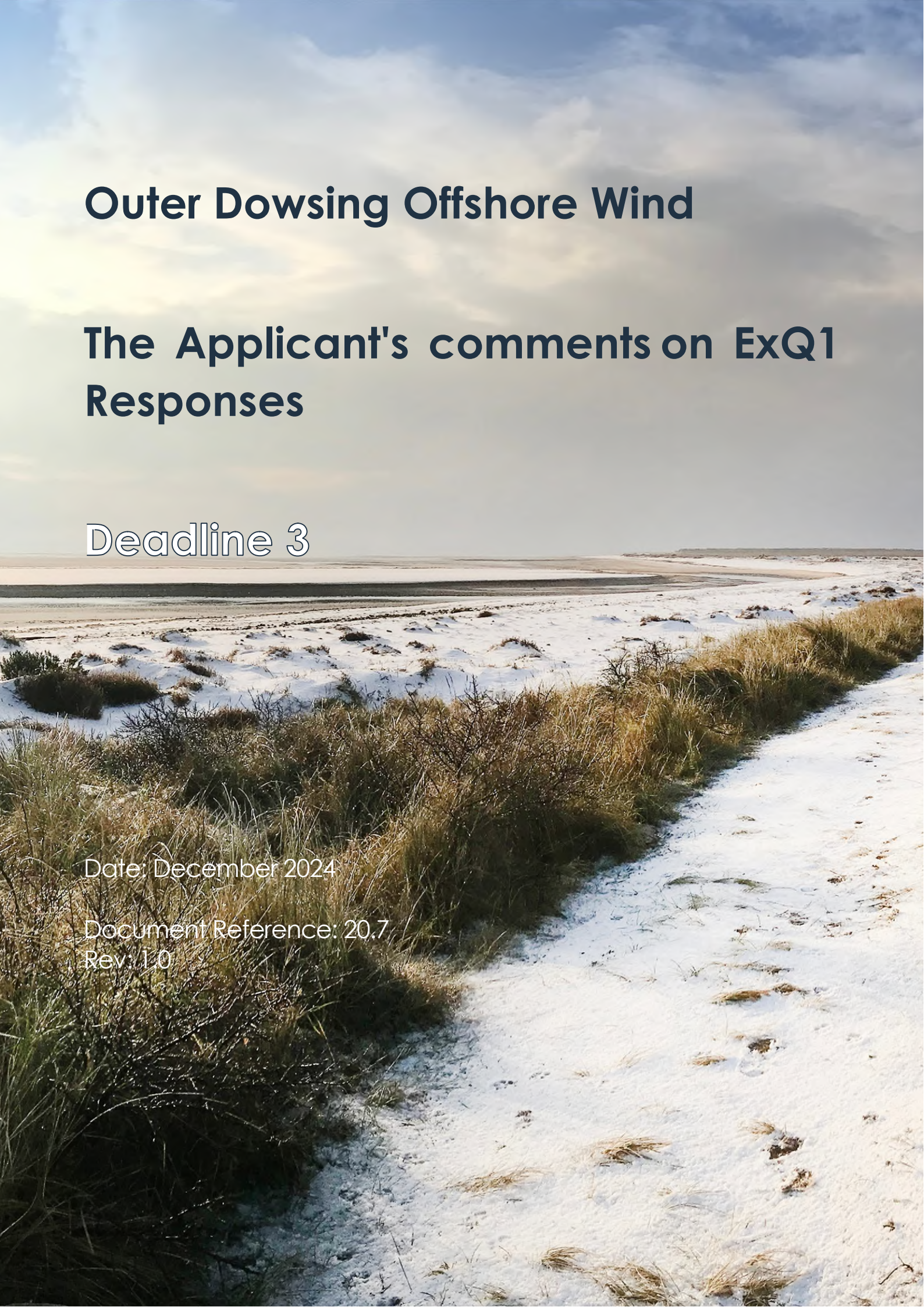

Outer Dowsing Offshore Wind

The Applicant's comments on ExQ1 Responses

Deadline 3

Date: December 2024

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Table of Tables

Acronyms & Definitions

Abbreviations / Acronyms

Abbreviation / Acronym	Description
AEoI	Adverse Effect on Intergrity
AEP	Annual Exceedance Probability
AQMP	Air Quality Management Plan
AMS	Arboricultural Management Strategy
AMSL	Above Mean Sea Level
ANS	Artificial Nesting Structure
Art	Article
ALC	Agricultural Land Classification
BEIS	Department for Business, Energy and Industrial Strategy
BNG	Biodiversity Net Gain
BoR	Book of Reference
BMV	Best and Most Versatile
CA	Compulsory Acquisition
CAA	Civil Aviation Authority
CEMP	Construction Environmental Management Plan
CIC	Cable Installation Compound
CNP	Critical National Priority
CoCP	Code of Construction Practice
CoS	UK Chamber of Shipping
DAS	Digital Aerial Surveys
DCO	Development Consent Order
dDCO	Draft Development Consent Order
DESNZ	Department of Energy Security and Net ZERO
DML	Deemed Marine Licence
DNV	Det Norske Veritas
DIO	Defence Infrastructure Organisation
EA	Environment Agency
ECC	Export Cable Corridor
EMF	Electro Magnetic Field
EMP	Ecological Management Plan
EIA	Environmental Impact Assessment
EL	Examination Library
ES	Environmental Statement
ExA	Examining Authority
EM	Explanatory Memorandum
FLO	Fisheries Liaison Officer
GHG	Greenhouse Gas
GLVIA	Guidelines for Landscape and Visual Impact Assessment
GW	Gigawatt
GWRA	Groundwater Risk Assessment
HGV	Heavy Goods Vehicle
HDD	Horizontal Directional Drilling
HRA	Habitats Regulations Assessment
ICNIRP	International Commission for Non-Ionizing Radiation Protection

Abbreviation / Acronym	Description
IDB	Internal Drainage Board
IDRBNR	Inner Dowsing Race Bank North Ridge
IP	Interested Parties
JNCC	Joint Nature Conservation Committee
LAT	Lowest Astronomical Tide
LCA	Landscape Character Areas
LCC	Lincolnshire County Council
LEA	Local Economic Area
LMP	Landscape Management Plan
LWT	Lincolnshire Wildlife Trust
LIR	Local Impact Report
LNRS	Local Nature Recovery Strategy
LPA	Local Planning Authority
MCA	Maritime and Coastguard Agency
MHWS	Mean High Water Springs
MLWS	Mean Low Water Springs
MMO	Marine Management Organisation
MMMP	Marine Mammal Mitigation Protocol
MOD	Ministry of Defence
MRF	Marine Recovery Fund
NAS	Noise Abatement Systems
NE	Natural England
NFFO	National Federation of Fishermen's Organisations
NGET	National Grid Electricity Transmission Plc
NGSS	National Grid Substation
NPS	National Policy Statement
NRA	Navigational Risk Assessment
NSIP	Nationally Significant Infrastructure Project
OCC	Onshore Cable Corridor
ODOW	Outer Dowsing Offshore Wind (The Project)
OLEMS	Outline Landscape and Ecological Management Strategy
OnSS	Onshore Substation
OP	Offshore Platforms
ORBA	Offshore Restricted Build Area
ORCP	Offshore Reactive Compensation Platform
OTNR	Offshore Transmission Network Review
OWF	Offshore Wind Farm
PADSS	Principal Areas of Disagreement Summary Statement
PPEIRP	Pollution Prevention and Emergency Incident Response Plan
PRoW	Public Rights of Way
PSR	Primary Surveillance Radar
R	Requirement
RSPB	Royal Society for the Protection of Birds
RIAA	Report to Inform Appropriate Assessment
RR	Relevant Representation
RVAA	Residential Visual Amenity Assessment
SAC	Special Areas of Conservation
SF6	Sulphur Hexafluoride

Abbreviation / Acronym	Description
SSC	Suspended Sediment Concentration
SLVIA	Seascape, Landscape and Visual Impact Assessment
SoCG	Statement of Common Ground
SoR	Statement of Reasons
SoS	Secretary of State
SoS DESNZ	Secretary of State for Energy Security and Net Zero
SMP	Soil Management Plan
SPA	Special Protected Area
SSSI	Site of Special Scientific Interest
TCC	Temporary Construction Compound
TP	Temporary Possession
UK	United Kingdom
UXO	Unexploded Ordnance
WAM	Wide Area Multilateral
WCS	Worst Case Scenario
WQMMP	Water Quality Management and Mitigation Plan
WMS	Written Ministerial Statement
WTG	Wind Turbine Generator

Terminology

Term	Definition
The Applicant	GT R4 Ltd. The Applicant making the application for a DCO. The Applicant is GT R4 Limited (a joint venture between Corio Generation (and its affiliates), Total Energies and Gulf Energy Development (GULF)), trading as Outer Dowsing Offshore Wind. The Project is being developed by Corio Generation, TotalEnergies and GULF.
Array area	The area offshore within which the generating station (including wind turbine generators (WTG) and inter array cables), offshore accommodation platforms, offshore transformer substations and associated cabling will be positioned.
Baseline	The status of the environment at the time of assessment without the development in place.
Cable ducts	A duct is a length of underground piping which is used to house the Cable Circuits.
Cumulative effects	The combined effect of the Project acting additively with the effects of other developments, on the same single receptor/resource.
Cumulative impact	Impacts that result from changes caused by other present or reasonably foreseeable actions together with the Project.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for a Nationally Significant Infrastructure Project (NSIP).
Environmental Impact Assessment (EIA)	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Regulations, including the publication of an Environmental Statement (ES).

Term	Definition
Effect	Term used to express the consequence of an impact. The significance of an effect is determined by correlating the magnitude of the impact with the sensitivity of the receptor, in accordance with defined significance criteria.
Environmental Statement (ES)	The suite of documents that detail the processes and results of the EIA.
Export cables	High voltage cables which transmit power from the Offshore Substations (OSS) to the Onshore Substation (OnSS) via an Offshore Reactive Compensation Platform (ORCP) if required, which may include one or more auxiliary cables (normally fibre optic cables).
High Voltage Alternating Current (HVAC)	High voltage alternating current is the bulk transmission of electricity by alternating current (AC), whereby the flow of electric charge periodically reverses direction.
Impact	An impact to the receiving environment is defined as any change to its baseline condition, either adverse or beneficial.
Intertidal	The area between Mean High Water Springs (MHWS) and Mean Low Water Springs (MLWS)
Joint bays	An excavation formed with a buried concrete slab at sufficient depth to enable the jointing of high voltage power cables.
Landfall	The location at the land-sea interface where the offshore export cables and fibre optic cables will come ashore.
Maximum Design Scenario	The project design parameters, or a combination of project design parameters that are likely to result in the greatest potential for change in relation to each impact assessed
Mitigation	Mitigation measures, or commitments, are commitments made by the Project to reduce and/or eliminate the potential for significant effects to arise as a result of the Project. Mitigation measures can be embedded (part of the project design) or secondarily added to reduce impacts in the case of potentially significant effects.
National Policy Statement (NPS)	A document setting out national policy against which proposals for Nationally Significant Infrastructure Projects (NSIPs) will be assessed and decided upon.
Onshore Export Cable Corridor (ECC)	The Onshore Export Cable Corridor (Onshore ECC) is the area within which, the export cables running from the landfall to the onshore substation will be situated.
Onshore substation (OnSS)	The Project's onshore HVAC substation, containing electrical equipment, control buildings, lightning protection masts, communications masts, access, fencing and other associated equipment, structures or buildings; to enable connection to the National Grid
Offshore Restricted Build Area (ORBA)	The area within the array area, where no wind turbine generator, offshore transformer substation or offshore accommodation platform shall be erected.
Offshore Reactive Compensation Platform (ORCP)	A structure attached to the seabed by means of a foundation, with one or more decks and a helicopter platform (including bird deterrents) housing electrical reactors and switchgear for the purpose of the efficient transfer of power in the course of HVAC transmission by providing reactive compensation
Outer Dowsing Offshore Wind (ODOW)	The Project

Term	Definition
The Planning Inspectorate	The agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs).
The Project	Outer Dowsing Offshore Wind, an offshore wind generating station together with associated onshore and offshore infrastructure.
Receptor	A distinct part of the environment on which effects could occur and can be the subject of specific assessments. Examples of receptors include species (or groups) of animals or plants, people (often categorised further such as 'residential' or those using areas for amenity or recreation), watercourses etc.
Rochdale Envelope	A description of the range of possible elements that make up the Project's design options under consideration, as set out in detail in the project description. This envelope is used to define the Project for Environmental Impact Assessment (EIA) purposes when the exact engineering parameters are not yet known. This is also referred to as the "Project Design Envelope".
Statutory Consultees	Organisations that are required to be consulted by the Applicant, the Local Planning Authorities and/or The Inspectorate during the pre-application and/or examination phases, and who also have a statutory responsibility in some form that may be relevant to the Project and the DCO application. This includes those bodies and interests prescribed under Section 42 of the Planning Act 2008.
Statement of Common Ground	A statement of common ground is a written statement produced jointly between The Applicant and another Interested Party setting out the areas of agreement and /or disagreement between parties.
Wind Turbine Generator (WTG)	A structure comprising a tower, rotor with three blades connected at the hub, nacelle and ancillary electrical and other equipment which may include J-tube(s), transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, helicopter landing facilities and other associated equipment, fixed to a foundation
Wind Turbine Generator (WTG) Area	The area within the order limits where Wind Turbine Generators (WTG), offshore transformer substations and offshore accommodation platform can be located following the introduction of the Offshore Restricted Build Area (ORBA).

1 Applicant's Comments on Interested Parties Responses to the First Round of Written Questions

1. The Examining Authority (ExA) issued the first Written Questions (ExQ1) to Outer Dowsing Offshore Wind (the Applicant) and other Interested Parties on the 6th of November 2024.
2. Interested Parties responded to each of the below questions, which are set out in Tables 1.1 – 1.25 in the Column titled Deadline 2 Responses. In response to the Deadline 3 deadline for receipt by the ExA of "Comments on other submissions received at Deadline 2" the Applicant has provided its comments on the Interested Parties responses in the column Comments on Deadline 2 Responses.
3. Due to Issue Specific Hearings (ISH) and the Compulsory Acquisition Hearing (CAH) being held between Deadlines 2 and 3, several responses made in writing at Deadline 2 were raised during hearings prior to the drafting of this document. Where these were addressed verbally during a hearing, the approach within this document has been to avoid repetition and signpost to the hearing summaries submitted alongside this document at Deadline 3:
   - The Applicant's Written Summary of oral case put at the Compulsory Acquisition Hearing, 3rd Dec (document reference 20.4.1)
   - The Applicant's Written Summary of oral case put at Issue Specific Hearing 1 on DCO matters, 4th Dec (document reference 20.4.2)
   - The Applicant's Written Summary of oral case put at Issue Specific Hearing 2 on Offshore matters, 4th Dec (document reference 20.4.3)
   - The Applicant's Written Summary of oral case put at Issue Specific Hearing 3 on Onshore matters, 5th Dec (document reference 20.4.4)

1.1 GC General and Cross-topic Questions

Table 1.1: GC General and Cross-topic Questions

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
1 Design, parameters and other details of the Proposed Development				
Q1 GC 1.1	The Applicant	**Duration of onshore construction operations** In paragraph 189 of the Environmental Statement (ES) Chapter 3 [APP-058] the Applicant states that installing the onshore cable ducts and export cables is anticipated to take up to 42 months. How has this proposed construction period been arrived at and how does it compare with that of other recently-consented offshore wind farm projects such as Hornsea Four and the Sheringham Shoal and Dudgeon Extension Projects? What certainty can Interested Parties (IPs) have that any completed sections of the onshore Export Cable Corridor will be reinstated at the earliest available opportunity?	**T.H. Clements' Response:** The construction programme and its duration are of critical importance to T.H. Clements & Son Limited ("T.H. Clements") and other landowners and farmers. The impact of construction activities on the land and on their businesses is significant, and it is essential for them to gain a clear understanding of how long the land will be required for construction. In order to minimise this impact, T.H. Clements requests that the Applicant implements a rolling construction programme along the onshore Export Cable Corridor. This would involve constructing the cable in sections, rather than all at once, so that discrete parts of the land can be reinstated quickly following the construction of each section. T.H. Clements believes that this method would significantly mitigate the impact of construction operations by confining disruption to one section of the Export Cable Corridor at a time. At present, the Applicant has made no such commitment. This is a serious omission as the Applicant seeks consent to possess individual parcels of land over the whole of the construction period whereas in reality any particular section of the cable route will be capable of being laid in a materially shorter period (e.g. 6 weeks to three months). If that is right, the potential disruption to landowners over 42 months is wholly unjustified.	The Applicant has responded to this question and has nothing further to add at this stage. As set out in ISH 3, the Applicant has committed to discussions with TH Clements ahead of Deadline 4 and will provide an update as to the status of discussions.
2 Environmental Statement (General)				
Q1 GC 2.2	Marine Management Organisation (MMO)	**East Marine Plans** Is the MMO satisfied that the Policy Compliance Document [AS-012] addresses its request for a marine plan policy assessment in one document requested in its Relevant Representation (RR) [RR-042]? If not, what would the MMO require?	**MMO Response:** The MMO detailed in our Deadline 1 submission (REP1-056), that we acknowledged that the Applicant has produced a Policy Compliance Document (AS-012). Section 6, Table 1 includes an assessment of Marine Plan Policies. The MMO welcomed the signposting provided by the Applicant and considers that the creation of an additional document would be duplication. The MMO is therefore satisfied that the Marine Policy considerations remain as part of this document, and there does not need to be an additional document created. However, we did note that policies E-ECO-1 and E-TR-3 appear to be missing. These should be added to Table 1 to ensure all policies are considered.	The Applicant has responded to this comment at Deadline 2 (REP2-053) with a clarification and does not consider it necessary to update the Policy Compliance Document (AS-012).

