considerations would be combined to achieve a holistic and systems wide response. The Project Team’s commitment to good design was expressed through the overarching design vision set out in the DAD (APP-292) which states; *“Our next generation offshore wind farm will help form the backbone of the UK’s net zero energy system, engaging communities, delivering opportunities, and empowering transformational environmental change.”* The vision demonstrates how the Project will extend beyond the Order Limits through its ambitious contribution to the UKs energy system at a nationally significant level. It also goes beyond the Order Limits by recognising the importance of community engagement and the potential environmental, social and economic benefits that a project of this scale can deliver across the local area. The pre-application stage of the Project has been used to develop the vision, the DAD (APP-292) and the DPS (APP-293) through consultation with LCC, the LPAs and the CLGs, with the intention of building upon the DAD and DPS where required during the examination and post-consent stages to ensure that they are enabling an iterative and responsive design process.

Research

ID	Response to Action Point 2 from Issue Specific Hearing 3	Applicant Response
		<p>The research stage of the Project has involved baseline assessments, site selection, preparation of the EIA Scoping Report (APP-034 and APP-035), Preliminary Environmental Information Report (PEIR) and Environmental Statement (ES) and ongoing collaboration and consultation internally within the Project Team and externally with statutory consultees, stakeholders and local communities. The Applicants Consultation Report (AS1-034) and associated appendices (APP-033 to APP-054), contain further details on the process and content of the work undertaken, feedback received and how this feedback has driven the design process and evidence gathered.</p> <p>Survey campaigns and stakeholder engagement have been ongoing since March 2021. They have led to the collation of a comprehensive evidence base that has ensured that the development, design, and construction of the Project are founded on the best available understanding of all technical, environmental, social, and economic conditions.</p> <p>The siting of the onshore and offshore infrastructure has required a clear brief of the Project’s technical requirements, baseline information covering both a broad range of topics and the broad extents of the study areas, and a system to collate, process and analyse all the data and information required, to inform an effective and robust decision-making process.</p> <p>The siting of the onshore and offshore infrastructure is documented in ES Chapter 4: Site Selection and Consideration of Alternatives (APP-059) which details how the consideration of alternatives and refinement of the Order Limits were shaped by engineering and environmental considerations, as well as by feedback from stakeholders and the local communities.</p> <p>Pre-scoping, options for siting all onshore and offshore infrastructure were explored in detail using a number of tools including a RAG (red, amber, green) assessment, numerous site visits to ground truth, survey and investigate and landowner and community feedback. covering each topic’s key considerations. Multiple alternatives for the siting of the onshore substation were explored, based on the understanding of the long-term and potentially significant effects that this component of the onshore infrastructure could give rise to, owing to its size and long-term presence during the operational phase. Alternatives were also considered for the landfall location and routing of the onshore cable corridor.</p> <p>The Scoping Report for the Project, published in July 2022 (APP-034 and APP-035) comprised a Landfall search zone, a 1km wide onshore cable corridor search zone and two onshore substation search zones – one at Lincolnshire Node and one at Weston Marsh. These search zones were further refined for PEIR published in June 2023 (ODOW, 2023), which was based on 300m wide search zones for the onshore cable corridor, including an alternative middle section added west of the A52 and smaller search zones for the Landfall and three alternative substation locations at Lincolnshire Node, Weston Marsh and Surfleet Marsh.</p> <p>The EIA undertaken and resultant ES submitted by the Applicant was based on a Project design with single options for Landfall, onshore cable corridor and onshore substation and with refined Order Limits to reflect this. While the locations for the onshore infrastructure are fixed within the Order Limits, there remains scope for micro-siting to enable further reductions in effects, such as avoidance of tree removals or reduction of visibility from properties. The EIA is based on the Rochdale Envelope such that the effects of the worst-case scenario have been assessed following a parameter-based approach (detailed within Chapter 5 Environmental Impact Assessment Methodology, APP-060). This is most notable in respect of the onshore substation where the larger footprint of the AIS technology and the larger height of the GIS technology have been combined to ensure the assessment and associated mitigation measures are robust enough to cover any potential final design located within the Order Limits.</p> <p>The design process undertaken by the Applicant in siting the onshore and offshore infrastructure has taken three years, it has been evidence-based, it has followed an iterative process of testing out and refining alternatives, it has involved a huge degree of collaboration between the Applicant, the engineers and the specialist consultants and through regular consultation it has enabled meaningful and valued contributions from statutory consultees, stakeholders and local communities.</p> <p><u>Co-ordinate</u></p>