1.2 Benthic Ecology, Intertidal, Subtidal and Coastal Effects

Table 1.2: Benthic Ecology, Intertidal, Subtidal and Coastal Effects

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Benthic Ecology, Intertidal, Subtidal and Coastal Effects				
Q1 BE 2.2	Natural England (NE)	**Environmental Statement (ES) conclusions** The Applicant in ES Chapter 7 Marine Physical Processes [APP-062], Chapter 8 Marine Water and Sediment Quality [APP-063 superseded by AS1-038] and Chapter 9 Benthic and Intertidal Ecology [APP-064] concludes no likely significant effects. TheExA notes NE's concerns in relation to the assessment and conclusions in relation to *Sabellaria Spinulosa* reef and Sandbanks. For all other issues in these Chapters, in Environmental Impact Assessment (EIA) terms does NE agree with the Applicant's conclusions of no likely significant effects? If not, why not?	**Natural England's Response:** Until further information and mitigation commitments are provided by the Applicant as set out in our Relevant/Written Rep [RR-045] Natural England is unable to advise further on the significance of impacts on marine processes and benthic receptors in relation to the EIA. We also draw the ExA attention to Natural England's Deadline 1 Appendix B1 [REP1-058] where we provide further advice on EIA concerns with regards to; - Potential changes to sediment transport processes and seabed morphology (including seabed level changes) over the lifetime of the Project; and - remaining uncertainty regarding impacts to the Lincolnshire Coast Submerged Forest and future coastal behaviour/change should the beach management strategy change and beach nourishment cease. Natural England also highlights that further responses to this question will need to take into account potential impacts to marine processes from the implementation of the ORBA Change Request should it be accepted.	<u>Potential changes to sediment transport processes and seabed morphology</u> The Applicant has provided a detailed response to Natural England's Deadline 1 Appendix B1 (REP1-058) in The Applicant's Comments on Deadline 1 Submissions (REP2-053). This includes responses to issues raised in relation to potential changes to sediment transport processes and seabed morphology (including seabed level changes) over the lifetime of the Project. <u>Lincolnshire Coast Submerged Forest Local Geological Site (LGS)</u> The Applicant has provided a response in Row B22, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071). The Lincolnshire Coast Submerged Forest LGS has been considered within Chapter 23 Geology and Ground Conditions (6.1.23) (APP-078). The use of Horizontal Directional Drilling (HDD) for landfall installation will avoid interaction with any surface features located between the entry and exit points of the drill, therefore interaction with any exposures or near-surface layers of submerged forest within the intertidal zone and within 500m of Mean Low Water Springs (MLWS) will be avoided. Detailed targeted site investigation will inform the final detailed design and will be carried out prior to construction. <u>Future coastal behaviour/change</u> The Applicant has provided a response in Row B23, Table 1.45.3.2 of PD1-071. The Applicant does not consider that coastal change rates in the complete absence of beach nourishment provides a realistic worst-case scenario (WCS) for the purposes of assessment. If beach management were to be stopped in the area (an unrealistic worst case), the scale of potential changes in the shoreline are such that any effects attributable to the project would be unobservable. The Applicant notes that the concern raised by the Environmental Agency as far as the consideration of the ongoing beach replenishment works was primarily associated with positioning of the cable joint bays (i.e. onshore infrastructure, rather than coastal processes implications) and as such the Applicant considers this matter resolved with that

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
				organisation (point 4.3 of the Environmental Agency Written Representation REP1-048). As outlined in REP2-053 (Row B1.1, Table 1.2), the Applicant considers that potential impacts to Marine Physical Processes receptors have been appropriately considered within the Environmental Report for the Offshore Restricted Build Area (ORBA) and Revision to the Offshore Export Cable Corridor (ECC) (PD1-081).
Q1 BE 2.3	NE	**Suspended Sediment Concentration and Seabed Level Changes** NE's Relevant Representation (RR) [RR-045 NE Ref B1] states that 'Natural England is concerned that impact pathways to key receptors due to construction-related suspended sediment concentration (SSC) and seabed level changes have not been thoroughly considered by the Applicant.' The Applicant has responded [PD1-071 NE Ref B26]. Is NE satisfied with the response? If not, please detail specifically what is required.	**Natural England's Response:** Natural England draws the ExA to Rows/Points 4 and 19 on Tab B of our Risks and Issues long where we highlight that this issue remains unresolved. Clarification is needed on the MDS seabed disturbance parameters for boulder clearance, prelay grapnel run and UXO clearance.	As stated by the ExA, the Applicant has responded to Natural England's Relevant Representation (RR-045 NE Ref B1) within Response B1, B25, and B26 of Table 1.45.3.2 within The Applicant's Responses to Relevant Representations (PD1-071). As outlined, all Marine Physical Processes receptors (as identified in Section 7.10 of APP-062) are insensitive to increases in SSC resulting in elevated turbidity and consequential changes to seabed levels. This approach is outlined in Section 7.12.1 of APP-062 and is in line with industry best practice for Marine Physical Processes. The potential for these changes to impact other EIA receptor groups (i.e non Marine Physical Processes receptors) is considered elsewhere within the ES, where appropriate. Point 19 of Tab B of the Risks and Issues log refers to this point, which the Applicant considers has been appropriately addressed. Point 4 of Tab B of the Risks and Issues log refers to the Maximum Design Scenario (MDS) seabed disturbance parameters for boulder clearance, pre-lay grapnel run, and UXO clearance. The Applicant has responded to this point within Response B10 of Table 1.45.3.2 within PD1-071.
Q1 BE 2.4	NE	**Operations and Maintenance Activities** Is NE satisfied with the Applicant's response to its concerns relating to the effects of operations and maintenance activities on marine physical processes? [PD1-071 NE Ref B4] If not, please detail specifically what is required.	**Natural England's Response:** Natural England notes that the Applicant considers that the spatial impact generated by Operation and Maintenance (O&M) activities will be lower than the Maximum Design Scenario (MDS) for construction activities, thus there will be no significant effects and in turn no need to assess them [PD1-071, NE Ref B4 (and B19)]. Natural England advises that operation and maintenance activities may exert the same pressures on the environment as those activities carried out during the construction phase. However, the O&M activities may compound existing pressures impacting upon marine processes and in turn protected features. We advise that, unless it can be otherwise demonstrated, O&M activities have the potential to slow feature recoverability. Consequently, we advise that this needs to be taken into account for relevant environmental assessments.	The Applicant has provided a response in Row B19, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071). The Applicant consider that based on the spatial and temporal scale, as well as potential frequency of repair/reburial events, O&M activities will not be of greater scale than the MDS assessed and are not considered likely to compound existing pressures (beyond that already assessed). The Applicant therefore considers the assessment presented in APP-062 to be appropriate.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Q1 BE 2.5	NE	**Scour Volumes Maximum Design Scenario (MDS)** Is NE satisfied with the Applicant's response to its concerns relating to the results of the scour assessment for the Wind Turbine Generator (WTG) foundations? [PD1-071 NE Ref B8] If not, please detail specifically what is required.	**Natural England's Response:** The Applicant has clarified the rationale for providing an estimate of scour depth, radius, and volume for only 65% of Wind Turbine Generators (WTG) locations. No scour estimates have been provided for the remaining 35% of WTG locations because no scour is expected to develop here. Natural England is therefore satisfied with the Applicant's response in relation to scour protection around turbines but advise that these scour predictions should be validated through monitoring to ensure there are no unexpected changes.	This comment is welcomed by the Applicant. Post-construction asset monitoring will be undertaken, as secured in condition 19, Part 2 of the deemed marine licence at Schedule 10 of the DCO. Changes in bedform topography, including scour processes, will be monitored at the post-construction phase, as stipulated within the Offshore In-Principle Monitoring Plan (APP-276).
Q1 BE 2.6	The Applicant, NE	**Cumulative Assessment** Can the Applicant please explain in further detail why it has not used the recommended NE and Joint Nature Conservation Committee (JNCC) best practice? [PD1-071 NE Ref B20]. Can NE explain the difference between the Applicant's current approach and NE's recommended best practice and the likely implications of not following the best practice?	**Natural England's Response:** The NE/ Joint Nature Conservation Committee (JNCC) tiered system for scoping projects into cumulative/in-combination assessments is more detailed with seven tiers as opposed to the three-tier approach adopted by the Applicant. This has implications for the projects and level of data included and considered in the cumulative impact assessment (EIA) and in-combination assessment (HRA). For example, Tier 1 in the NE/JNCC system includes built and operational projects where they have not been included in the environmental characterisation survey, i.e. they were not operational at the time the baseline surveys were undertaken and/or any residual impacts may not have yet fed through to, and been captured in, estimates of baseline conditions. Conversely, the Applicant's Tier 1 includes projects under construction, plus permitted and submitted applications. A further difference between the two approaches, is that the NE/JNCC best practice recommends including a figure or map showing the location of projects scoped into the cumulative assessment from across the wider region, in addition to a further figure or map showing this information overlaid with designated site boundaries or other important areas for protected habitats and species. It is also useful to identify receptors. However, with regards to the marine physical processes impact assessment [APP062], the figure showing the projects included in the cumulative impact assessment did not overlay designated site boundaries (plus buffer) or other important areas/features for protected species/habitats or marine processes receptors.	As stated in Response Q1 BE 2.6 of Table 1.2 in REP2-051, the Applicant maintains that the 3-tier approach, as recommended by PINS Advice Note 17 – Cumulative Effects Assessment (the version of the advice note which was in place at the time of application) and which continues to be recommended by Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment (Planning Inspectorate, 2024) is appropriate. The Applicant has undertaken a robust cumulative assessment which takes into account the level of certainty of each third party project and level of detail available to allow an assessment to be undertaken. The Applicant wishes to highlight that neither the recently consented Sheringham and Dudgeon Extension project (Equinor 2022). nor Hornsea Project Four (Orsted, 2021) used the seven-tiered approach recommended by Natural England for their Marine Physical Processes assessments. The Applicant is clear that Planning Inspectorate guidance more appropriately identifies best practice in this case. Updates to Figure 7.27 of APP-094 could be provided, however the Applicant would note that designated site boundaries are presented in Figure 7.9 (APP-093) and Annex I sandbanks are presented in Figure 7.8 (APP-093). These could be added to Figure 7.27 however the Applicant considers that the resulting figure would be difficult to interpret due to the quantity of features being depicted on one figure. Furthermore, it would not result in any change to the conclusions of the assessment provided in Section 7.13 of APP-062.
Q1 BE 2.8	NE	**Secondary Scour** The Applicant has highlighted the relative lack of evidence (numerical, empirical and post monitoring studies) concerning secondary scour formation. Is NE satisfied with the Applicant's justification of evidence the Applicant has used? [PD1- 071 NE Ref B31]	**Natural England's Response:** Natural England advises that whilst we welcome the further evidence provided by the Applicant, we are not currently satisfied that secondary scour and the need for further scour prevention is appropriately assessed. Natural England acknowledges the relative lack of evidence regarding secondary scour formation and prediction. We also welcome the rationale provided by the Applicant for the use of Hornsea One as a	As outlined in Response B31 in Table 1.45.3.2 of PD1-071, secondary scour has been considered within Section 7.12.2.2 of APP-062 with evidence provided from Hornsea One Offshore Wind Farm (OWF) in the absence of empirical assessment methodologies. Given the lack of evidence regarding secondary scour formation, the Applicant maintains that Hornsea One is an appropriate analogue due to similar hydrodynamic forcing and ground conditions.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		If not, what evidence would NE like to see the Applicant use?	suitable analogue with regards to potential secondary scour effects. The Applicant reports the relatively minor changes in bathymetry around foundations that may indicate secondary scour processes. However, it is unclear whether the degree of seabed mobility across the Hornsea One windfarm site is comparable to the areas of high seabed mobility at ODOW and in particular the turbine layout included in the ORBA Change Request should it be accepted by the ExA	The Applicant would like to clarify that the potential windfarm layout presented as part of PD1-081 is the most realistic Worst-Case Scenario for the purposes of numerical modelling for hydrodynamic blockage effects and should not be interpreted as a confirmed final layout. The evidence provided for secondary scour within Section 7.12.2.2 of APP-062 has been provided in relation to the potential environmental effect of the secondary scour only.