ID	Response to Action Point 2 from Issue Specific Hearing 3	Applicant Response
		<p>Moving into detailed design during post-consent, the Project will benefit from the ongoing involvement of the engineers and specialist consultants who have accumulated an extensive base of knowledge throughout the scoping, PEIR, ES and Examination stages. A programme of consultation will be prepared that will ensure that collaboration with statutory consultees, stakeholders and local communities will be ongoing and that engagement with the independent Design Review Panel (DRP) will be targeted at key stages in the design process.</p> <p>The key focus of the detailed design will be the onshore substation, following the selection of either AIS or GIS as the preferred technology and an engineering layout to work with. As set out in the Planning Inspectorate’s ‘Advice on Good Design’, further iterations will be required to refine the design and in addition to the consultation measures described above, this will also involve the ongoing involvement of the independent DRP.</p> <p>The articulation of the Project’s Vision in the DAD (APP-292) and DPS (APP-293) provides an over-arching guide to the detailed design, with further detail around the process and principles continuing to evolve. The process of detailed design will be fully documented with justification presented regarding choices made and how inputs from interested parties and the DRP have contributed to decision making.</p> <p>In terms of strong leadership on design, the whole process will be overseen by the Project’s Design Champion, David Few, who will be responsible for ensuring that the vision is realised throughout the project, that the process delivers good design throughout the construction and operational phases, and that the design principles deliver good design at the detailed level. Section 5.3, Project Design Champion of the DAD (APP-292) provides further details.</p> <p><u>Secure</u></p> <p>Although ‘secure’ is listed as the final stage in the four-stage process, it has been a key consideration for the Applicant from early in design development. The early commitment expressed through the design vision and detailed through the DAD (APP-292) and DPS (APP-293) has ensured that that plans to secure good design have become embedded in every aspect of the Project. The draft DCO (REP2-007) includes a provision to deliver the design principles through Requirement 9.</p> <p>The Good Design Advice (2024), includes reference to ensuring any differences with future consenting authorities are aired. Statements of Common Ground (SoCG) reflect the documented areas of agreement and disagreement between the Applicant and the relevant consenting authorities, including LCC and LPAs. Through the Examination, these are regularly updated in respect of each topic of interest and encourage the ongoing pursuit of resolving differences in a constructive and collaborative manner before the closure of the Examination. The updated Statement of Commonality (SoC) also provides a presentation of commonality in the topics being discussed with the stakeholders.</p> <p>The procurement stage will be driven by the commitments and Requirements secured within the final DCO (including the outline documents developed with stakeholders through the process).. The process for post consent design, good design principles and compliance with good working practices, standards, and codes will therefore be embedded from the tender stage to ensure that the potential contractor adheres to such principles and processes. The design process for the OnSS will consider many aspects, such as landscaping, visual impact, flood protection, surface water management/discharge, noise, lighting. As the works are procured with the potential contractor for detailed engineering design, the design principles developed and secured through the DCO will be embedded in the process. This enables a robust detailed design process which secures the elements of good design, whilst ensuring the safe operation of the substation and the functional requirements of the electrical system.</p>