1.3 Civil and Military Aviation and Communication

Table 1.3: Civil and Military Aviation and Communication

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Civil and Military Aviation and Communication				
Q1 CM 1.1 A		Mitigation for Primary Surveillance Radar (PSR) at Staxton Wold and Neatishead and Cromer and Claxby Chapter 16 of the ES [AS1-042] identifies "Major Significant" adverse effects on NATS En Route Ltd PSR at Cromer and Claxby and at Ministry of Defence (MOD) Staxton Wold and Neatishead Air Defence PSR systems. With additional mitigation to be agreed with NATS En Route Ltd and the MOD, the residual effect is deemed in the Environmental Statement (ES) to be "Not Significant". The Examining Authority (ExA) notes from the Relevant Representation [RR-016] from the DIO and Statement of Common Ground with the Ministry of Defence (MOD) [REP1-035] that a mitigation scheme has yet to be submitted for assessment. Can the Applicant provide an update on the progress of discussions with the DIO and MOD to agree upon suitable mitigation? In responding, please also provide clarification on the following: • The timeframe for submission of a mitigation scheme for assessment as requested by the DIO. • Progress made by the Air Defence and Offshore Wind Windfarm Mitigation Task Force in identifying mitigation. • The likelihood of technical solutions becoming available within the time limit for the implementation of the Development	**DIO Response:** The potential harm of the development on the operation and capability of MOD Air Defence (AD) radars is acknowledged by the applicant in Chapter 16 of the submitted Environmental Statement (section 16.7.2.3 paras 119 and 120). At paragraph 125 the applicant states that the radar currently deployed at Remote Radar Head (RRH) Staxton Wold is an Indra Lanza LTR-25. At paragraph 137 the applicant suggests that technology within the LTR-25 system might provide the required mitigation. This is not the MOD position, a technical mitigation will be required that is not derived from the performance capabilities of the air defence radar at RRH Staxton Wold. Also, at paragraph 125 the applicant states that the radar currently deployed at RRH Neatishead is a TPS-77. The applicant suggests that the impact of the development on the operation and capability of this AD radar at could be mitigated through the use of a Non-Auto Initiation Zone (NAIZ). The applicant acknowledges that an MOD statement issued 24 August 2018 identified that the use of NAIZ as mitigation for TPS-77 radar systems has not been	The Applicant expects that mitigation will be secured through an industry standard RMSA agreed through the work being undertaken as part of the Air Defence and Offshore Windfarm Mitigation Task Force. This is because the Department for Energy Security and Net Zero (DESNZ) has confirmed to the Applicant via the OWIC Aviation Taskforce, that the full costs of the long-term radar mitigation solutions identified by MoD Programme Njord will be funded via an alternative route, funded by Government, and the funding requirement is therefore removed from offshore wind developers and that this covers the first four radar sites required to support the delivery of the UKs 2030 offshore wind pipeline including Neatishead and Staxton Wold. It is therefore the Applicant's reasonable understanding that the any required technical solutions will be place by 2030 (including potential interim / stop gap mitigation measures), as such the Applicant is confident the relevant mitigation solutions will be in place before the Project is operational. As set out during Issue Specific Hearing 1 on Tuesday 3rd December 2024, the Applicant continues to seek to engage with the Ministry of Defence (MoD) DIO in relation to this matter, including in relation to any DCO requirements that may be required.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		Consent Order (DCO) (as specified in National Policy Statement (NPS) EN-1 para 5.5.57) • Provide clarification on the means by which the proposed mitigation "will be secured by an industry standard Radar Mitigation Scheme Agreement (RMSA)" as indicated in The Applicant's planning obligations and side agreements tracker [REP1-023]. What would be the implications of agreement not being secured before the close of Examination? In addition. • Can the DIO comment on the Applicant's suggested potential mitigation measures as referenced in Section 16.7.2.3 of the ES? The ExA notes that a draft Mitigation Services Agreement with NATS En Route was expected by the Applicant to be available in October. • Please provide an update on progress. Paragraph 120 of Chapter 16 of the ES states that "Mitigation will be required if both modelling of the windfarm design, based upon parameters outlined in Table 16.4, indicates that WTGs will be above the PSR system threshold levels that allow the WTG blades to be presented on PSR displays, and the airspace is operationally significant to the PSR operator" Has such modelling taken place? If not, why is it not possible to undertake modelling based upon the maximum design scenario? Paragraphs 120 and 141 of the ES indicate that mitigation may not be required during the operational period of the Proposed Development as it is anticipated that "MOD and NERL will procure "next generation" PSRs…" • Can the DIO and NATS En Route Ltd comment on the likelihood of this occurring during the operational period? • Can the Applicant confirm what provisions are in place to ensure that the necessary mitigation will be maintained during any future transition to next generation PSRs?	preforming to expectations and that NAIZ would not be accepted as mitigation. A subsequent MOD statement was issued in June 2019 (paragraph 126) which identified that MOD would assess NAIZ mitigation proposals for single turbines, before going on to make clear that alternative ADR mitigations would be assessed on their merits. At paragraph 138 the applicant suggests that 'NAIZ mitigation is likely to be an available option for Neatishead PSR'. This is not the position of the MOD, the use of NAIZ(s) to address the impacts of the proposed development on the effective operation of the air defence radar deployed at RRH Neatishead is not acceptable for the provision of either interim or enduring mitigation. The MOD has carried out a technical analysis using the Rochdale envelope described by the applicant using a combination of the corner points of the wind farm development as provided by email and shown in drawing titled 'Offshore and Onshore Order Limits' numbered Figure 3.1 Revision 0.2, and the WTG parameters as provided through Chapter 3 Project Description of the Environmental Statement (specifically in section 6.1.1). This analysis indicates that the development would be detectable to the Air Defence radars deployed at both RRH Staxton Wold and RRH Neatishead. The MOD will be seeking to replace the extant long range surveillance capability at the end of its service. Replacement Air Defence radar system(s) will be selected to enable MOD to discharge its Defence Tasking and will aim to achieve wind farm mitigation. However, this will not be implemented for the affected air defence radar sites before the operational period for the proposed wind farm development commences.	The Applicant notes DIO comments in relation to radar modelling. The Applicant's own modelling referred to in paragraph 120 of Chapter 16 of the ES (AS1-042) is the radar line of sight modelling that has been undertaken and is detailed in Appendix 16.1: Airspace Technical Report (APP-173).
Q1 CM 1.2	DIO	Physical obstruction To address potential issues related to physical obstruction of aircraft, the DIO's Relevant Representation [RR-016] requests that "conditions are added to any consent issued requiring the submission, approval and implementation of an aviation lighting scheme, and that sufficient data	**DIO Response:** The MOD acknowledge that the applicant has added a requirement relating to aviation safety lighting in the draft DCO at Schedule 1, Part 3, Requirement 27 and that this requirement will apply to the development in its entirety.	Conditions providing for 'Aviation safety' have been added as Part 2, Condition 10 of the deemed marine licences contained in Schedules 12, 13, 14 and 15, as requested by the MoD. These changes were made to version 5 of the draft Development Consent Order (REP2-008), submitted at Deadline 2.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		is submitted to ensure that structures can be accurately charted to allow deconfliction". In response [PD1-071], the Applicant refers to Condition 10 of the Deemed Marine Licences (DML), Schedules 10 and 11 and Requirement (R) 27 in the dDCO [AS1-024]. • Can the DIO confirm if it is satisfied with the Applicant's response [PD1-071] and current drafting of the dDCO in this regard? • If not, what changes should be made to the dDCO?	In addition, 'Aviation safety' conditions have been added to the Deemed Marine Licences for both the generation assets (Schedule 10, Part 2, Condition 10) and offshore transmission assets (Schedule 11, Part 2, Condition 10) that require the submission of data to ensure the development can be accurately charted. The development will, along with the generation assets and offshore transmission assets, introduce up to two artificial nesting structures, each of which will comprise an offshore platform with a maximum height of 60m LAT. The MOD request that conditions that duplicate the wording of those applied to both Schedules 10 and 11, Part 2, Condition 10 are also applied to the deemed marine licences for the 'northern artificial nesting structure 1' (Schedule 12), 'northern artificial nesting structure 2' (Schedule 13), 'southern artificial nesting structure 1' (Schedule 14), and 'southern artificial nesting structure 2' (Schedule 15).	
Q1 CM 1.3	The Applicant DIO	Impacts scoped out of the assessment - Holbeach Air Weapons Ranges The ExA notes the Statement of Common Ground with MOD [REP1-035] which states that "The Onshore cable corridor may pass through the statutory safeguarding zone surrounding Holbeach Air Weapons Range. The MOD should be consulted on any works carried out within this zone.". Section 16.5.1.2 of the ES confirms that potential impacts on the Air Weapons Range have been scoped out. • Can the Applicant confirm if this has any implications for the ES. • Can the DIO please elaborate on this concern and how it might be remediated with revised drafting in the dDCO?	**DIO Response:** The proposed onshore cable routing passes through the safeguarding zones associated with Holbeach Air Weapons Range. Specifically, sections shown within Document Reference 2.1 Works Plans Onshore, Revision 3.0 (dated September 2024), on sheets 30 to 43 inclusive, with drawing number PP1-ODOW-DEV-CS-MAP-0001_02 Revision 3.0. Within Holbeach Air Weapons Range aircraft operate at low levels, the introduction of physical structures, permanent or temporal, may create physical obstacles to those aircraft leading to a degradation of aviation safety. This harm could be addressed through expansion of the information that is specified as forming part of the code of construction practice, as required under Schedule 1, Part 3, Requirement 18 of the draft Development Consent Order (Document Reference 3.1, Revision 3.0 (dated September 2024)), and by identifying the MOD as a consultee when that requirement is to be discharged. The requirement should stipulate that the code of construction practice contains, for those parts of the development falling	The Applicant's Response to ExA's First Written Questions (REP2-051) provided a response to this point, noting that the onshore cable route does not interact with the statutory safeguarding zone surrounding Holbeach Air Weapons Range and therefore there are no implications for the ES. A figure detailing this has been provided in Appendix 1.3 Q1 CM 1.3 (REP2-051). However, the DIO Response at Deadline 2 indicates a specific overlap with sheets 30 to 43 inclusive of Document Reference 2.1 Works Plans Onshore, Revision 3.0 (dated September 2024). The Applicant will engage with DIO to seek confirmation of the spatial extent of the safeguarding zones associated with Holbeach Air Weapons Range and provide an update at Deadline 4.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			within the area shown on sections shown within Document Reference 2.1 Works Plans Onshore, Revision 3.0 (dated September 2024), on sheets 30 to 43 inclusive, with drawing number PP1-ODOW-DEV-CS-MAP-0001_02 Revision 3.0, details of any temporal structures, construction equipment, plant, or cranes that may be deployed to facilitate the development, as well details of any proposed storage compounds and the materials, equipment, or plant that may be stored within them. In addition, the stripping and bulk storage of soil may provide an environment attractive to those large and/or flocking bird species which can degrade aviation safety. To minimise the potential for the development to impact on the operation and capability of the range, a soil management plan should be produced. Such a plan is specified as forming part of the code of construction practice required under Schedule 1, Part 3, Requirement 18 of the draft Development Consent Order (Document Reference 3.1, Revision 3.0 (dated September 2024)), by adding the MOD to those parties consulted on the discharge of that requirement this impact would be addressed.	
Q1 CM 1.4	The Applicant DIO NATS	**Impacts scoped out of the assessment - construction** Section 16.5.1.2 of the ES explains [AS1-042] that construction effects on PSR are scoped of the assessment on the basis that Wind Turbine Generators (WTG) only impact upon radar when the blades are rotating at operational speeds. • Could operational speeds be reached in any testing and set up prior to operation? If so, what implications would this have for the conclusions of the ES and is any mitigation required? • Do the Defence Infrastructure Organisation and NATS En Route agree with this assessment? If not, please set out any reasons for disagreement?	**DIO Response:** Any rotation of wind turbine blades of the dimensions proposed in this development will be detected by MOD Air Defence radar systems. The returns from turbine blades without mitigation would contribute to the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns. The probability of the radars detecting aircraft flying over or in the vicinity of rotating turbine blades would also be reduced and would contribute to unacceptable degradation of the radar's operational integrity. Ultimately this may contribute to a reduction in the RAF's ability to detect and deter aircraft in United Kingdom sovereign airspace, thereby preventing it from effectively performing its primary function of Air Defence of the United Kingdom.	The Applicant expects that mitigation will need to be in place prior to the rotation on its axis of any wind turbine generator blades. As set out in the Applicant's response to WQ CM 1.4 (REP2-051).
Q1 CM 1.5	The Applicant DIO NATS	**Impacts scoped out of the assessment – decommissioning** Section 16.5.1.2 of the ES [AS1-042] explains the Applicant has scoped out impacts on PSR during decommissioning as "Any mitigations will remain in place until the blades of the last WTG stop	**DIO Response:** On the basis that any mitigation(s) will remain in place until all turbine blades have ceased turning the MOD, in principle, would have no objection to this approach. At such time as mitigations are proposed, the MOD	The Applicant's expectation is that relevant mitigation will remain in place for the operational life of the Project.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		rotating" To the Applicant: • Provide signposting which highlights where the commitment for mitigations to remain in place until the last WTG blades stop rotating is secured? To DIO and NATS En Route: • Do you agree with this approach? If not, please set out any reasons for disagreement.	will be in a position to provide a more definitive statement on its position.	
Q1 CM 1.8	The Applicant DIO	**Wide Area Multilateral (WAM) network** Table 16.2 of Chapter 16 of the ES [AS1-042] refers to a safeguarded microwave link between two masts which provide air traffic services in the area which crosses the onshore cable route south of the Haven, as subject to consultation in 2023. The need for consultation with the MOD on works to ensure that the link is not impeded is identified. • Can the Applicant confirm if the onshore cable corridor, or any other element of the Proposed Development, is likely to impede the WAM network in this location or anywhere else? • If so, what mitigation measures are proposed and how are they secured? • Does the DIO agree with the Applicant's approach? If not, please set out any reasons for disagreement?	**DIO Response:** The proposed onshore cable route crosses a statutory safeguarding consultation zone south of Boston and immediately to the west of The Haven (sections shown within document reference 2.1 Works Plans Onshore, Revision 3.0 (dated September 2024), with drawing number PP1-ODOWDEV-CS-MAP-0001_02 Revision 3.0, sheets 34 and 35). Within this consultation zone any development has the potential to degrade the operation and capability of a technical asset, known as the East 1 Wide Area Multilateration (WAM) network, which facilitates air traffic management. Within this relatively narrow consultation zone the use of structures to bridge/cross The Haven as well as the storage of any soil, materials, equipment or plant has the potential to degrade the operation of the East 1 WAM network. This potential harm can be addressed by adding the MOD to those consulted on the Code of Construction Practice as required through Schedule 1, Part 3, Requirement 18 of the draft Development Consent Order, and stipulating that the Code of Construction Practice should contain details of any temporal structures that may be deployed to bridge/cross The Haven, as well details of any proposed storage compounds and the materials, equipment, or plant that may be stored within them, as well as any soil storage.	The Applicant's Response to ExA's First Written Questions (REP2-051) provided a response to this point, noting that it is considered highly unlikely that construction traffic would cause any interference with the microwave link. As the area is intensively farmed, and most farming machinery is a comparable size to construction machinery, the Applicant would anticipate that the transmitters and receivers are already mounted at sufficient elevation to avoid interference from farming activity. The Applicant can confirm that the underground cables will be installed using trenchless techniques under The Haven, so no temporary structure will be deployed to bridge the Haven.
Q1 CM 1.10	The Applicant Orsted Hornsea Project Four Limited Race Bank Wind Farm Limited	**Coordination of radar mitigation with other offshore windfarms** Orsted Hornsea Project Four Limited's Relevant Representation [RR-051] stated that it is "*an active member ensuring the co-existence of radar and offshore wind and must be kept informed of any proposals by the Outer Dowsing Applicant in this regard.*"	**Ørsted IPs' Response:** The Applicant and Orsted Hornsea Project Four Limited are continuing to support the ongoing work of the Ministry of Defence and the Offshore Wind Industry Council Joint Task Force and Joint Program Board. Race Bank Wind Farm Limited has no further comments on this matter, but will continue to monitor any adverse effects as a result of the Outer Dowsing Project.	This comment is noted by the Applicant. The Applicant's position is set out in The Applicant's Response to ExA's First Written Questions (REP2-051) Q1 CM 1.10 and The Applicant's The Applicant's Responses to Relevant Representations (PD1-071) Table 1.5 ID 5.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		▪ How are the parties working together to address this? Race Bank Wind Farm Limited's Relevant Representation [RR-054] sought clarification on whether existing radar mitigation solutions have been considered to ensure that they are not adversely affected. The Applicant provided a response on 19 September [PD1-071]. ▪ Does Race Bank Wind Farm Limited have any further comments on this matter?		
Q1 CM 1.11	The Applicant Natural England	**Aviation and navigation lighting attracting birds** Paragraph 2.8.240 of NPS EN-3 requires aviation lighting to be minimised or on demand to avoid attracting birds. In Chapter 16 of the ES (Table 16.1) [AS1-042], the Applicant seeks to address the policy and states that *"In accordance with ANO Article 223, lighting intensity will be reduced at and below the horizontal and further reduced when visibility in all directions from every WTG is more than 5km."* R27 (aviation lighting) of the dDCO [AS1-024] requires consultation with DIO Safeguarding and the Civil Aviation Authority. Can the Applicant elaborate on how the need for lighting to avoid attracting birds will be addressed at the detailed design stage and through the discharging of R27? Does Natural England have any comments to make on this matter? Should it be identified as a consultee for aviation lighting under R27?	**Natural England's Response**: Natural England note that lit structures have been scoped out of the assessment for offshore and intertidal ornithology and an argument made for why impacts are predicted to be negligible. We did not identify this as an issue in our Relevant Representations but can offer the following general comments to assist the Applicant and the ExA. It is not well understood what impacts lighting on offshore structures has on seabirds and migratory birds, with evidence suggesting birds being both attracted and deterred by lights. It is likely that those species with high levels of nocturnal activity (including Manx shearwater and fulmar) are likely to have the greatest sensitivity to lighting. Studies also suggest that blue, green, and other "cool" colour temperature light may be more disruptive to seabirds than "warm' yellow, or red lights. Potential mitigation methods could include avoiding non-mandatory lighting, reducing the level of illumination, adjusting the colour spectrum of lighting, or using deflectors, within the restrictions imposed by aviation safety requirements. We hope this assists the Applicant in providing further information to the ExA regarding how they propose to minimise impacts on seabirds. We do not consider there is a need for NE to be consulted under R27.	This comment is noted by the Applicant.

1.4 Climate Change

Table 1.4: Climate Change

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Climate Change				
Q1 CC 1.4	The Applicant	**Post decommissioning Onshore and Offshore Cables** Paragraph 24.7.2.1 of Chapter 24 [APP-079], 31.6.6 of Chapter 31 [APP-086] and 7.12.3 of Chapter 7 [APP-062] indicate that the buried onshore and offshore cables would be left in place during decommissioning. Please explain the management strategies for these cables if they become exposed post decommissioning due to factors such as coastal erosion. Specifically, address how potential hazards to people or the environment, as well as any unacceptable visual impacts, would be mitigated and set out how this mitigation would be secured, or provide signposting to where this mitigation is secured within the application.	**T.H. Clements' Response:** Cable burial depth is an issue of great concern for T.H. Clements because of the potential for conflict between the cable and normal farming operations. The depth at which the Applicant proposes to install the majority of the onshore cable (1.2m) is likely to cause interference with existing field drainage systems. Furthermore, certain types of deep soil interventions (such as trenching and retrieval of heavy machinery) may become necessary following periods of heavy rainfall, and the safe carrying out of those necessary operations would be impossible if the cable were buried at a depth of only 1.2m. T.H. Clements concerns have been detailed more fully in paragraph 4.3 of its Written Representation [REP1-050]. T.H. Clements believe that a mechanism for monitoring the position (any thus any movement of) the cable, should be secured by a requirement in the DCO. If the cable has moved materially in a way likely to interfere with agricultural operations (i.e. it has become shallower) or a history of conflict between the cable and farming operations is identified by the monitoring mechanism, the cable should be removed during decommissioning.	The Applicant has addressed these points in the following submissions: 20.3 The Applicant's Reponses to Written Representations submitted at deadline 3 19.2 The Applicant's Responses to The ExA's First Written Questions (ExQ1) (REP2-051) – Q1 LU 1.17, Q1 LU 1.18 Procedural Deadline - 15.3 The Applicant's Responses to Relevant Representations (PD1-071) – RR067.020, RR067.021 As set out in ISH 3, the Applicant has committed to discussions with TH Clements ahead of Deadline 4 and will provide an update as to the status of discussions.

1.5 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

Table 1.5: Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations				
Q1 CA 1.5	The Applicant	**The scope and purpose of the Compulsory Acquisition Powers sought** Appendix 2 of the SoR [AS1-032] provides a description of the land which is subject to the acquisition of rights or the imposition of restrictive covenants: ▪ Please provide an indication of the anticipated content and/or an initial draft of any restrictive covenants intended to be imposed. ▪ Should a requirement for consultation with relevant owners/occupiers regarding the drafting of any such restrictive covenants be imposed?	**T.H. Clements' Response:** Restrictive covenants have the potential to seriously impact/restrain normal farming activities, and thus T.H. Clements' (and other farmers') ability to effectively farm land. In T.H. Clements' view, it is essential that a requirement for consultation with relevant owners/occupiers on the proposed restrictive covenants be imposed on the Applicant in the DCO. Moreover, the form and type of restrictive covenants should be identified now so that the impacts on farming can properly be assessed. The right to impose restrictive covenants should then be limited to those assessed through the Examination. T.H. Clements reserves its right	The Applicant has addressed these points in the following submissions: 19.2 The Applicant's Responses to The ExA's First Written Questions (ExQ1) (REP2-051) Q1 CA 1.5 As set out in ISH 3, the Applicant has committed to discussions with TH Clements ahead of Deadline 4 and will provide an update as to the status of discussions.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			to comment further on this matter once it has had sight of the Applicant's response to this question.	
Q1 CA 1.9	The Applicant	**The scope and purpose of other rights and powers** The SoR [AS1-032] paragraph 5.5.5, explains that in addition to powers of CA, if made, the DCO would also confer other rights and powers on the Applicant that may interfere with property rights and private interests. Article 18 of the dDCO [AS1-024] would authorise the Applicant to enter onto any land within the Order Limits or which may be affected by the authorised development to undertake various survey and investigative works, including trial holes. Article 18(2) provides for a 14 day notice period to be given to the owner/occupier of the land. ▪ What assessment, if any, has been made of the effect upon individual Affected Persons and their private loss that would result from the exercise of CA powers in each case. ▪ If no such assessment has been undertaken, please explain why it is considered unnecessary to do so in this case? ▪ What is the clear evidence that the public benefit would outweigh the private loss and how has that balancing exercise between public benefit and private loss been carried out?	**T.H. Clements' Response:** As explained in detail in section 5 of T.H. Clements Written Representation [REP1-050], in order to evaluate whether or not there is a compelling case in the public interest for granting compulsory acquisition powers, and whether or not those powers are proportionate, it is critical to understand whether or not compensation is available to all affected parties for their private losses. In broad terms, the Compensation Code requires a proprietary interest in order to qualify for compensation, in particular in relation to agricultural land. The way land is farmed in Lincolnshire is not fully reflected in the Compensation Code. Much of the land T.H. Clements (and others) farm, is farmed on an informal basis, which is insufficient to found a claim for compensation, including for disturbance. There is a right to compensation under section 37 of the Land Compensation Act 1937 for persons who are disturbed from lawful possession of, but who do not have a proprietary interest in, land. However, that section does not apply to agricultural land. Section 22 of the Agricultural (Miscellaneous Provisions) Act 1963 is capable of assisting, but is a discretionary power to pay compensation to those without a formal interest in agricultural land; not an obligation. As such, it does not protect T.H. Clements (or others who farm land on a similar basis) without the express agreement of the Applicant. Without the Applicant's agreement to pay compensation, interference with an occupier conducting its business on land, is unlikely to be justified and the Order ought not be made. If compensation is not paid and/ or if the impacts are not properly mitigated such that the business cannot meet its contracts, then the viability of the business will be endangered. This is a business with a c.£80m turnover. The adverse socio-economic effect of such an impact is a significant negative material consideration. Furthermore, paragraph 17 of the Government's Guidance related to procedures for the compulsory acquisition of land under the Planning Act 2008 ("CA	The Applicant has addressed these points in the following submissions: 20.3 The Applicant's Reponses to Written Representations submitted at deadline 3 19.2 The Applicant's Responses to The ExA's First Written Questions (ExQ1) (REP2-051) Q1 CA 1.12 The Applicant previously responded to queries regarding compensation matters during the Compulsory Acquisition Hearing ("CAH1"). The summary of the response is provided at Deadline 3 in document 20.4.1 The Applicant's Written Summary of oral case put at the Compulsory Acquisition Hearing, 3rd Dec . As set out in ISH 3 (see Document 20.4.4), the Applicant has committed to discussions with TH Clements ahead of Deadline 4 and will provide an update as to the status of discussions.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			Guidance") states that any application for a DCO authorising compulsory acquisition must be accompanied by a statement explaining how the construction works and compensation for land acquisition will be funded. Compensation for the extinguishment of T.H. Clements's business alone would be of a magnitude that could comfortably exceed the Project's Property Cost Estimate. For these reasons, T.H. Clements does not consider that that Applicant has undertaken a robust assessment of the effect upon individual Affected Persons and their private loss that would result from the exercise of compulsory acquisition powers.	
Q1 CA 1.10	The Applicant	**Compulsory Acquisition of the land, rights and powers that are sought by the dDCO** The SoR [AS1-032], section 3, sets out the Applicant's case in the public interest for the proposed CA. Section 3.4 concludes that there is a need for and benefit as a result of the Proposed Development. While this conclusion sets out the benefits delivered by the Proposed Development and its objectives, there is little mention of any consideration given to private loss. Please provide further explanation in relation to the following: ▪ What assessment, if any, has been made of the effect upon individual Affected Persons and their private loss that would result from the exercise of CA powers in each case. ▪ If no such assessment has been undertaken, please explain why it is considered unnecessary to do so in this case? ▪ What is the clear evidence that the public benefit would outweigh the private loss and how has that balancing exercise between public benefit and private loss been carried out?	**T.H. Clements' Response:** Please see response to Q1 CA 1.09 above.	Please see response to Q1 CA 1.09 above
Q1 CA 1.14	The Applicant TH Clements & Son Ltd National Grid Electricity Transmission PLC St John's College Cambridge	**Whether all reasonable alternatives to Compulsory Acquisition have been explored** The Planning Act 2008 guidance related to procedures for the compulsory acquisition of land (CA Guidance), paragraph 25, states that applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.	**National Grid Electricity Transmission PLC's Response:** As noted in NGET's Relevant Representation ("RR") and Written Representation ("WR"), discussions with the Applicant have been ongoing for some time. It is not considered that ADR is necessary or appropriate at this stage. NGET cannot comment on the Applicant's compliance with the CA Guidance more generally **T.H. Clements' Response:**	**National Grid Electricity Transmission PLC'** The Applicant has nothing further to comment beyond the Applicant's Responses to The ExA's First Written Questions (REP2-051). **T.H. Clements' Response:** The Applicant has consulted and negotiated with TH Clements extensively and will continue to do so with the aim of reaching a resolution by D4.

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<tr><th>Question ID</th><th>Question addressed to</th><th>Question</th><th>Response at Deadline 2</th><th>Comments on Deadline 2 Responses</th></tr>
<tr>
<td></td>
<td>Julie Ann Mason</td>
<td>

Has the Applicant complied with this aspect of the CA Guidance? If not, then set out your reasoning.
Has the Applicant offered full access to alternative dispute resolution techniques for those with concerns about the CA of their land or considered other means of involving those affected?

Any other Affected Parties not directly addressed by this question should feel free (but are not obliged) to contribute a response to this question.
</td>
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Paragraph 25 of the CA Guidance states that applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail. The Examining Authority asks whether the Applicant, ODOW, complied with this aspect of the CA Guidance and whether the Applicant offered full access to alternative dispute resolution techniques.
The Applicant has sought to engage with T.H. Clements. It first approached T.H. Clements during the initial consultation phase of the project and has engaged with them during the process.
A summary of key meetings between the Applicant and T.H. Clements is provided below.
<table>
<tr><th>Date</th><th>Attendees</th><th>Summary</th></tr>
<tr><td>21st November 2023</td><td>T.H. Clements
Brown & Co. (T. H. Clements appointed surveyors/land agent)
Dalcour Maclaren (ODOW’s appointed surveyors/land agents)
ODOW</td><td>T.H. Clements raised principal concerns regarding:
- Insufficient cable depth
- Crop loss and impact on T.H. Clement’s supply contracts
- Mitigation of key impacts on farming causing concern to T.H. Clements:
1) Impact of dust emanating from construction activities taking place in the construction ‘corridor’ (the storage of excavated soil in bunds and use of an aggregate haul road) on crops growing in fields adjacent to the construction corridor
2) How works could be phased to minimise the period for which excavated soil would be</td></tr>
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The Applicant refutes the claim that the consultation and negotiation is not a genuine attempt to avoid compulsory acquisition simply because it disagrees compensation should be payable now in advance of the Order being granted. The Applicant made their position clear in CAH1 (See 20.4.1 - The Applicant’s Written Summary of Oral Case Put at the Compulsory Acquisition Hearing 1, submitted at Deadline 3), noting that this position is inline with statute (s52 of the Land Compensation Act 1972) and CA Guidance.

The Applicant and TH Clements are still in active negotiations so ADR has not been offered.

As set out in ISH 3, the Applicant has committed to discussions with TH Clements ahead of Deadline 4 and will provide an update as to the status of discussions.
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Question ID	Question addressed to	Question	Response at Deadline 2			Comments on Deadline 2 Responses
					stored in bunds and thus the potential for dust to be blown from exposed storage bunds and to contaminate crops growing in nearby fields 3) T.H. Clements requested increased use of horizonal directional drilling (HDD) to install the cables	
			27th February 2024	T.H. Clements Brown & Co. ODOW (engineer)	A site visit to assess the ground conditions on land farmed by T.H. Clements and to demonstrate 'normal' agricultural operations, and the depth at which they take place. The purpose of the site visit was to give T.H. Clements an opportunity to demonstrate to an ODOW engineer that a cable depth of 1.2 metres s insufficient. The site visit was also organised to show examples of the soils and their unique characteristics that T.H. Clements are concerned ODOW have not taken into consideration in planning their cable installation.	
			26th April 2024	T.H. Clements Brown & Co. Dalcour Maclaren	Intrusive surveys pre-meeting. In advance of surveys commencing, the landowners of the fields where intrusive surveys were scheduled to be undertaken were	

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses

		confirmed, as well as the current crop and expected harvest dates, to allow ODOW to time entry for intrusive surveys to reduce the potential for crop loss.

Below is a summary of the relevant meetings and/or correspondence in which the issue of T.H. Clements securing alternative land to mitigate the impact of the scheme on their farming operations, and the potential associated losses was raised by T.H. Clements and acknowledged by the Applicant, ODOW.

Date	Discussion/ Correspondence	Summary
14th March 2024	Email (From Daniel Jobe of Brown & Co. to Pippa Wright (Dalcour Maclaren) and David Wright (Outer Dowsing))	Notification of T.H. Clements' taking the opportunity to acquire a tenancy over a large block of alternative farming land south of Boston (Gosberton Farm). The land at Gosberton has been acquired to mitigate the potential losses associated with the construction of the ODOW project including: - Damage to/contamination of crops by dust. - Disruption of supplies of crops. (Pippa Wright acknowledged email on 25th March 2024)
8th April 2024	Meeting (Dalcour Maclaren,	The alternative (mitigation) land at Gosberton farm was

Question ID	Question addressed to	Question	Response at Deadline 2			Comments on Deadline 2 Responses
				ODOW, T.H. Clements, Mills & Reeve, Brown & Co.)	discussed. It was made clear by ODOW that they would like T.H.Clements to secure a Farm Business Tenancy (FBT) over the Gorberton Farm land, with a sufficient term to enable mitigation of losses until the end of the construction phase of the project. The term of the FBT secured by T.H.Clements is November 2023 until November 2029.	
			19th November 2024	Meeting (Dalcour Maclaren, ODOW, T.H. Clements, Mills & Reeve, Brown & Co.)	T.H. Clements concerns about the impacts of the project on its farming business and proposed Heads of Terms for a voluntary agreement between T.H. Clements and ODOW (prepared by T.H. Clements) were discussed. T.H. Clements confirmed to ODOW that the Gosberton Farm land is sufficient to allow T.H. Clements to mitigate their potential losses resulting from the construction of the project. T.H. Clements advised ODOW that the fixed term of the FBT secured over the Gosberton Farm land	

Question ID	Question addressed to	Question	Response at Deadline 2			Comments on Deadline 2 Responses
					is currently 6 years (November 2023 until November 2029). ODOW requested this be extended to cover the full construction period for the project. T.H. Clements noted that the FBT can only be extended for 3 year periods. ODOW asked T.H. Clements to approach the owner of the Gosberton Farm land to ask if they would be willing to consider extending the FBT (which would be to 2032).	
			As explained above, there has been some discussion between the Applicant and T.H. Clements regarding the entry into a voluntary agreement to address T.H. Clements concerns about the potentially devastating impacts of the proposed project on its agricultural business, including the securing of alternative farming (mitigation land). However, while the Applicant stated a desire to enter into such an agreement, the Applicant's current stance is that the Applicant will not know whether funding will be available to provide compensation to T.H. Clements until after financial close, which the Applicant has advised will be in 2026/2027, and as such the Applicant cannot commit to providing compensation to T.H. Clement at this stage, including any advance payment of compensation in respect of the significant expense that T.H. Clements have already incurred in identifying and securing the alternative farming (mitigation) land at Gosberton Farm. Given this, TH. Clements' view is that the negotiations to date cannot be considered a genuine attempt to approach compulsory purchase as a last resort, as the Applicant is not able to commit to providing		

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			compensation until after consent and so after it being awarded compulsory acquisition powers. Thus, the Applicant's approach is not in compliance with the CA Guidance. This is very disappointing for T.H. Clememts, who have expended a lot of time and financial resource in formulating a plan to mitigate their losses, including securing alternative farming (mitigation) land at Gosberton Farm, which the Applicant encouraged them to do. As explained in T.H. Clements responses to Q1 CA 1.09 and 1.20 above, it is uncertain whether T.H. Clements would be able to obtain compensation following compulsory acquisition because it does not own most of the land it farms, as is customary in the farming industry. Interference with T.H. Clements' occupation of land by way of compulsory acquisition is unlikely to be justified in the event that compensation is not provided, such that the Order ought not be made. Alternative Dispute Resolution (ADR) for the purpose of facilitating conclusion of voluntary agreement has not been raised/offered by the Applicant. Only in the abovementioned meeting of 19 November, was ADR mentioned by the Applicant, but that was in the context of negotiations for a voluntary agreement breaking down or in the context of a dispute occurring in relation to a provision of a voluntary agreement itself.	
Q1 CA 1.18	The Applicant	**Whether adequate funding is likely to be available** The Funding Statement [REP1-012], indicates that the scheme has a most-likely estimate of between £5.5 and £7.5 billion to cover all costs of construction, operation, development, project management, financing and land acquisition. This estimate includes an allowance for compensation payments relating to the CA of land interests in, and rights over, land and the TP and use of land. It also takes into account potential claims under Part 1 of the Land Compensation Act 1973, Section 10 of the Compulsory Purchase Act 1965 and Section 152(3) of the Planning Act 2008. ▪ How can the ExA be satisfied as to the reliability of that estimated figure, and what is its degree of accuracy?	**T.H. Clements' Response:** Please see response to Q1 CA 1.09 above.	Please see The Applicant's response to Q1 CA 1.9 above.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		▪ How does the Applicant account for the £2 billion range between the lower and upper cost estimates? ▪ Whilst the Funding Statement indicates that the costs of meeting any valid blight claim will be met by the Applicant, please confirm that the resource implications of a possible acquisition resulting from a blight notice have been adequately taken account of in the overall cost estimate. ▪ The ownership structure declared for TotalEnergies Holdings Europe in the Funding Statement is indicated as comprising of three separate 'parent' entities. However, the share of ownership indicated as being held by each of these entities does not account for 100% of the ownership of TotalEnergies Holdings Europe. Why is the full ownership of this company not shown in the Funding Statement and how does this apparent shortfall affect the funding available for the Proposed Development?		
Q1 CA 1.20	The Applicant	**Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected** What degree of importance has been attributed to the existing uses of the land proposed to be acquired in assessing whether any interference would be justified, and why?	**T.H. Clements' Response:** T.H. Clements' position is that insufficient importance has been attributed to the special nature, and current agricultural use of, the land affected by the scheme. The affected land is located in an area that contains some of the best agricultural land in the world, as detailed in paragraph 2 of T.H. Clements' Written Representation [REP1-050]. These highly productive soils are vital to T.H. Clements' business, which produces and supplies approximately 20% of the Brassica vegetables sold in the UK. There is a material concern that the proposed development may prevent T.H. Clements from delivering the high quality produce that its leading customers (such as Tesco plc) expect from it. The exacting standards required from T.H. Clements are outlined in paragraphs 1.4 to 1.14 of the Written Representation [REP1-050]. If the proposed development were to compromise the viability of T.H. Clements' business, the damage to the local economy of Lincolnshire, and the UK's food security, particular during a period of significant global unrest, would be significant. As explained in T.H. Clements response to Q1 CA 1.09 above, it is also uncertain whether T.H. Clements would	The Applicant has assessed potential impacts on food security and BMV land within Chapter 29 Socioeconomic Characteristics [APP-084]. The assessment has concluded that the effect during both the development and operational phase is negligible. The Applicant outlines their response to compensation in Q1 CA 1.9 above.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			be able to obtain compensation following compulsory acquisition because it does not own most of the land it farms, as is customary in the farming industry. Interference with T.H. Clements occupation of land by way of compulsory acquisition is unlikely to be justified in the event that compensation is not provided, such that the Order ought not be made.	

1.6 Draft Development Consent Order (dDCO)

Table 1.6: Draft Development Consent Order (dDCO)

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Draft Development Consent Order (dDCO)				
Q1 DCO 1.4	The Applicant The Environment Agency	**Part 2, Article 7** The ExA notes the Principal Areas of Disagreement Summary Statement (PADSS) submitted by the Environment Agency (EA) [PD1-104] noting that agreement has yet to be reached over the wording of Protective Provisions which would allow the EA to agree to the disapplication of the Environmental Permitting Regulations 2016 in relation to flood risk activity permits. ▪ Provide an update on negotiations over the wording of the relevant Protective Provisions and include an anticipated target date for completion and submission of agreed Protective Provisions into the Examination	**The Environment Agency Response:** The Environment Agency is having productive discussions with the Applicant on this matter, and we hope to conclude these negotiations before the end of the Examination period.	The Applicant concurs with the EA's position that ongoing discussions on the protective provisions and legal agreement are productive. The Applicant will continue to work with the EA to agree the protective provisions and the cooperation agreement (relating to the EA annual program of beach nourishment works), and is seeking to conclude negotiations as soon as possible.
Q1 DCO 1.5	The Applicant Lincolnshire County Council (LCC)	**Part 3, Articles 12 to 16** 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. **To the Applicant:** The ExA notes that while the Explanatory Memorandum [APP-304] cites the Hornsea 4 Order, among others, as precedent for the wording of these Articles (more specifically Articles 13 and 15), the Applicant has not adopted the 56 day timeframe set out in the made Order for that development and asks the Applicant to justify, with reasons, its proposal for a shorter timeframe in this case. **To LCC:**	**Lincolnshire County Council's Response:** 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. LCC has proposed 13 weeks which would be in line with the recent DCO decision for Cottam Solar Project.	As set out in the Applicant's Response to Written Questions (REP2-051) the Applicant has agreed to the request set out in LCC's Local Impact Report (REP1-053) to adopt a deemed consent period of 56 days for each of Articles 12, 13, 15 and 16 and has updated the DCO on this basis. The Applicant does not consider 13 weeks an appropriate time frame given the nature of the Project as CNP Infrastructure. The Applicant will continue to engage with LCC in respect of outstanding issues.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		Explain, with further reasoning, why a time period of less than 56 days is not considered sufficient by the local authority		
Q1 DCO 1.9	The Applicant	**Operational lifespan** The Project Description [APP-058, paragraph 298] states that the Proposed Development's operational period will be approximately 35 years. Provide signposting which indicates where the operational period is more precisely defined and where it is secured. Alternatively explain, with reasons, why the Applicant believes it is not necessary to provide a precise definition of the operational period or for this period to be secured within the dDCO or other certified document(s).	**MMO Response:** The MMO will keep a watching brief on this response.	This comment is noted by the Applicant.