1.2 Applicant’s Response to Action Point 9 from Issue Specific Hearing 3

ID	Response to Action Point 9 from Issue Specific Hearing 3	Applicant Response
1	<p>At Issue Specific Hearing 3 the ExA asked the Applicant as Action Point 9 (EV7-010) to:</p> <p>“Comment on whether the removal of the provision for the creation and enhancement of arable field margins from the outline Landscape and Ecological Management Strategy (as reported in the Applicant’s response to ExQ1 HOE 1.16) would result in Biodiversity Net Gain (BNG) implications.”</p>	<p>The Applicant notes that there has been some confusion in respect of the answer to ExQ1 HOE 1.16 [REP2-051].</p> <p>The Applicant has differentiated between the term arable field margins as used in an agricultural context and arable field margins as used in an ecological context. The Applicant’s position in respect of agricultural arable field margins is set out in the Applicant’s response to this question submitted within the Applicant’s Response to Written Questions submitted at Deadline 2 [REP2-051].</p> <p>The Applicant’s position on ecological arable field margins, which are referred to within the OLEMS, is set out below, all references to arable field margins hereafter refer to ecologically defined arable field margins.</p> <p>The definition of an ‘arable field margin’ differs to some degree between UK Hab and the JNCC definition used to identify arable field margins for the purposes of Countryside Stewardship Schemes.</p> <p>The UK Hab definition states that arable field margins are: “herbaceous strips or blocks around arable fields <i>that are managed specifically to provide benefits for wildlife</i>. The arable field must be in a crop rotation that includes an arable crop, even if in certain years the field is in temporary grass, set-aside or fallow”.</p> <p>The JNCC definition, which is used to identify arable field margins for the purposes of Countryside Stewardship goes further, detailing arable field margins as a priority habitat type as follows:</p> <p>Arable field margins are herbaceous strips or blocks around arable fields that are managed specifically to provide benefits for wildlife. The arable field must be in a crop rotation which includes an arable crop, even if in certain years the field is in temporary grass, set-aside or fallow. Arable field margins are usually sited on the outer 2–12m margin of the arable field, although when planted as blocks they occasionally extend further into the field centre. In general terms, the physical limits of the arable field margin priority habitat are defined by the extent of any management undertaken specifically to benefit wildlife. Single payment cross-compliance margins are considered as part of the boundary habitat and are not part of the arable field margin habitat. The outer edge refers to the edge closest to the field boundary. Where there is a living field boundary (hedgerow or line of trees), any herbaceous vegetation within 2m from the centre of the living boundary is considered to be part of the living boundary habitat. The arable field margin outer boundary starts at the edge of this boundary habitat. Where the boundary is a ditch or other water body, any herbaceous vegetation within 2m from the centre of the water body (or 1m from the edge of the water body if this extends further into the field) is considered to be part of the boundary habitat. The arable field margin outer boundary starts at the edge of this boundary habitat. Where the boundary is non-living (e.g. a fence or wall), the outer edge is defined by the extent of any management undertaken specifically to benefit wildlife. Where the habitat comprises a block of, for example, wild bird seed mixture, it has only an outer edge. The inner edge refers to the edge closest to the centre of the field. In all cases, the inner edge is defined by the extent of any management undertaken specifically to benefit wildlife JNCC.</p> <p>The vast majority of arable field margins identified during the UK Hab survey are unlikely to meet the criteria for priority habitat under the JNCC definition. However, the Applicant would seek to retain mitigation for arable field margins (using the UK Hab definition) as a precautionary measure and continue to include arable field margins within the BNG Assessment. Mitigation would be carried out in line with the OLEMS and would include pre-commencement surveys to ascertain the presence, if any, of important arable weeds within areas of c1a and c1a5 to be either temporarily or permanently affected by the Project.</p>

1.3 Applicant Correction to its Response to Q1 LV 1.4

It was noted by the Applicant following the submission of APP2-051 that due to a collation error part of the response to LV 1.4 was deleted. The response below provides the complete answer in order to address this (with the missing text shown in red).

ID	Written Question	Applicant Response
1	<p>Removal of Existing Trees and Hedgerows, Replanting and Management</p> <ul style="list-style-type: none"> ▪ Explain the processes for agreeing tree and hedgerow removal, replanting, aftercare, management and maintenance. Refer to the involvement of LPA, Natural England (NE) and landowners. ▪ Explain your approach to reducing the loss of hedgerows, trees and woodland along the cable route. How is the choice made between the use of trenchless techniques or to remove hedgerows, trees and woodland? ▪ How is the requirement for the use of Horizontal Directional Drilling (HDD) assessed and secured? ▪ What is the Applicant’s proposed ratio for tree and hedgerow replacement? ▪ Provide an outline Arboricultural Management Strategy (AMS) or signposting to documents in the Examination which provide the information that would otherwise be contained within an outline AMS. Alternatively, explain with reasons why this information should not be submitted to the Examination. <p>Set out how the removal of existing trees and hedgerows and the extent of any replanting are adequately controlled and secured within the draft DCO (dDCO).</p>	<p>1. The Outline Landscape and Ecological Management Strategy (OLEMS) (PD-054) sets out an outline to guidance on tree and hedgerow removal, replanting, aftercare, management and maintenance. Post-consent, a landscape management plan (LMP) and ecological management plan (EMP) will be developed which will provide more detail on the proposals for hedgerow and tree removal, replanting, aftercare, management and maintenance in line with the principles set out in the OLEMS.</p> <p>This process will involve collaboration and agreement with the statutory consultees and landowners. As set out in Section 1.2, paragraph 7 of the OLEMS the final LMP, must be submitted to and approved by the relevant planning authority in consultation with LCC under Requirement 10 (Provision of landscaping) of the draft DCO (document 3.1, version 5). Both Requirements 10 and 11 (Implementation and maintenance of landscaping) require the landscaping works to be undertaken in accordance with the approved plan therefore any landscaping works will be implemented as approved and maintained in accordance with the approved plan.</p> <p>2. The loss of hedgerows, trees, and woodlands along the cable route has been minimised through the application of the mitigation hierarchy, with avoidance being the primary strategy. During the route selection stage, aerial photography was utilised to identify routes that reduced the need to remove hedgerows and trees, and with no areas of woodland included within the Order Limits.</p> <p>The Applicant has not made a choice between trenchless techniques or removal of hedgerows, trees and woodland. A choice has been made at various places along the route of the ECC between trenchless techniques and open cut techniques, which is made based on engineering necessity, (in the case of water courses, IDB drains, and railway lines) and avoidance of significant traffic impacts (in the case of roads). Where hedgerows and trees (there are no areas of woodland within the Order Limits), are crossed by trenchless techniques, this is due to their proximity to the other assets mentioned above which must be crossed by such means.</p> <p>Trenchless techniques, such as HDD, are proposed at approximately 216 locations, which notably reduces the potential for further removal of hedgerows and trees along the route. While the use of trenchless techniques is largely dictated by the presence of watercourses, drains and roads, the concentration of tree and hedgerow planting adjacent to these features means that removals will not occur in locations where trenchless techniques are required including trees and hedgerows along the wider extent of the trenchless technique. In the remaining instances where the route crosses field boundaries with hedgerows or trees, micro-siting will seek to avoid tree removals and hedgerows removed will be replaced post construction.</p> <p>In some cases where trenchless techniques such as HDD are employed, temporary removal of small sections of hedgerows may still be required to facilitate haul road construction along the surface of the cable route. However, only the width of the haul road, not the entire construction corridor, will be removed, significantly limiting hedgerow loss.</p> <p>Within the Order Limits, the 52 trees and 73 hedgerows located within areas proposed for temporary or permanent works could potentially be impacted by the Project. However, during the detailed design phase, infrastructure will be micro-sited to avoid hedgerows and trees wherever possible, as set out in section 3.8 at paragraph 208 of the OLEMS (PD-054). Upon completion, all removed hedgerows will be reinstated with a suitable mix of native species to restore the landscape in accordance with the LMP approved pursuant to Requirement 10 (Provision of landscaping).</p> <p>3. The need to undertake trenchless techniques is primarily driven by engineering constraints along the length of the cable corridor, including roads, water courses, railway lines, and drainage features. As stated above, many hedgerows and trees located</p>