1.7 Fish and Shellfish Ecology

Table 1.7 Fish and Shellfish Ecology

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Fish and Shellfish Ecology				
Q1 FSE 1.2	Cefas	**Response to Natural England (NE)'s concerns regarding herring and sandeeel** NE in its RR, page 13 of [RR-045], has raised concerns about herring spawning grounds and preferential habitat for sandeel. However, NE defers to the technical expertise of Cefas. Therefore, do you have any comments to make regarding the potential impacts of the Proposed Development on herring and sandeel that NE has identified? Please submit any comments you may wish to make by no later than Deadline 2.	**MMO Response:** 4.3.1 Although this question is directed to Cefas, the MMO would like to remind the ExA that Cefas are the scientific advisors to the MMO. In future Examiner's Questions, please can comments directed at Cefas, be 'questions to' the MMO.	This comment is noted by the Applicant.
			4.3.2 The MMO notes that the question is very broad, and therefore we have attempted to highlight where we consider the greatest risk lies in terms of potential significant adverse impacts to herring and sandeel. In addition, our comments relate to the likelihood of significant adverse impacts to fish populations, and we defer to Natural England on how any adverse impacts to these species will affect/reduce prey availability.	This comment is noted by the Applicant.
			4.3.3 Herring are benthic spawners that rely on gravel and coarse sediments on which to lay their eggs. Once laid, the eggs spend a period of time developing on the spawning substrate. Once the eggs have hatched, the larvae remain on or close to the seabed until their yolksacs have been absorbed, after which they become planktonic and drift away from the spawning ground. The periods of egg development and yolk-sac absorption vary, depending on sea bottom temperatures. Please see Tables 1 & 2 below.	This comment is noted by the Applicant.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			Table 1 Egg development periods for Atlantic herring Average temperature / Days 12 - 13° C / 7-9 10 - 11° C / 10-12 7 - 8° C / 14-18 3 -4° C / 49 Table 2 Yolk absorption periods for Atlantic herring Average temperature / Days 12.8° C / 3 & 9 12.0° C / 5 & 14 10.7° C / 7 & 16 10.3° C / 7 & 20 Tables 1 and 2: Herring egg development and yolk-sac absorption taken from Russell 1976.	
			4.2.4 The gravel and coarse sediments on which herring spawn are susceptible to the impacts of offshore construction through either temporary or permanent removal of the substrate, i.e. extraction of seabed material by dredging, or through changes to the composition of the sediment, e.g. disposal of unsuitable material such as 'fines'. Alterations in sediment composition can result in the sediments becoming unsuitable spawning habitat for gravid herring. Furthermore, disturbance of the spawning substrate during the spawning season will likely cause the displacement of eggs and larvae, as well as smothering of eggs and larvae through the settlement of suspended sediments generated during construction activities.	This comment is noted by the Applicant.
			4.3.5 Figure 10.12 of the ES (Volume 2: Chapter 10: Fish and Shellfish Ecology Figures, document ref: PP1-ODOW-DEV-CS-FIG-0010) which shows that the following locations for the Outer Dowsing OWF project overlap with herring spawning ground as mapped by Coull et. al (1998): the north-east corner and the west corner of the wind farm array, the North Artificial Nesting Structure (ANS) in its entirety, and much of the ECC. The spawning grounds mapped using Coull et. al (1998) in Figure 10.12 are further supported by British Geological Survey (BGS) data and site-specific particle size analysis (PSA) data collected during the benthic survey which indicate that these locations are comprised of a mix of sediments that are 'suitable' as herring spawning habitat ('prime / preferred, sub-prime / preferred, and suitable / marginal) and 'unsuitable', as per Reach et. al, (2013).	This comment is noted by the Applicant.
			4.3.6 When the IHLS data (Fig. 10.15- 10.17) and seabed sediment data (Fig. 12) are considered in combination they can be used to give an indication of the areas of the project where herring and their eggs and larvae will be most vulnerable to the impacts of construction. As mentioned previously, the north-east corner and the west corner of the wind farm array slightly overlap herring spawning grounds (as per Coull et. al, 1998). However, herring larvae appear to only be caught from locations in the western portion of the array. The ANS overlaps herring spawning grounds in its entirety and medium abundances of herring larvae are caught in this location in intermittent years. The ECC also overlaps herring spawning grounds, and medium abundances of herring larvae are also caught in this location in intermittent years. This means that there is a risk of disturbance to herring spawning habitat in these	This comment is noted by the Applicant.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			locations caused by construction activities such as dredging, sandwave clearance or seabed preparation. The risk of significant adverse impact to herring will be greatest prior to, and during the herring spawning season.	
			4.3.7 In Table 10.7 of the ES (Volume 1: Chapter 10: Fish and Shellfish Ecology, document ref: PP1-ODOW-DEV-CS-REP-0118) the Applicant has presented their maximum design scenarios for potential effects to fish from the project's offshore (and nearshore) construction, including the increase in suspended sediment concentrations (SSC) and sediment deposition, as follows: • Offshore maximum design scenarios for the increase in SSC and sediment deposition • Foundation seabed preparation = 3,971,360 cubic metres (m^3) • Foundation installation (drill spoil volumes) = 987,400m^3 • Sandwave clearance for cable installation = 16,135,000m^3 • Cable trenching = 15,050,000m^3 It is important to note that the values above are volumes of sediment, rather than areas of seabed, and that not all of the activities will take place in suitable herring spawning habitat. Sandwave clearance and cable trenching within the array and ECC will generate the largest volumes of sediment. Cable trenching will be undertaken using a mass flow excavator which breaks up and disperses seabed sediments using hydraulic pressure. This method displaces sediments, but does not remove them, and the displaced sediments are expected to settle out in the nearby area, so it can be expected that sediment composition will return to a similar state once the cable trenching work is finished. Sandwave clearance will be carried out using a Trailer Suction Hopper Dredger (TSHD) which will remove the sediment from the location where it is being used, for disposal either in the same location later on, or at a different location. The use of a TSHD poses the greatest risk to herring spawning habitat as it will remove the coarse gravel sediment on which herring lay their eggs. It is therefore preferential for the TSHD activity to be undertaken outside the herring spawning season, and for coarse gravel sediments to be returned to the location that they have been removed from, either before or after the herring spawning season, to protect the integrity of the spawning habitat.	The Applicant would like to note that whilst the assessment considers the use of MFE as the method of cable trenching, as this is considered to present a worse-case, other methods of trenching may be employed once a successful contractor has been engaged. In addition, whilst TSHD has been assessed for sandwave clearance as it represents a worse-case, other methods may be employed once a successful contractor has been engaged. The assessment of potential effect of both sandwave clearance and cable trenching on herring has been conducted with a worse-case assumption and without any restriction of timing of these activities or in the placement of any dredged sediment. The assessment concluded minor (adverse) for herring, which is not significant in EIA terms and, as such no additional mitigation is required.
			4.3.8 The MMO does not have any major concerns regarding impacts to herring spawning habitat from foundation seabed preparation that does not require the use of TSHD, or from foundation installation which uses drilling techniques, as these represent relatively small areas of spawning habitat in the context of the array area where the sediments will remain broadly in the same place. However, we would add that drill spoil arisings	The Applicant notes the MMO's recommendation, however, this is unlikely to be practicable due to the apparent mix of both sandeel and herring suitable habitat within the Array Area, and to a lesser extent within the ECC. The MMO's comment 4.3.5 (regarding herring suitable habitat) and 4.3.13 (regarding sandeel suitable habitat)

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			from foundation installation should not be deposited in areas of suitable spawning habitat.	highlight that the Array Area supports habitat that is both marginal and preferred by both herring and sandeel. Drill arisings can either be released at the seabed or in the midwater (depending on technique) at the drill location, as such, it would not be possible to avoid specific habitat types around a foundation location during the drilling activity, if this is required. Given the large availability of both herring and sandeel supporting habitat in the vicinity and the small scale of impacts due to potential alteration of habitat due to drill spoil arisings, disposal of this material will not significantly alter the available habitat within the Array Area, with other suitable habitat available close by. The assessment concluded minor (adverse) for herring and sandeel which is not significant in EIA terms and, as such no additional mitigation is required.
			4.3.9 In summary, UWN from piling and UXO clearance have the most potential to cause significant impacts to spawning herring and their eggs and larvae. This is due to the wide range of impact caused by piling and UXO detonation, as well as the sensitivity of herring (a fish with a swim bladder involved in hearing) to UWN. However, it is important to ensure that the integrity of herring spawning habitat is also protected so that the reproduction of herring stocks is safeguarded in the future. Hence, for those activities which change the composition of herring spawning habitat through removal of gravel/coarse sediment, i.e. THSD or other forms of dredging during sandwave clearance, it is preferential that these to be undertaken outside the herring spawning season, and for any gravel/coarse sediments that are removed to be returned to the same location either before or after the next spawning season. Point 4.3.8 also highlights that drill spoil arisings from foundation installation should not be deposited in areas of suitable spawning habitat.	The Applicants response is provided in comments 4.3.7 and 4.3.8 above.
			MMO Response (Sandeel): 4.3.10 Sandeel are an ecologically important species as they are a source of prey for a number of marine fish, mammals and birds. Sandeel spend time in the water column during the day and reside in sediment during the night and also lie dormant in the sediment during the autumn/winter period (Behrens et. al 2007, Greenstreet et. al 2010). Sandeel are demersal spawners and their eggs form batches which attach to the seabed, the larvae are planktonic for approximately 3-months, before settling down into the seabed. Sandeel display a high level of site fidelity, so importance is placed on maintaining suitable habitat, as sandeel spawn in and within the vicinity of the sediments which they inhabit. The Folk (1954) sediment classification types that sandeel are known to inhabit are described by Latto et. al (2013) as follows:	This comment is noted by the Applicant.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			- 'Preferred' sediments: sand, slightly gravelly sand and gravelly sand. 'Marginal' sediment: sandy gravel.	
			4.3.11 Given the specific sediment preferences of sandeel, and their close affinity with the seabed throughout their lifecycle, sandeel are vulnerable to disturbance arising from offshore construction activities such as dredging and piling which cause physical disturbance to their sandeel habitat, and in the case of dredging, that can cause the direct removal of habitat, and the entrainment of sandeel and their eggs that are laid on the seabed. As previously stated, sandeel lie dormant in the sediment during the autumn/winter period, during which time they also spawn (November – February, inclusive), so are most vulnerable to disturbance and/or removal of their habitat during this period.	This comment is noted by the Applicant.
			4.3.12 The secondary effects of increases in suspended sediment concentrations and subsequent deposition of sediments are considered to be of less concern to sandeel, as these effects have been shown to be inconsequential to sandeel species (Pérez-Domínguez and Vogel, 2010), especially considering their burrowing nature.	This comment is noted by the Applicant.
			4.3.13 Figure 10.3 of the ES (Volume 2: Chapter 10: Fish and Shellfish Ecology Figures (APP097)) (Figure 7, Annex 2 of this document) which provides a map of the spawning grounds of sandeel in relation to the Outer Dowsing OWF. The entire Project study area is shown to be situated within a large area of low intensity sandeel spawning habitat, with high intensity spawning habitat found to the north-east of the Project (as per Ellis et. al, 2012). The spawning grounds mapped in Figure 10.3 are further supported by mapped sediment data in Figure 10.19 of the ES Volume 2: Chapter 10: Fish and Shellfish Ecology Figures (APP-097) which presents EUSeaMap data, British Geological Survey (BGS) data and sitespecific particle size analysis (PSA) data collected during the benthic survey. Figure 10.19 indicates the Outer Dowsing array is mainly comprised of sediments that are considered 'preferred' and 'marginal' as sandeel habitat. The north ANS site is comprised of 'marginal' and 'unsuitable' sediments, although it should be noted that at this location the site-specific BGS data coverage is low, and no site-specific sediment data was collected by the Applicant here. The south ANS site is comprised of 'preferred' and 'marginal' sediments, but as per the north ANS, coverage of BGS data is low, and there was no site-specific sediment data collected. Sediments in the inshore portion of the ECC are predominantly 'unsuitable', whereas further offshore the sediments along the ECC contain mostly 'preferred' and 'marginal', with some area that are 'unsuitable' as sandeel habitat. Whilst Figure 10.19 provides a useful indication of the broadscale areas of seabed which are suitable as sandeel habitat and spawning grounds,	This comment is noted by the Applicant. The Applicant would like to refer to Volume 3, Appendix 10.1: Fish and Shellfish Ecology Technical Baseline (APP-159), which details the distribution of known sandeel spawning grounds in the study area, as mapped by Coull et al. (1998) and Ellis et al. (2010). The spawning ground data suggest that both the north ANS site and the south ANS site overlap with sandeel spawning grounds. Given the site fidelity of sandeel, it is reasonable to conclude that sandeel are most likely inhabiting these areas. The Applicant would also like to refer to Figure 10.18 of Volume 2: Chapter 10: Fish and Shellfish Ecology Figures (APP-097), which shows qualitative and quantitative data for the distribution of sandeel relative to the Project.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			they are based on sediment suitability and do not provide any indication on presence/absence or abundance of sandeel in the study area.	
			4.3.14 Figure 10.18 of the ES Volume 2: Chapter 10: Fish and Shellfish Ecology Figures (APP-097), provides data on presence/absence of sandeel acquired during site-specific epibenthic trawl and grab surveys for the project, and data on abundance of sandeel collected from the North Sea Sandeel Survey (NSSS). It should be recognised that epibenthic trawls and grabs provide anecdotal evidence of the presence of sandeels only, as these methods do not adequately target sandeels. The NSSS uses a dredging method to target sandeels so the data can provide information on abundance in the locations where dredging took place. There are no site-specific survey data or NSSS data for either of the ANSs. Site-specific epibenthic trawl data for the ECC indicate that sandeel were present in the catch at four locations along the inshore and offshore areas. For the wind farm array, NSSS data are available for one location within the array, and one location just outside the array. The data show that sandeel abundance ranges between numbers of 1 – 83, and 893 – 1500, depending on the species of sandeel. The epibenthic trawl data indicate that four species of sandeel are found within the array, and two species of sandeel were caught using a grab. In combination, the site-specific data sandeel, NSSS data and sediment data all point to the conclusion that the array area is an active sandeel habitat and should also be considered a spawning habitat. Regarding the importance of the ANSs and ECC, sandeel catch data are very limited, however, given the suitability of the sediments in these locations, the presence of sandeels in the wider study area, and the broad scale over which sandeel habitat is found (as per Ellis et. al, 2012), it is reasonable to assume that sandeel are most likely inhabiting these areas as well.	This comment is noted by the Applicant.
			4.3.15 As outlined in point 4.3.13, the greatest potential impact to sandeel is that of habitat removal and disturbance from dredging during their winter hibernation and spawning months when the sandeel are burrowed in the sediment, and the eggs are on adhered to the sediment. The Applicant has considered the vulnerability of sandeels and their eggs appropriately and has deemed sandeel to be of medium vulnerability, medium recoverability and of regional importance, for the purpose of the impact assessment. The MMO agrees with the Applicant's conclusion.	The Applicant welcomes the agreement of the MMO regarding sandeel sensitivity.
			4.3.16 In Table 10.7 of the ES ES Volume 2: Chapter 10: Fish and Shellfish Ecology Figures (APP-097), the Applicant has presented their maximum design scenarios for potential effects to fish from the project's offshore (and nearshore) construction, including temporary seabed habitat loss/disturbance as follows:	This comment is noted by the Applicant.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			Offshore maximum design scenarios for temporary seabed habitat loss/disturbance: • Foundation seabed preparation = 1,082,300m2 • Jack-up vessels (JUV) and anchoring operations = 1,185,843m2 • Cable seabed preparation = 20,574,500 m2 o = Total temporary habitat disturbance of 22,732,643m2	
			4.3.17 Sandwave clearance as part of the cable seabed preparation works within the array and ECC will disturb the largest areas of sandeel habitat. Sandwave clearance will be carried out using a TSHD which will remove the sediment from the location where it is being used, for disposal either in the same location later on, or at a different location. The use of a TSHD poses the greatest risk to sandeel habitat as it will remove the sediment which provides sandeel with their habitat, and if TSHD is carried out during the winter hibernation and spawning period, the risk of impact increases further due to entrainment of hibernating sandeel and their eggs from the sediment via the dredger. It is therefore preferential for the TSHD activity to be undertaken outside the sandeel hibernation and spawning season (November to February, inclusive).	The Applicant would like to note that whilst TSHD has been assessed for sandwave clearance as it represents a worse-case, other methods may be employed once a successful contractor has been engaged. The assessment of potential effect of sandwave clearance on sandeel, has been conducted with a worse-case assumption and without any restriction of timing of these activities or in placement of any dredged sediment. The assessment concluded minor (adverse) for sandeel and, as such no additional mitigation was required.
			4.3.18 Foundation seabed preparation, JUV and anchoring operations will also disturb in excess of 2,000,000m2 of suitable sandeel habitat. However, it is the MMO's understanding that these activities will involve disturbance, but not the removal, of seabed sediments, so are considered to be of lower impact overall, although disturbance to sandeels during these activities must be expected.	This comment is noted by the Applicant.
			4.3.19 Whilst it is preferential for the TSHD activity to be undertaken outside the sandeel hibernation and spawning season in order to avoid adverse impacts to sandeel, the MMO has considered the much wider area of suitable sandeel habitat available that surrounds the Outer Dowsing site, where it is reasonable to assume that sandeels are present and are spawning - the NSSS data shown in Figure 10.18 indicates that sandeel are abundant to the east of the Project area, but there are no NSSS locations indicated in the west or north of the Project. It must be accepted that given the area of sandeel habitat that will likely be affected by construction of the Project, especially from TSHD, that there will be an adverse impact to sandeel overall at a local scale, i.e. within the Project boundary. However, considering the much wider available sandeel habitat in the region, the MMO does not anticipate that significant impacts will occur at a population level.	This comment is noted by the Applicant.