ID	Written Question	Applicant Response
		<p>adjacent to these features will also be crossed using these trenchless techniques, notably reducing the need for removals. The crossing schedule identifies areas that are to be crossed using trenchless techniques and the requirement to use these techniques at the landfall and all major crossings is set out in section 5.9 of the CoCP and secured through the DCO. The Project also maintains the flexibility to utilise these techniques in other areas should future detailed design identify a need to do so. The project has not sought flexibility to use open cut techniques in areas where it has already committed to using trenchless techniques.</p> <p>4. The ratio for tree and hedgerow replacement planting is 3:1 as set out at Paragraph 31 of the OLEMS [PD-054].</p> <p>5. Section 21.9.1.2 of Chapter 21: Onshore Ecology [APP: APP-076] includes relevant information regarding loss of irreplaceable habitats, including trees and hedgerows. However, there has previously been no request to undertake an Aboricultural Management Strategy (AMS) by any of the statutory consultees, or through the Scoping Opinion issued by the Planning Inspectorate in September 2022. At Section 3.6, the OLEMS [PD-054] presents information on the protection of retained habitats, including trees. This level of information is appropriate pre-consent, owing to the limited number of trees being lost and the standard approach of detailing the management of existing and proposed planting post-consent when the final detail of the Project is established.</p> <p>6. As set out in paragraphs 9.3 and 9.4 of the Explanatory Memorandum (document 3.2, version 3), Article 35 (Felling or lopping of trees and removal of hedgerows) of the draft DCO (document 3.1, version 5) provides that, subject to Article 36 (trees subject to tree preservation orders), the undertaker may fell or lop or cut back the roots of any tree or shrub within or overhanging the Order limits to prevent it from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project. Article 35 also enables the undertaker to remove hedgerows within the Order limits and the important hedgerows specified in Schedule 17.</p> <p>As set out in paragraph 9.6 of the Explanatory Memorandum, Article 36 (Trees subject to tree preservation orders) allows the undertaker to fell or lop or cut back the roots of any tree within or overhanging land within the Order limits which is subject to a tree preservation order made after 13 October 2023. The reference to a certain date ensures that the provision will apply to trees that were only made subject to preservation orders after the application for a development consent order was prepared in order to prevent it obstructing or interfering with onshore preparation works, the construction, maintenance or operation of the authorised project, or from constituting an unacceptable source of danger (whether to children or to other persons). Compensation is provided for if loss or damage is caused. The Applicant has committed to installing cables by trenchless techniques under the existing trees subject to tree preservation orders within the Order Limits, which are shown on the Important Hedgerows and Tree Preservation Order Plan (PD1-020).</p> <p><u>Following receipt of the Local Impact Report from Lincolnshire County Council (REP1-053) and in particular their comments on Articles 35 and 36, of the DCO in Appendix 3 of that report, the Applicant has taken on board the point made by LCC about compliance with Advice Note 15. The Applicant notes that Advice Note 15 recommends DCO articles for the removal of hedgerows are made relevant to the specific hedgerows intended for removal and that to support the ExA, the article should include a Schedule and a plan to specifically identify the hedgerows to be removed. In order to address this, the Applicant intends to update the DCO at deadline 3 to include a new part in Schedule 17 which will set out the detail of the hedgerows proposed for removal using the powers conferred by Article 35, and Article 35 will be amended to reflect this accordingly. A plan will also be provided at deadline 3 which shows these hedgerows, and that plan will be cross-referenced in Schedule 17.</u></p> <p>As noted above, the OLEMS [PD-054] sets out an outline with regard to tree and hedgerow removal, replanting, aftercare, management and maintenance. Requirement 10 (provision of landscaping) of the draft DCO (document 3.1, version 5) provides that no stage of the onshore works is permitted to commence until for that stage a written landscape management plan and associated work programme (which accords with the OLEMS) has been submitted to and approved by the relevant planning authority in consultation with</p>

ID	Written Question	Applicant Response
		Lincolnshire County Council. Requirement 10 requires the landscape management plan to thereafter be implemented as approved. Requirement 11 (Implementation and maintenance of landscaping) provides that landscaping works must be carried out and maintained in accordance with the landscape management plan(s) approved under requirement 10 (provision of landscaping), and in accordance with the relevant recommendations of appropriate British Standards and also ensures that any landscaping which, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless alternative timing or a different specimen is otherwise approved. Therefore, replanting is adequately controlled and secured within the draft DCO.

1.4 Applicant’s Response to Action Point 7 from Issue Specific Hearing 3

At Issue Specific Hearing 3 the ExA asked the Applicant as Action Point 7 (EV7-010) to: “Respond to LCC’s comments in ExQ1 TT 1.7 [REP2-069] regarding the Public Rights of Way and Outline Public Access Management Plan (PAMP).”

The below provides the LCC’s comments in the left-hand column and the Applicant’s response to each alongside.

ID	LCC Comments on Written Question	Applicant Response
1	The King Charles III England Coast Path (KCIIECP) has been mentioned on page 8 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	Please see the Applicant’s Clarification Note King Charles III England coast path (document reference 20.14)
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	This comment has been noted by the Applicant.
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)	The Applicant acknowledges that the correct term for the LCC contact is the PROW & Access Team. The PAMP will be updated accordingly at Deadline 4.
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.	This comment has been acknowledged by the Applicant. The nature of the signs will be outlined in the final PAMP to be approved in accordance with Requirement 22 (Public Rights of Way) of the draft DCO (Document 3.1 version 6).
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 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,	The Applicant does not intend to create any new barriers to users of the PROW, but it may be necessary to install fencing to clearly define the PROW. Boundary fencing would only be used to define a path leading to the crossing point, or the alternative route where this has been diverted. Fencing would also be set out in the final PAMP.

ID	LCC Comments on Written Question	Applicant Response
	<p>particularly those who are disabled. As a matter of principal if the PROW if 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>	
6	<p>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>The Applicant notes that this is not defined, because for any crossing a range of different measures may be appropriate. A managed crossing is one that will remain open (without a diversion) using management measures. Examples of management measures are illustrated in Figure 2.1 and will be confirmed for each location in the final version of the PAMP when this is submitted for pre-construction approval.</p>
7	<p>The Council is not clear what this means: "All PWOw crossings will be (if required), diverted to where temporary crossing 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</p>	<p>Diversions have only been proposed where a PROW crosses the export cable at a location that the Applicant considers unsuitable to be managed as an open managed crossing, including locations where visibility is compromised, or where a works area for horizontal directional drilling is required.</p> <p>Where diversions are proposed, the path will be diverted to a location where it can be kept open and can be managed safely. Typically, this is to a location alongside a road or ditch where cables will be installed by trenchless means.</p>
8	<p>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>The Applicant can confirm that trenches across the right of way will not be left open. The diagram was intended to show where cables would be installed by open trenched methods.</p>
9	<p>The PAMP references that "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.". 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 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>The Applicant can confirm that the details of where signage will be erected will be included in the final PAMP to be approved by LCC pre-construction. Delays at crossings would only occur at managed crossings while construction traffic was being stopped to let footpath users safely cross the cable corridor.</p> <p>The Applicant will engage with LCC to discuss these arrangements prior to updating the oPAMP.</p>
10	<p>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</p>	<p>The Applicant understands that whilst the DCO overrides the council's normal process for the approval of diversions, DCO Requirement 22 makes LCC the approver for the final PAMP and details of notices will be included at this stage.</p>

ID	LCC Comments on Written Question	Applicant Response
	should also be consulted and be aware on this point as the DCO would override their normal working practices and legislation	
11	Page 11: Defined diversion zone: this needs to be within the final PAMP	This comment has been noted by the Applicant.
12	Page 16: 8 weeks advance notice is written for any temporary closures. This should be fine	This comment has been noted by the Applicant.
13	Page 16: The option for having a diversion in place but only implementing when necessary is welcome	This comment has been noted by the Applicant.
14	<p>Comments on specific diversions:</p> <p>a. Figure 2.6: the Council is unsure why Hogs/48/1 needs to be diverted?</p>	<p>The Applicant can offer the following clarification: Hogs/48/1. The right of way goes across an area that will be used as a works compound for the HDD drilling work to cross the drain to the south of the path. The diversion route is alongside the drain, where the cables will be installed by trenchless means and there will be no haul road so there will be no interruption to this diverted path.</p>
	b. Figure 2.15: Significant diversion on Crof/276/2, 276/3 and 276/4. Can this be shorter?	<p>Crof/276/2, 276/3, 276/4 The 3 paths meet within the cable corridor, within a section where cables will be installed by open trenching. The diversion is to a location where the cables will be installed by trenchless means. The diversion is the shortest possible to a position in this situation, but the diversion will only be implemented when necessary.</p> <p>The Applicant has considered alternative arrangements for managing this crossing, will engage with LCC and if necessary, update the oPAMP accordingly.</p>
	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.	<p>Figure 2.34 The Applicant was advised by LCC to remove these paths as they are not currently PROW. Updated versions of the PAMP, PROW, Crossing Schedule and Crossings Plan were submitted at Deadline 2 with these paths removed.</p>
	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>Figure 2.35 As for (c)</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 applicant's confirmation on this point is sought.	This comment has been noted by the Applicant. The Applicant confirms that the surface of any path within the cable corridor needs to be kept in a suitable condition.