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			4.3.20 The MMO has given consideration to the impacts of UWN on sandeel from piling of jacket foundations (pin piles) and monopiles. Sandeel do not possess a swim bladder so detect noise through particle motion, rather than through pressure. Fish without a swim bladder are not as vulnerable to trauma from extreme sound pressure changes (e.g. from piling) as fish with a swim bladder (Popper et al. 2014). The most recent UWN modelling was presented by the Applicant to support the introduction of an ORBA which the MMO reviewed and commented on in our relevant representation (RR-042). Figures 3.9 and 3.10 (Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor Appendix A Figures, Part 1 of 2 (PD1-082)) of this supporting evidence present the modelled range of effect on sandeel habitat from simultaneous piling of jacket foundations within the array area, and from simultaneous piling of monopile foundations within the array area, respectively (Annex 3). The modelling is based on a stationary receptor and the maximum hammer energies for each piling method, which is appropriate for a worst-case assessment. The sound exposures thresholds used in the modelling are appropriate for sandeel and follow appropriate guidelines from Popper et. al (2014). No UWN modelling for piling at the north and south ANS were presented in the figures (Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor Appendix A Figures, Part 1 of 2 (PD1-082)). Figures 3.9 and 3.10 show that the range of effect from simultaneous pin-piling and monopiling for sandeel is small (219 dB cumulative sound exposure level (SEL cum) or >213 dB peak) and recoverable injury (>216 dB SEL cum or >213 dB peak). For the impact of TTS (>>186 dB SEL cum), the range of effect is much greater and covers most of the array and extends well beyond the array, which means that the effects of TTS on sandeel can be expected over a large area of suitable sandeel habitat. Given the high site fidelity of sandeel, it can be expected that they will not necessarily be able to move away from the source of disturbance, especially during winter months of hibernation and spawning, so it is reasonable to say that sandeel in and around the Outer Dowsing array will experience TTS effects such as short or long-term changes in hearing capability during piling activities. Whilst the effects of TTS are much greater than those associated with habitat disturbance, the MMO would still expect the adverse impact to sandeel from TTS to occur at a local scale, i.e. within modelled areas. The MMO is also mindful that the modelling is based on the worst-case scenario of simultaneous piling at the maximum hammer energy, so the extent of TTS impact could be smaller. Again, considering the much wider available sandeel habitat in the region, the MMO does not anticipate that the overall impacts of TTS	The Applicant welcomes the agreement of the MMO that the overall impacts of TTS from piling will not result in significant adverse impacts to sandeel at a population level.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			from piling will result in significant adverse impacts to sandeel at a population level.	
Q1 FSE 1.3	The MMO	**Temporal restriction on piling activities** You have raised concerns in [RR-042], para 4.5.24, that there would be "potential for significant impacts to occur to Banks herring at a population level, if suitable mitigation is not employed." You have recommended a licence condition prohibiting piling between 01 September and 16 October each year. Is it your view that such a restriction on piling should be enacted across the entire array area or are there any locations within the array area where such a temporal restriction may not be required?	**MMO Response:** 4.4.1 The MMO has provided more detail regarding the proposed restriction in point 1.6.15 above. Our comments have been refined based on the review of UWN modelling figures and we have updated our comments so that the recommended temporal mitigation can be applied spatially. Where noise contours from piling overlap with the 'active' spawning area, so for the western portion of the array area, temporal mitigation during the herring spawning season is still recommended. However, piling within the eastern portion of the array can be carried out at any time. We have noted in point 1.6.15 above that additional modelling is required to determine an east/west boundary within the array which can be applied to the DML condition. This will require further discussion between the MMO and the Applicant.	As set out in response to comments 1.6.1 – 1.6.17, the Applicant does not consider that a seasonal restriction of any form is required. The Applicant has proposed a meeting with the MMO and its advisors to discuss this matter and is hoping to meet in early January 2025. Updates will be provided to the ExA at Deadline 4 of the outcomes of that meeting.
			4.4.2 For the North ANS as a standalone site, the MMO considers the following condition to be necessary to protect spawning Banks herring and their eggs and larvae during their spawning season: No piling of any type shall be permitted between 1 September and 16 October inclusive.	As set out in response to comments 1.6.1 – 1.6.17, the Applicant does not consider that a seasonal restriction of any form is required. The Applicant has proposed a meeting with the MMO and its advisors to discuss this matter and is hoping to meet in early January 2025. Updates will be provided to the ExA at Deadline 4 of the outcomes of that meeting.
			4.4.3 In answer to the question on whether a seasonal restriction should also apply to unexploded ordnance (UXO) detonation, the answer is potentially yes, although the Applicant would need to present UWN modelling to predict the range of effect from UXO detonations to support the decisions on whether additional mitigation for herring or sandeel is necessary. The MMO notes that the Applicant is not applying for consent for UXO clearance works as part of this DCO but will be seeking consent within a separate Marine Licence application post-consent, and the MMO would expect appropriate UWN modelling for UXO detonation to be presented for review when this application is submitted. The UWN modelling will provide an indication of the likely range of effect from UXO clearance in relation to sandeel habitat and herring spawning habitat.	The Applicant is not requesting consent for the clearance of UXO within the DCO. A separate Marine Licence Application will be made to the MMO under Part 4 of the MCAA (2009) for the investigation and clearance of UXO post-consent. The Applicant will follow industry best practise and relevant guidance published at the time of applying for the Marine Licence (if required) to inform the necessary assessments.
			4.4.4 From the Applicant's ES, the MMO notes that a pre-construction survey of the array and offshore ECC has not yet been undertaken, therefore the exact number (and location) of potential UXO which will need to be cleared is unknown. Information on the locations, maximum size/weight of UXOs and the methods of detonation will all influence the range of effect for explosion noise. Hence, at this stage, it is difficult to state whether additional mitigation is required for fish from UXO clearance. When carrying out UWN modelling of UXO detonation, the Applicant should refer to the Popper et. al (2014) 'guidelines' for sound exposure	The Applicant is not requesting consent for the clearance of UXO within the DCO. A separate Marine Licence Application will be made to the MMO under Part 4 of the MCAA (2009) for the investigation and clearance of UXO post-consent. The Applicant will follow industry best practise and relevant guidance published at the time of applying for the Marine Licence (if required) to inform the necessary assessments.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			thresholds from explosions for fish without a swim bladder (particle motion detection) for sandeel and fish with a swim bladder that is involved in hearing (primarily pressure detection) for herring. The extent of any overlap in noise disturbance from UXO detonation with herring spawning habitat or sandeel habitat shown in the modelling would need to be considered, and in the case of herring, we would also consider IHLS data to help inform any decisions on temporal mitigation.	
			4.4.5 In summary, the specific details of any spatial element of a temporal piling restriction would require additional UWN modelling to determine suitable 'boundaries' for where piling should be permitted/prohibited	This comment is noted by the Applicant.
Q1 FSE 1.4	The Applicant	**Temporal restrictions on piling in other made DCOs** The MMO in [RR-042] has recommended a licence condition prohibiting piling between 01 September and 16 October each year to protect the Banks herring stock during the spawning season. Other made Orders, for example in the Hornsea Four Order Schedule 12, Part 2, Condition 23 imposes a piling restriction between 21 August and 23 October for Work No. 3 in any year. Furthermore, the East Anglia TWO Order, Schedule 13, Part 2, Condition 29 and Schedule 14, Part 2, Condition 25 impose a seasonal restriction on pile driving and UXO detonations between 1 November and 31 January in any year. Comment on the MMO's concerns and if you do not consider a seasonal restriction on piling would be appropriate then explain the differences between the situation for the Proposed Development and the aforementioned made Orders where a temporal restriction on piling has been imposed.	4.5.1 The MMO will keep a watching brief on this response and may provide comments in a future deadline	This comment is noted by the Applicant.
Q1 FSE 1.6	The Applicant Natural England	**Sandeel fishing ban** A ban on sandeel fishing in the English and Scottish waters of the North Sea came into effect on 26 March 2024. **To the Applicant:** How has this ban been accounted for in your assessment of effects of the Proposed Development on sandeel populations?	The sandeel populations are affected by a number of complex and inter-related pressures and therefore there is considerable uncertainty regarding the level of benefits to both sandeels and other receptors that might arise. Accordingly, there is no meaningful way of factoring the closure into the impact assessment and Natural England do not consider it appropriate to do so. There are currently no specific plans to monitor the longer-term effects on the sandeel populations following the closure, however, by reducing the fishing pressure on the sandeel populations in UK waters, the closure has the potential to increase the resilience of the sandeel populations	This comment is noted by the Applicant and entirely concords with the Applicant's approach to this in so far as the sandeel fishing ban has not been considered within the assessment, but that the Applicant expects it to have generally positive benefits.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		To the Applicant and NE: If it has not yet been accounted for in the Applicant's assessment, what do you consider the longer-term effects of this sandeel fishing ban on sandeel populations in the area of the Proposed Development will be?		

1.8 Good Design

Table 1.8: Good Design

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Good Design				
Q1 DES 1.6	The Applicant	**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.	**Lincolnshire County Council's Response:** 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 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. 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. 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	The Applicant notes that Good Design was a topic discussed in detail at ISH 3 and has provided their written summary of the responses given in document 20.4.4 The Applicant's Written Summary of oral case put at Issue Specific Hearing 3 on Onshore matters, 5th Dec. In accordance with Action Point 2 the Applicant has submitted additional information on this point at Deadline 3 in 20.6 The Applicant's Response to Action Points 2, 7, 9 of ISH3 and Correction to LV 1.4 Response

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			building or group of buildings that resembled the farm vernacular in terms of scale and design.	

1.9 Habitats and Onshore Ecology, including Onshore Ornithology

Table 1.9: Habitats and Onshore Ecology, including Onshore Ornithology

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Habitats and Onshore Ecology, including Onshore Ornithology				
Q1 HOE 1.3	Lincolnshire County Council (LCC)	**Greater Lincolnshire Local Nature Recovery Strategy (LNRS)** • What are the timescales for the preparation of the LRNS? Is it likely to be available during the Examination?	**Lincolnshire County Council's Response:** 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	
Q1 HOE 1.4	The Applicant	**Biodiversity Net Gain (BNG)** ▪ 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 BNG Project Principles and Approach document [APP-302], confirm if the project would qualify for purchase of statutory credits.	**Lincolnshire County Council's Response:** Section 4.6 of Overarching National Policy Statement for Energy (EN-1) (17 January 2024) states: "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. 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. 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 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.	In addition to the Applicant's response to this question the Applicant has responded to questions on Biodiversity Net Gain at ISH 3 and has provided their written summary of the responses given in document 20.4.4 The Applicant's Comments on Oral Submissions made and Written Summary of Oral Case at Issue Specific Hearing 3 on Onshore matters, 5th Dec, submitted at Deadline 3 including the Applicant's position in respect of the constraints of delivering a percentage net gain based on a maximum design scenario which may create issues with delivery that are not comparable to the defined footprint of a solar farm. The Applicant has confirmed with Natural England that they would not be able to purchase Statutory Credits.
Q1 HOE 1.6	Lincolnshire Wildlife Trust	**Onshore cable routing and grid infrastructure** Please elaborate on concerns raised in Relevant Representation [RR-036] regarding onshore cable routing and grid infrastructure.	**Lincolnshire Wildlife Trust's Response:** Onshore cable routing and grid infrastructure - please elaborate on concerns raised in Relevant Representation [RR-036] regarding onshore cable routing and grid infrastructure. Lincolnshire Wildlife Trust would like to register the following	The Applicant has responded to this Relevant Representation (RR-036)]= within The Applicant's Responses to Relevant Representations (PD1-071).

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			concerns regarding onshore cable routing and grid infrastructure. Please note, these concerns primarily centre land outside of our own reserves. The Trust are in direct contact with the applicant regarding concerns relating to the onshore cable routing and grid infrastructure that will impact our nature reserves. • The cable route is planned to pass through and near to valuable and priority coastal environments vital for biodiversity. Key habitats that may be disturbed include coastal floodplains, grazing marshes, intertidal mudflats, lowland fens, meadows, peat and clay exposures, ponds, and reedbeds. • Trenching and excavation activities during cable installation could damage soil structure and vegetation, particularly in sensitive areas. This could result in long-term changes in vegetation composition and hinder the regeneration of native plants. Additionally, increased sedimentation could smother sensitive habitats, affecting water quality and disrupting aquatic life, including species dependent on clean, oxygenated water. • Regarding at risk birds and bird habitats, we would direct you to the concerns raised by the RSPB as species experts. • We would expect that there would be significant negative effects on the habitat and species distribution of protected species such as Water Vole (Arvicola amphibius) and Great Crested Newt (Triturus cristatus). • Noise from machinery could disturb wildlife, particularly species that rely on auditory cues for communication, navigation, or feeding. Artificial lighting from night-time construction could disrupt nocturnal species, such as bats, insects, and migratory birds. • Special Protection Areas (SPAs) and Special Areas of Conservation (SACs): Several SPAs and SACs are located within or near the project area, including the Greater Wash SPA and Lincs Coast SAC. These areas are legally protected, and any development activities must avoid significant impacts. The project may require a detailed assessment of potential disturbances, particularly to breeding birds and sensitive habitats. • Sites of Special Scientific Interest (SSSIs): Areas such as Chapel to Wolla and Sea Bank Clay Pits are designated as SSSIs. If the cable route passes near these sites, a thorough environmental assessment is necessary to ensure no harm is caused. **Mitigation, Monitoring, and Management:** • Construction should be scheduled to avoid critical wildlife periods, such as bird breeding seasons. • Exclusion zones should be established around sensitive habitats, and buffer zones should be implemented to protect these areas from disturbance. Restoration plans for disturbed areas should include replanting, erosion control, and habitat restoration. • Consideration should be given to creating compensatory habitats, such as artificial reefs or saltmarsh restoration, to offset any loss of ecosystems. **Post-Construction Monitoring:**	In respect of Water Vole and Great Crested Newts as referenced in ISH3, the Applicant has obtained Letters of No Impediment (LONI) for these species, copies of which will be submitted into Examination at Deadline 3. In relation to offshore monitoring, the Applicant will undertake necessary environmental monitoring as set out in the Applicant's Offshore In-Principle Monitoring Plan (APP-276).

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			• Long-term monitoring of bird populations, marine mammals, and fish stocks should be conducted to assess recovery and any ongoing impacts. • Adaptive management strategies should be developed to address any unforeseen environmental consequences	
Q1 HOE 1.7	The Applicant	**Outline Decommissioning Plan** Paragraph 439 of Chapter 21 of the Environmental Statement (ES) [APP-076] refers to a decommissioning plan being prepared in accordance with the outline decommissioning plan submitted with the dDCO [AS1-024]. However, no outline plan has been submitted and R24 (onshore decommissioning) in the dDCO does not refer to an outline version that the decommissioning plan that should accord with. Applicant to confirm if an outline decommissioning plan will be made available.	**MMO's Response** 4.6.1 The MMO will keep a watching brief on this response and would highlight that the MMO is currently discussing a Decommissioning DML condition that includes and Outline Decommissioning Plan.	This comment is noted by the Applicant.
Q1 HOE 1.8	LCC	**Ecological Steering Group, Environment Compliance Officer and Ecology Enhancement Fund** 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. ▪ 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	**Lincolnshire County Council's Response:** 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. 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 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. 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. 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	The Applicant is continuing to engage with the LCC in respect of entering into a s106 agreement and the possible scope, including the potential for a contribution towards an Environmental Compliance Officer, and will provide an update into the Examination in due course.

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			completed and beyond. Whilst the Council 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 coordinated way rather than be left to each developer to undertake the monitoring and maintenance of the landscaping and other ecological mitigation independently	
Q1 HOE 1.10	The Applicant Natural England East Lindsey District Council Boston Borough Council South Holland District Council	**The Management of Hedgerows (England) Regulations 2024** The Hedgerow Regulations (1997) are referenced in Chapter 21 of the ES [APP-076]. The Management of Hedgerows (England) Regulations 2024 came into force in May 2024. Do they have any implications for the project and the assessment of effects contained in the ES?	**Natural England's Response:** Natural England do not comment on hedgerow management, this usually falls into the remit of the Local Planning Authority (LPA) (unless they are part of a feature / supporting feature of a designated species within a protected site). Therefore, Natural England does not have any further comments to make in response to this question.	This comment has been noted by the Applicant.
Q1 HOE 1.14	The Applicant LCC East Lindsey District Council Boston Borough Council South Holland District	**Monitoring, aftercare and compliance audits** Section 3.9 of the OLEMS [PD1-054] provides some information in relation to monitoring with a commitment to provide further detail in the Ecological Management Plan (EMP) and Landscape Management Plan (LMP). ▪ Do the local authorities have any specific comments to make in relation to proposals and the level of information provided in outline? **For the Applicant:**	**Lincolnshire County Council's Response:** LCC welcomes the commitment to retain an Ecological Clerk of Works on site throughout the construction period. 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. 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	These comments have been noted by the Applicant. The Applicant has submitted an updated OLEMS (document reference 8.10) which includes further details on the proposed monitoring to be carried out. The OLEMS is secured by Requirements 10 and 12 of the draft DCO, under which the final EMP and LMP will be produced.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
	Council	▪ Please provide further details of monitoring likely to be included in the EMP and LMP, including frequencies and Key Performance Indicators. ▪ Provide further details on the proposals in the OLEMS (paragraph 79) to appoint an "*appropriate external body*" with the specific task of undertaking compliance audits. ▪ Can the Applicant clarify the proposed future level of engagement with Lincolnshire County Council, the relevant Local Planning Authorities or any other stakeholders in relation to monitoring and compliance? ▪ Should the OLEMS commit to monitoring at the OnSS for the duration of the operational period rather than for a minimum of 30 years? If not, why not? ▪ Please provide further justification for the aftercare period for reinstated habitats of up to five years.	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. 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 role that the Environment Compliance Officer could undertake this scrutiny. **Natural England's Response:** Natural England highlights that while we acknowledge that this question is not directed to us, any monitoring relating to protected species, habitats and SPA functionally linked land should be agreed by the LPA in consultation with the relevant SNCB i.e. Natural England. Also, any commitments to undertake monitoring and appropriate preconstruction consultations should be secured during the consenting phase in the OLEM, EMP and DCO.	Off-site mitigation planting will be managed in accordance with bilateral agreements between the Applicant and the landowner in question which will include protocols for management.

1.10 Habitats Regulations Assessment (HRA)

Table 1.10: Habitats Regulations Assessment (HRA)

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
HRA General Questions				
Q1 HRA 1.1	Natural England (NE)	**Assessment of effects of highly pathogenic avian influenza** Further to your RR [RR-045] and your Deadline 1 (D1) submission [REP1-061] set out the assessment methodology measures you would wish the Applicant to undertake in order to give consideration to the effects of highly pathogenic avian influenza within the HRA process.	**Natural England's Response:** As it stands, the Applicant has discussed the recent outbreaks of Highly Pathogenic Avian Influenza (HPAI) within the Environmental Statement Offshore and Intertidal Ornithology Chapter [AS1-041] under Section 12.4.4 Future Baseline, with a general statement that "the impact assessment will be carried out in a context of declining baseline population for a number of species". Nonetheless, the Applicant has not set out how this has been done for individual species and colonies within the Report to Inform Appropriate Assessment [AS1-096] nor in the documents submitted on 19 September 2024 with the proposed changes regarding the Offshore Restricted Build Area (ORBA). The recent outbreaks of HPAI, and the potential for further outbreaks in the future, accentuate the continued need for a risk-based approach to impact assessment. Natural England advise it is necessary to consider HPAI when carrying out the integrity	Consideration of long-term variability in bird populations through stochastic events is beyond the scope of any assessment; such variability would not be an effect of the Project and any attempt to assess this would be highly speculative. Impacts from HPAI are likely to be short term with a reduced impact in 2023(compared to 2022) and virtually no outbreak in 2024. Populations are likely to recover, as demonstrated by

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			judgements for each species and SPA combination during the HRA process. This should take into account the likely degree of impact on individual species at individual colonies and include consideration of apparent changes not only in abundance but also productivity and survival. An assessment of the impacts of the recent HPAI outbreak on seabird populations since the Seabirds Count census (Tremlett et al. 20241) provides a useful reference when considering changes (in terms of abundance) post -HPAI for individual species and SPAs within the context of pre-existing population trends i.e. whether species were previously increasing, declining or stable. As stated within our Deadline 1 response [REP1-061], and as caveated by the authors in Tremlett et al. 2024, increases in abundance/population size may be influenced by losses of breeding adults being buffered somewhat by the recruitment of previous non-breeders into the breeding population, and that this in turn can have knock-on effects on productivity in subsequent years due to large-scale recruitment of inexperienced individuals into the breeding population. Thus, trends in population size should be considered alongside trends in productivity and survival, and productivity data from colonies as well as the Retrapping for Adult Survival (RAS) scheme should also inform judgements of species and colony trends following the outbreak of HPAI. Natural England acknowledges that this remains a qualitative approach to the consideration of potential impacts from HPAI but note that ongoing work looking at developing and refining the Population Viability Assessment (PVA) tool may allow for more quantitative consideration of the impacts from catastrophic events such as HPAI in the future. Tremlett C. J, Morley N and Wilson L. J (2024). UK seabird colony counts in 2023 following the 2021-22 outbreak of Highly Pathogenic Avian Influenza. RSPB Research Report 76. RSPB Centre for Conservation Science, RSPB, The Lodge, Sandy, Bedfordshire, SG19 2DL	improvements in breeding numbers and breeding success in Gannet at Bass Rock SPA (BBC, 2023) and Roseate tern at Coquet Island SPA (BBC, 2024). The PVA for the Project has been run over a 35-year period and the recommended tool for PVA is not currently equipped to factor in these stochastic and short- term changes. The Applicant has reviewed the work carried out by Sheringham Extension Project (SEP) and Dudgeon (DEP) (Review of 2022 Highly Pathogenic Avian Influenza (HPAI) outbreak on relevant UK seabird colonies (Equinor 2023)), which uses a qualitative approach to contextualise the impacts from those projects on colonies effected by HPAI. This report concluded that mortalities from HPAI were unlikely to affect the assessment or HRA conclusions. The report states that data on mortalities are likely to be poor, and that long term effects would be impossible to predict based on uncertainties regarding the frequency of re-occurrence of HPAI, and the level of immunity within populations. Reductions as a result of HPAI at colonies will be proportionate to reductions detected by DAS at sea, and therefore reference populations and impacts presented by the Applicant should be considered valid. In addition, the relatively small impacts of Outer Dowsing Offshore Wind (ODOW) would be unlikely to exacerbate the likely much greater impacts which result from HPAI, therefore the conclusions at HRA would not change. For example, although determining exact numbers

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				of mortalities is difficult, the estimated impact on Gannet at FFC SPA in 2022 was many hundreds of birds. This is in comparison to an annual impact from ODOW of 4.9 birds. The precautionary mortality rate used by the Applicant (1%) should amply cover any population changes resulting from the likely short-term effects on productivity from HPAI. Data on displacement related mortalities is scarce but APEM (2022) took from colonies for which an impact had been predicted and demonstrated that the population trends at these colonies were in line with displacement related mortalities of less than 1%. Through the Outer Dowsing/ Natural England Avian Influenza Workshop (Natural England, 29th March 2023) the Applicant and Natural England agreed that there was no requirement to reconsider the baseline data for the Project as a result of HPAI
Q1 HRA 2.1	The Applicant	**Update on the Marine Recovery Fund** The Applicant has stated, for example in the Kittiwake Compensation Plan [APP-250] and the Without Prejudice Razorbill Compensation Plan, [APP-255] and elsewhere that Round 4 projects will be able to access the Marine Recovery Fund (MRF). Furthermore, in para 57 of [APP-250] it is stated that: "The Applicant understands that the MRF will be in place prior to the determination of the consent for the Project and therefore will be available to rely upon for the purpose of delivering compensation if required." Provide an update on this and comment on whether your analysis of the MRF being in place within this timescale is accurate. Comment on any differences between how your proposed compensation measures would be carried out if undertaken within the context of the MRF versus being undertaken on a project-alone basis	**MMO's Response** 4.7.1 The MMO notes this comment was directed to the Applicant but would highlight that Defra would be able to provide a more suitable timescale on the MRF.	The Applicant agrees that Defra should be able to provide a response on the timescales of the MRF.

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		if either the MRF was not in place or you chose not to pursue that option for compensation measures.		
Q1 HRA 1.5	NE	**Annex I Sandbanks Worse Case Scenario** NE is not in agreement with the Applicant on the presented Worse Case Scenario (WCS) of lasting habitat loss/change of Annex I Sandbanks from the placement of cable protection within Inner Dowsing Race Bank and North Ridge (IDRBNR) Special Area of Conservation (SAC). ▪ Please explain why you deem the WCS not to have been assessed? ▪ What does NE deem to be the WCS? What would NE request of the Applicant to address these concerns?	**Natural England's Response:** In order that a meaningful assessment can be made, Natural England also requires the Applicant to provide a transparent justification for the WCS quantification of habitat loss within IDRBNR SAC, drawing upon previous experience and available information about the ground type along the ECC route. The WCS is also required to include the replenishment of cable protection over the lifetime of the project noting that areas of additional cable protection will require a separate marine licence. Natural England notes that the Cable Burial Risk Assessment [APP-299] and Outline CSIP [APP-278] do not consider from an ecological perspective the dynamic nature of the sandbanks and the ability for the cable to be buried to an optimum depth and remain buried. With limited reference to site specific geophysical and geotechnical investigations to support this. Therefore, it remains unclear to Natural England if a realistic worst-case scenario has been presented. For example: existing cables within the Race Bank sandbank within IDRBNR SAC have become exposed post installation and the structural integrity of those cables is at risk without further external cable protection. Whilst the Applicant has stated that they are committed to using cable protection which is removable and highlight evidence to support the successful removal of some types of cable; the use of only removable types of cable protection is not secured, with all types of cable protection including rock protection (currently not removable without impacting interest feature) remaining within the Rochdale envelope. Without further assessment and securing mitigation measures Natural England is unable to advise with certainty that the impacts wouldn't exceed 5,760m2 of permanent habitat loss.	The Applicant has provided within the Project Description (APP-058) a breakdown of the maximum cable protection volumes and areas required along the ECC, with a break down provided of that required between the array area and the eastern extent of the Inner Dowsing, Race Bank and North Ridge (IDRBNR) Special Area of Conservation (SAC), within the IDRBNR SAC and then also between the western boundary of the IDRBNR SAC and the landfall. The values within the IDRBNR SAC are further broken down into those required over the sandbanks and that required elsewhere within the SAC. The Applicant notes that the specific volumes and areas required are designed based on the current understanding of the site, considering the extensive characterisation data collected pre-application, including both geophysical and geotechnical data. The likely percentage of the cable lengths requiring protection vary between each sector, further demonstrating the specific design work undertaken for this matter. The Applicant notes that, in line with standard practise, the Cable Burial Risk Assessment will be developed pre-construction, following the collection of further site data. The purpose of a CBRA is to inform the risk of damage to a cable. The CBRA then informs the final proposed cable burial depths which would be set out with the final CSIP, which then considers ecological factors, amongst other matters. Furthermore, the Applicant notes that the interim CBRA undertaken by the

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				Project (APP-142) was specifically undertaken to inform the potential need for cable protection over the designated sandbanks; this considered risk of damage from anthropogenic sources as well as exposures, based on the current understanding of the mobility of sediments of the sandbanks. As such, the Applicant is unsure how an "ecological perspective" could be applied to what is a strictly engineering assessment. The WCS as presented within the Application includes all cable protection which the Applicant anticipates might be required for the lifetime of the Project infrastructure. The Applicant will design the cable protection to be deployed during construction to be sufficient for the lifetime of the Project and as such, further cable protection is not expected to be required during the operational period beyond that assessed in the Environmental Statement. The Applicant notes that the use of only removeable cable protection on the sandbank feature of the SAC is secured through the Outline CSIP (paragraph 22 of REP2-033) and Outline Scour Protection and Cable Protection Management Plan (paragraph 8 of APP-295).
Q1 HRA 1.6	NE	**Further analysis in relation to Sabellaria Spinulosa** NE [RR-045] has concerns with the sufficiency of the data in order to draw conclusions, with any confidence, as to the presence, extent and quality of Annex I biogenic reef (Sabellaria Spinulosa). The ExA notes that the Applicant has undertaken an independent re-analysis of the survey data to re-evaluate the potential for Annex I reef [PD1-095].	**Natural England's Response:** Please see Natural England's s response to Deadline 1 [REP1-059] - The Applicants clarifications and commitments have not been incorporated into the relevant plans and documents and are therefore not sufficient in themselves. Natural England also highlights that we will be providing further advice at Deadline 3 on impacts on suitable habitat for Annex I reef.	The Applicant notes that the comments raised by Natural England apply to documents submitted as part of the Application, namely the Export Cable Corridor Benthic Ecology Technical Report (AS-004) and the Envision Data Analysis (APP-158). The Applicant's independent re-analysis

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		▪ Does the Applicant's independent re-analysis satisfy NE's concerns with the sufficiency of the data in order to draw conclusions as to the presence, extent and quality of Annex I biogenic reef? If not, why not? Please set out the specific information that would still be required.		(PD1-095) is a separate document, which was undertaken to specifically address the concerns raised by Natural England within their Relevant Representation (RR-045). Whilst the Applicant considers that PD1-095 provides sufficient confidence in the conclusions provided within those Application documents, it has provided an update to AS-004 and APP-158 at Deadline 3, incorporating the comments from Natural England and the responses from the Applicant on those matters for completeness as an Annex to each of the relevant documents. The Applicant will review any further advice provided by Natural England at Deadline 3 in due course.
Q1 1.7 HRA	NE	**Nearshore (depth of closure) area cable protection** Noting the Applicant's response to NE in relation to securing the avoidance of cable protection in shallow nearshore areas, citing the conditions of the deemed marine licence [PD1-071 NE Ref NE2]: ▪ Are NE content with this as a measure? If not, what would NE propose?	**Natural England's Response:** The Applicant has stated ([PD1-071] NE Ref B6, B11 and B29) that cable protection measures within the inner depth of closure (calculated as approximately 7.1m) are unlikely to exceed 0.35m in height (with the exception of cable crossings), but this is not supported by any detailed engineering design work. In addition to this, the Applicant also states that in the draft Development Consent Order (DCO), cable protection deployment is limited to no greater than 5% of the water depth. But we note that these two measures are not the same. We would therefore request that the Applicant clarifies which of these mitigation measures is proposed and whether any cable crossings are anticipated within the nearshore. We also note that within the Applicant's response they indicate that anchor strike is unlikely. If this is the case, then it would be good to understand the rational for protection within the nearshore, especially when neighbouring projects didn't automatically apply for cable protection here. We also highlight that we are not aware of any other project installing a berm with a height less than 1m in English Waters. Therefore, we have no reference to determine if there are any potential implications for other receptors from the proposals. We advise that the Applicant should provide evidence that within the current design parameters, the structural integrity of the berm can be maintained throughout the project lifetime. And that secondary scouring of any berms will not occur at this location.	The Applicant has provided a response in Row B6 and B11, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) as well as in Table 1, The Applicant's Comments on Deadline 1 Submissions (REP2-053). The Applicant wishes to clarify that no cable / pipeline crossings will be required within the nearshore. The height of the cable protection in this area is effectively controlled through condition 13 (1) (d) (ii) which requires the submission of a construction method statement for approval, including the CSIP. The condition requires for consultation with MCA and Trinity House where cable protection is likely to exceed 5% of navigable depth. (Note: 0.35m is 5% of 7.1m (the inner depth of closure). As such, there is no conflict between

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				the mitigation measures outlined by the Applicant. The Applicant notes that anchor strike is only one aspect considered within the determination of the need of cable protection. The MDS includes for nearshore cable protection in the unlikely event that target cable burial depth cannot be achieved. The Applicant has proposed a range of cable protection measures, including rock placements (berms), concrete mattresses, rock bags and seabed spacers. The final choice of protection type, if this is required, will be made post consent and informed by detailed engineering design. Condition 13 (1) (d) (ii) and Condition 13 (1) (d) (iii), Part 2 of the deemed marine licence at Schedule 11 includes for a Cable Specification and Installation Plan and a Scour Protection and Cable Protection Plan, in line with the outline plans, to be submitted and approved in writing by the MMO, and for which Natural England are a statutory consultee. The Applicant notes that the appropriate stage of a Project to deliver confidence in final engineering design is at the pre-construction phase, once final methodologies and techniques are confirmed.
Derogation Case and Compensation Measures				
Q1 HRA 2.2	The Applicant and NE	**DEFRA Best Practice Guidance on developing compensatory measures for Marine Protected Areas** Paragraph 3 of the Without Prejudice Guillemot Compensation Strategy [APP-252] has made reference to DEFRA guidance on developing compensatory measures in relation to Marine Protected Areas. In Footnote 1 the Applicant notes that whilst it is aware of this guidance, it is out for consultation and the project delivery	**Natural England's Response:** In February 2024, Defra carried out a consultation on specific principles relating to marine compensation (Consultation on policies to inform updated guidance for Marine Protected Area assessments - Defra - Citizen Space), following on from the July 2021 consultation on their marine compensation best practice guidance (Best practice guidance for developing compensatory measures in relation to Marine Protected Areas).	This comment is noted by the Applicant. The Applicant has provided a response to the salient points raised by Natural England in the Applicant's Response to Relevant Representations (PD1-071) and in The Applicant's Responses to The ExA's First Written

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		programme did not allow for full inclusion of the recommendations. ▪ Has the final version of this guidance now been published and, if so, has it altered from the consultation version? Please provide a copy of any final, published Guidance into the Examination. If a final version has not yet been published, do any of the recommendations in the draft Guidance have implications for the Proposed Development that have not already been considered?	We do not consider that the recommendations in the draft guidance or the principles hold additional implications for the proposed development beyond those considered in our Relevant Representations	Questions in section Q1 HRA 2.2 (REP2-051).
Q1 HRA 2.3	The Applicant, NE and RSPB	**Level of information on compensation measures** The RSPB in its D1 submission [REP1-047] has raised a number of overarching concerns about the Applicant's approach to the formulation of its proposed compensation measures and the amount of information that has been provided for kittiwake, guillemot and razorbill regarding, but not limited to, detailed design, timescales, lead-in times and connectivity to the UK National Site Network for guillemot and razorbill. In its latest Risk and Issues Log [REP1-064] NE has also maintained its view that the information provided by the Applicant on the proposed compensation measures, particularly for razorbill and guillemot, is either lacking or not fully explained for a number of issues. In fact, despite the Applicant's response in [PD1-071], there has been no change in the updated Risk and Issues log [REP1-064] from any of NE's previous positions on the offshore ornithological compensation measures. **To the Applicant:** The ExA is aware that you have responded to both NE's and the RSPB's Relevant Representations in [PD1-071]. Is it your intention to provide any further responses regarding the detailed additional information on ornithological compensation measures requested by either NE in [REP1-064] or the RSPB in [REP1-047]. If so, then please state when this information is likely to be submitted. If not, then justify your position on this matter. **To NE and RSPB:** Recent Orders have been made (for example for Hornsea Four and the Sheringham Shoal and Dudgeon Extension Projects) for offshore wind farm projects that contained	**Natural England's Response:** Natural England makes the following observations: • In general terms there has been an increasing level of detail provided into the Examinations of relevant projects regarding the nature and effectiveness of the proposed compensatory measures following the Hornsea 3 OWF pre-determination consultation and decision in 2020, and an increased level of refinement in terms of the number and nature of options. • We consider the kittiwake compensatory measures to present an equivalent or greater level of detail than that provided by previous developments. However, we consider that the auk compensatory measures are in a comparatively undeveloped state. For the Channel Islands predator fence, this relates less to the aspects of securing the relevant permissions, and more regarding the fundamental rationale for the measure: the key areas where more information is needed are i) reasons for decline/absence of large auks in that locality, particularly guillemot; ii) likely effectiveness of measure, particularly given predators such as rats will be able to access the fenced area via intertidal habitat; iii) more detailed analysis of what nesting habitat might be freed up should the measure be effective. Regarding the secondary measure recreational disturbance management, the key issues are i) a lack of sitebased survey information regarding potential issues at those colonies and therefore the extent to which they might provide opportunities for compensatory measures, including the likely scale of those benefits and ii) information regarding landowner and stakeholder engagement to demonstrate that interventions are feasible. • As noted in our Relevant Representations, the Implementation and Monitoring Plans (IMPs) submitted were essentially 'skeleton' documents. Whilst the amount of detail provided into Examination has varied, up until Round 4 there has generally been an effort to populate the IMPs as far as is possible. However, Offshore Wind Farm (OWF) submissions in 2024 have generally taken the 'skeleton' approach. We highlight the importance of the IMPs and the need to present well-populated versions during the Examination, recognising that the process of finalising the IMPs is an	Updated information on compensation has been provided by the Applicant within the following documents at Deadline 2: ▪ Updated Predator Control Evidence Base and Road Map (REP2-025). This document provides updates on fence design, location and updates to planned monitoring of the measure to ensure that the reserve's effectiveness is maintained throughout the duration of the project. This document also contains Annex A, a Feasibility Study Report for a Predator Exclusion Fence (Birds on the Edge 2021) which discusses the historical decline in auks in Jersey. ▪ Applicant's Responses to The ExAs First Written Questions (ExQ1) (REP2-051) where responses to HRA written questions are provided in Section 1.11. The Applicant has committed to providing updated evidence base and road map for the additional measures

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		proposed ornithological compensation measures. Comment on the level of information regarding compensation measures that was submitted to accompany these other projects, and which has been found to be acceptable by the Secretary of State, in comparison with that which has been submitted by the Applicant for this Proposed Development.	iterative one and therefore will continue beyond any consent. **The RSPB's Response:** The RSPB is providing a single response to HRA 2.3 and 2.4, as we consider they are linked: ▪ HRA 2.3 relates to the level of detailed work carried out before the close of an examination/granting of consent to ensure any compensation measure includes sufficient detail to be confident it is capable of being delivered in a manner which improves the likelihood of the coherence of the SPA network being protected; ▪ HRA 2.4 relates to an example of the consequences of failing to anticipate and tackle key risks associated with the timely implementation of a compensation measure, resulting in a request to reduce the timescale for implementation in relation to the first adverse impact occurring. The requirement to include a four full breeding season period before first operation of an offshore wind farm is based on the breeding ecology of the seabird species concerned e.g. kittiwake. Four years is the accepted typical period of first breeding and an acknowledgement that, assuming successful colonisation in Year 1, first breeding from fledged young will be 4 years later. It is an acknowledgement of the need to mitigate some of the risk arising from the predicted adverse impact occurring immediately upon first operation and of there being both an inherent delay in the compensation working, and the risk of it not working or not working successfully. Any shortening of this time period increases: - the exposure of the species to the predicted adverse impact in the absence of an effective compensation measure, and - the time it will take for the compensation measure to benefit the impacted species. It is for this reason that, notwithstanding the level of submitted information regarding compensation measures that the Secretary of State has found to be acceptable, the RSPB has been consistent in its criticism of successive developers failing to (i) provide an appropriate evidence base to test relevance and likely efficacy and (ii) identify key implementation risks and tackle these in their compensation plans submitted for examination. The Hornsea Four non-material change is one example of this, where known potential delivery risks were not surfaced during the examination and post-examination consultations, and appropriate measures identified or put in place to ensure the agreed timetable could be met. As a result, the original, ecologically based timescales agreed to by the Secretary of State could not be met and the non-material change resulted. In the context of the current scheme, we consider there is still inadequate information and evidence in front of the examination that will allow the likely efficacy	for guillemot and razorbill (South West Sites) at Deadline 4. The Applicant has provided Guillemot and Razorbill: Compensation Quanta (Document reference 20.17) at Deadline 3 which explains how the potential compensation quanta for guillemot and razorbill have been calculated using the Applicant's and Natural England's approaches and demonstrating how the required scale of compensation can be delivered by the Applicant's without prejudice measures. The values provided within this document will be further justified within the updated evidence base and roadmap for the additional measures for guillemot and razorbill at Deadline 4. The Applicant notes that declines in both guillemot and razorbill around the Plémont Seabird Reserve correspond with the first records and subsequent increases in ferrets in the area (see also Q1 HRA 2.7 19.2 The Applicant's Responses to The ExA's First Written Questions (ExQ1)). The Applicant also notes that the fence will be designed in order to minimise the chances of reinvasion through the intertidal zone, and any reinvasion will be detected through the ongoing non-native predator monitoring as detailed in updated Without Prejudice Predator Control Evidence Base and Road Map (APP-257) and will be tackled through the adaptive management measures described therein. The Applicant notes the RSPB's acknowledgement of the level of

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			of the proposed measures to be tested, and therefore be satisfied they have a reasonable guarantee of success.	submitted information regarding compensation measures that the Secretary of State has found to be acceptable. The Applicant has provided an Updated Predator Control Evidence Base and Road Map (REP2-025) at Deadline 2. The Applicant has committed to providing an updated Without Prejudice Additional Measures for Guillemot and Razorbill Evidence and Road Map (SW Sites) at Deadline 4. The Applicant has provided Guillemot and Razorbill: Compensation Quanta (document reference 20.17) at Deadline 3 which explains how the potential compensation quanta for guillemot and razorbill have been calculated using the Applicant's and Natural England's approaches and demonstrating how the required scale of compensation can be delivered by the Applicant's without prejudice measures. With regard to the ANS, the Applicant has proposed project-led offshore ANS to a programme that will allow the Project to be operational assuming a condition of a three full breeding seasons before the operation of any turbine, as per Schedule 22 of the draft Development Consent Order (dDCO) and as presented in document 7.7.4 Offshore Artificial Nesting Structure Evidence Base and Roadmap (APP 2.56). The Applicant has submitted a Change Notification (REP2-065) at Deadline 2 to amend the Order to reduce the length of time the proposed artificial

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				nesting structure(s) for kittiwake needs to be in place before operation of the project from three full breeding seasons to two full breeding seasons in order that project timelines can be met. The Applicant has submitted a document providing the ecological justification for the proposed reduction in lead in period at Deadline 2 (REP2-060). This document shows that the ANS will deliver sufficient extra compensation over the lifetime of the Project to offset the compensation debt built up as the colony develops. The Applicant notes that Hornsea Four submitted a nonmaterial change request for a reduction in ANS lead in time which included similar information regarding the mortality debt that would occur over the lifetime of the project. This information was considered sufficient ecological evidence for the non-material change to be approved by Natural England (see Natural England's response to Q1 HRA 2.4 (REP2-074) and the Secretary of State. The Applicant's position is that, given that it is ecologically justifiable to do so, it is reasonable to seek such a reduction in order to reduce the risk to delivery programme in the event of any as yet unforeseen delay occurring.
Q1 HRA 2.4	The Applicant, NE and RSPB	**Non-material change to the Hornsea Four Order** On 17 July 2024 the Secretary of State accepted a non-material change request to the Hornsea Four Offshore Wind Farm Development Consent Order (SI 2023/800). This change sought to amend the Order to reduce the length of time the proposed artificial nesting structure for kittiwake needs to be in place before operation of the	**Natural England's Response:** The Hornsea 4 OWF nonmaterial change submitted detailed information on the implications of delaying construction of the Artificial Nesting Structure (ANS) for the ability of the compensatory measures to address the predicted impacts of Hornsea 4 OWF on the Flamborough & Filey Coast (FFC) SPA kittiwake population. This included presentation of colony growth curves that demonstrated that the increased risk of 'mortality debt' that would occur as a result of starting later was not likely to result	This comment is noted by the Applicant. The Applicant submitted a Change Notification (REP2-064) at Deadline 2 to amend the Order to reduce the length of time the proposed ANS for

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		project from four full breeding seasons to two full breeding seasons. Comment on the implications of this recent decision in regard to the lead-in times for the Proposed Development.	in that debt not being paid off at an appropriate time. Accordingly, Natural England was content that there was sufficient ecological evidence for the non-material change to be approved. **The RSPB's Response:** Please see the above the RSPB's response to Q1 HRA 2.4.	kittiwake needs to be in place before operation of the project from three full breeding seasons to two full breeding seasons. A document providing the justification for the proposed change, including presentation of colony growth curves that demonstrated that the increased risk of 'mortality debt' that would occur as a result of starting later was not likely to result in that debt not being paid off at an appropriate time, was also submitted at Deadline 2 (REP2-060).
Q1 HRA 2.6	The Applicant and NE	**Use of the Plémont Seabird Reserve by other projects for compensation** Are any of the other 'live' offshore wind farm applications such as Five Estuaries, North Falls or Dogger Bank South proposing predator control at the Plémont Seabird Reserve East as a potential compensation measure for their impacts on auk species? If so, then how can the required quantum and effectiveness of the proposed compensation be allocated and assessed between more than one project?	**Natural England's Response:** Natural England are not aware of any other 'live' offshore wind applications proposing predator control at the Plémont Seabird Reserve East as compensation.	This comment is noted by the Applicant.
Q1 HRA 2.14	NE The Applicant	**'Without Prejudice' Benthic Compensation** NE states that it cannot support the proposed 'Without Prejudice' Compensation Measures Alternative measures for Annex I sandbanks and Reef Creation of Annex I reef as compensation for Annex I Sandbank Habitat Anthropogenic Pressure Removal: Marine Debris and Awareness Campaign [PD1-071 NE Ref NE6]. • What would NE want to see from the Applicant to be confident that the measure could offset the impacts on Annex I sandbanks and reef creation of Annex I reef? • How has the Applicant progressed the development of other various 'without prejudice' compensation measures? The ExA requests that the Applicant set out progress on each measure in a tabulated form which is subsequently updated at each deadline.	**Natural England's Response:** Natural England highlights that the progression of strategic compensation has come about due to the extreme difficulties in delivering project specific benthic compensation. In this context and at this stage, we do not believe that there is merit in progressing and/or placing reliance upon project specific benthic compensation measures. However, for clarity Natural England draws the ExA attention to the advice we provided on the Norfolk Vanguard OWF proposed debris removal campaign. This letter provides links to further advice which supports this measure being excluded from project level compensation and DEFRA's library of measures for strategic compensation.	The Applicant notes Natural England's position in relation to the marine debris and awareness and its deliverability, however the applicant has retained this measure as an option within the Without Prejudice Benthic Compensation Evidence Base and Road Map (APP-248) and continues to review progress of the Norfolk Boreas and Norfolk Vanguard projects (also see the Applicant's response to Q1 HRA 2.14 in REP2-051), noting that this measure was accepted by the Secretary of State for the Department of Energy Security and Net Zero (previously the Department of Business, Energy and Industrial Strategy) as being appropriate compensation for the Norfolk Vanguard and Norfolk Boreas projects.

1.11 Historic Environment

Table 1.11: Historic Environment

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Historic Environment				
Q1 HE 1.3	Lincolnshire County Council (LCC)	LCC in its WR [REP1-043] considers archaeology of more than a local/regional significance could be damaged or disturbed. ▪ Explain why you consider this to be the case?	**Lincolnshire County Council:** 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. The lack of sufficient baseline evidence means that the levels of significance cannot be determined for any unevaluated archaeology across the redline boundary. 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)	These comments have been noted by the Applicant. In addition to the Applicant's response to this question, potential impacts or disturbance on archaeology and heritage assets was discussed in detail at ISH 3 and the Applicant has provided the written summary of the responses given in document 20.4.4 The Applicant's Written Summary of Oral Case Put at the Issue Specific Hearing 3 held on 5 December 2024, submitted at Deadline 3. The Applicant maintains that the impacts of the Project have been adequately assessed and an appropriate range of mitigation methods and protocols have been outlined in the Outline Written Scheme of Investigation. An updated onshore OWSI has been submitted at Deadline 3 (document reference 8.9 version 3)
Q1 HE 1.4	LCC HE	**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: ▪ 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]	**Historic England Response:** There remain areas of the scheme where as yet geophysical survey and trial trenching etc have not effectively characterised archaeological significance. This lack of understanding of what lies beneath the ground in parts of the scheme presents thus far unmanaged risk; both in terms of timely project delivery and appropriate management of archaeological impacts (through informed design and mitigation). Whilst there can never be a complete understanding of what may be encountered the earlier and more fully techniques are deployed the more effectively risk can be controlled. There are areas where geophysical survey is less effective due to soils and ground condition, these areas may require more detailed geoarchaeological modelling to target trench evaluation for instance to islands and shores and margins of ancient dryland. In general, archaeological investigatory techniques should be deployed in a complementary and iterative manner where one addresses the outputs or limitations of another. The latest updated text for Requirement 17 Archaeology is document library references PD1-024, PD1-025, PD1-026, which we understand	These comments have been noted by the Applicant. In addition to the Applicant's response to this question, further archaeological surveys / works were discussed at ISH 3 and The Applicant has provided the written summary of the responses given in document 20.4.4 The Applicant's Written Summary of Oral Case Put at the Issue Specific Hearing 3 held on 5 December 2024, submitted at Deadline 3. The Applicant notes the comments submitted in respect of Requirement 17 of the draft DCO (document number 3.1, version 6)] and in accordance with Action Point 4 arising from ISH3 is continuing to engage with LCC and Historic England in respect of the proposed wording of this requirement and will provide an update at Deadline

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			supersedes AS1-024 this DCO text addresses the need for the results of necessary further archaeological evaluation work (reporting post-DCO) to sit alongside the submitted outline onshore written scheme of investigation for archaeological works to inform line onshore written scheme of investigation for archaeological works. Given that as discussed above further archaeological evaluation work remains to be done the amended version (submitted Sept 2024) of Requirement 17 as set out in PD1-024, PD1-025, PD1-026 is necessary in place of that in document ref AS1-024 (submitted July 2024). It is this Sept 2024 revision of Requirement 17 that the applicant refers to in [PD1-071, Section RR-027.006] where they commit to further pre-construction archaeological works that will inform the WSI (s) (for mitigation). In the Draft statement of common ground [REP1-027] between HE and the Applicant at para 2.1 item HE1 please read references 'PD1-024, PD1-025, PD1-026' in place of 'PD-023, PD-024, PD-025'. We continue to refer you to the expertise of Lincolnshire County Council's archaeological specialists as regards to archaeological matters. **Lincolnshire County Council:** 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 required for an effective mitigation strategy. Approximately 63% of the redline boundary has been subject to geophysical survey. This means over a third of the scheme has not been done. 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. Where geophysical survey and aerial photo assessment is not done archaeological sites and features will be missed and information will be lacking. Areas not subject to geophysical survey will need a greater level of trenching to adequately evaluate the archaeological potential. 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. Regarding the updated Requirement 17 of the dDCO, given that there is insufficient information for site-specific mitigation across the redline 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.	4. The Applicant's position remains, as outlined in ISH1 and ISH3 that the wording of the Mallard Pass DCO requirement is not appropriate or necessary given that the current drafting of the Applicant's DCO covers the necessary issues and in a clearer and more proportionate form.

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Q1 HE 1.5	LCC HE	**Updated Onshore Outline Written Scheme of Investigation (OWSI) for Archaeological Works** Are you satisfied that the updated OWSI [PD1-052] provides sufficient detail on: ▪ 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? Are you satisfied that it provides sufficient protection for unknown heritage/archaeological assets with appropriate mitigation in place to preserve such assets?	**Historic England Response:** In the draft statement of common ground between Historic England and the Applicant [REP1-027] we have marked item HE4 as agreed that "The measures identified in the Outline Onshore Written Scheme of Investigation for Archaeological Works (PD1-052) are adequate to mitigate potential significant effects identified in Chapter 20: Onshore Archaeology and Cultural Heritage (AS1- 048)." The OWSI [PD1-052] and Schedule of Mitigation as updated September 2024 ref PD1-058 and PD1-059 include an 'archaeological clerk of works' a position which provides some reassurance as to the robustness of measures for preservation in situ through there being a responsible qualified and experienced person on site. Enforceability of measures for preservation in situ rest upon the final detailing and supervision and control of archaeological works, and on clarity that if preservation proves impossible then full excavation and recording must be deployed. Given that the detail of measures for the assets to be preserved thereby are not yet available and their successful delivery cannot be guaranteed in the case of assets as yet unlocated, the assurance of preservation is we believe reliant upon the control of discharge of requirement 17 for Written Schemes of Investigation. The applicant could address the enforceability of preservation in situ and the robustness of selection through a revision to the OWSI and Schedule of Mitigation to make clear that submitted WSI's for archaeological mitigation shall include:- 1. detailing of the methodology applied to the selection of assets for preservation, 2. a narrative of dialogue between the Archaeological Clerk of Works, the LCC archaeological advisor and Historic England, and 3. the specific and detailed measures to be deployed in respect of each asset identified for preservation. **Lincolnshire County Council:** 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. 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. 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. The Council are pleased with the measures for knowledge and understanding, public engagement and dissemination provided by the Applicant within the OWSI.	These comments have been noted by the Applicant. Onshore archaeology was discussed at ISH 3 and the Applicant has provided the written summary of the responses given in document 20.4.4 The Applicant's Written Summary of Oral Case Put at the Issue Specific Hearing 3 held on 5 December 2024, submitted at Deadline 3. As was specified in ISH3 the mitigation measures outlined in the Outline WSI, provide a range of options that will be expanded upon within the final WSI. The Applicant will continue to engage with LCC and Historic England in respect of outstanding areas of disagreement which will be recorded in updates to the Statement of Common Ground.

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			LCC is not satisfied that the OWSI provides for 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. 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	
Q1 HE 1.6	LCC HE	**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	**Historic England Response:** The conservative limits to vibration levels set out by the applicant at PD1-071 in relation to Middlecott Almshouse are noted, as with noise and dust this would to be demonstrably effective require a mechanism for monitoring and control further to the submitted [APP-269] Outline Noise and Vibration Management Plan. LCC as the Highway Authority will be better placed to comment on that document and the likely deliverability of the limit for vibration set out at PD1-071, and whether a vibration monitoring procedure for access routes passing relevant vibration sensitive receptors (VSRs) should also be included within the final NVMP. **Lincolnshire County Council's Response:** 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.	These comments have been noted by the Applicant. The Outline NVMP states that based on the results of the final vibration predictions for tunnelling and sheet piling, a vibration monitoring procedure at the relevant VSRs may also be included within the final NVMP.
Q1 HE 1.7	LCC	**Aerial Photographs** Please explain the additional information that could be gained using aerial photographs and set out how this might assist the Examination	**Lincolnshire County Council's Response:** Aerial photography shows archaeological features as cropmarks such as ditches, villas or roads. Air photo analysis is a non-invasive, rapid and inexpensive technique allowing the archaeologist to new archaeological sites and enhance information on existing ones. 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 Handbook requirements. 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. 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. Historic England state that "*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.*" (Historic England)	This comment has been noted by the Applicant. The Applicant's position on aerial photography was outlined at ISH 3 and The Applicant has provided the written summary of the responses given in document 20.4.4 The Applicant's Written Summary of Oral Case Put at the Issue Specific Hearing 3 held on 5 December 2024, submitted at Deadline 3. The Applicant's position remains that the full use of every technique was not necessary to obtain a sufficient baseline but the Applicant has carried out some aerial assessment, including LIDAR assessment which included an aerial-photography review of full Google Earth imagery for the Order full review of project-commissioned satellite imagery, and a sample review of Historic England historic imagery, which confirmed that full assessment was not needed to complement the baseline assessment already collected via geophysical survey and deposit modelling. It would be unusual to undertake aerial photographic analysis after geophysical survey given the latter provides greater clarity

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Q1 HE 1.8	LCC	**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	**Lincolnshire County Council's Response:** The regional policy document is currently being drafted by the former Nottinghamshire County Archaeologist, 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.	

1.12 Human Health

4. The Applicant notes that no further responses have been provided in response to Human Health.

1.13 Land Use, Geology and Ground Conditions

Table 1.12: Land Use, Geology and Ground Conditions

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Land Use, Geology and Ground Conditions				
Q1 LU 1.1	Natural England (NE) East Lindsey District Council Boston Borough Council South Holland District Council	**Written Ministerial Statement (WMS) - Solar and protecting our Food Security and Best and Most Versatile (BMV) Land** 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]. ▪ Is the WMS a relevant consideration for the Proposed Development? ▪ If so, explain why and what implications does it have?	**Lincolnshire County Council's Response:** 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. 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' 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. Again the cluster is as significant for a number of applications for sub-stations as it is to solar 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	The Applicant's position remains that the WMS is specific to solar development. The Applicant's compliance with other national and local policy is set out in the Policy Compliance Document (AS1-012).

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			a consideration where there are clusters of energy generation projects emerging in a locality rather than just for solar development. **Natural England's Response:** Natural England echo the principle of 'meeting standards' with regards to Agricultural Land Classification (ALC) surveys. This is also a requirement of Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (para 4.1). However, Natural England do not consider the Written Ministerial Statement (WMS) relevant to Offshore Wind Nationally Significant Infrastructure Projects (NSIPs). **T.H. Clements' Response:** The WMS refers to the impact of solar developments and therefore it is not directly applicable to the proposed development. The key distinction lies in the different ways in which agricultural operations can coexist with different types of renewable energy developments. However, the WMS makes clear that the Government views BMV land as particularly valuable and worthy of protection and that the importance of BMV land is a material consideration for the Government. TH.Clements believe that this broader principle applies to the proposed development, and that therefore protecting BMV land (such as the land farmed by T.H. Clements) should be a relevant consideration in the Examination of the Order.	
Q1 LU 1.5	The Applicant	**Severance of agricultural land during construction** Severance has been identified as a concern by TH Clements & Sons Ltd and Woodlands Farm (Kirton) Ltd [RR-067, RR-075 and REP1-050]. The Applicant's response [PD1-071] to TH Clements & Son Ltd states that its land agents have reviewed areas of land which may be severed as a result of construction activities. The response to Woodland Farm (Kirton) Ltd appears to suggest that Horizontal Directional Drilling (HDD) is proposed, in part, to address severance. The ExA notes that paragraph 277 of Chapter 25 of the Environmental Statement (ES) [AS1-050] states that severance impacts on operations can still be assessed and mitigated without full details of occupying tenants. The outline Code of Construction Practice (OCoCP) [PD1-038] refers to the preparation of a management plan for severed land to be agreed with land-owners and tenants but it is not identified in the Schedule of Mitigation [PD1-058] or Requirement (R)18 of the draft Development Consent Order (dDCO) [AS1-024].	**T.H. Clements' Response:** Due to the specialist nature of the vegetable crops that T.H. Clements grows, and the size of the machinery that is required to cultivate the land on which they are grown, and to harvest them (for example, 36 metre sprayer booms are standard), areas outside of the Order limits becoming 'severed' during the construction phase of the proposed project (i.e. unfarmable due to their small size and/or awkward shape), is a key concern to T. H. Clements, as it will increase the extent of the land that they farm that is adversely affected by the proposed project. This therefore requires consideration by T.H. Clements when attempting to mitigate the impact of the proposed project on their farming business and by the Examining Authority in order to understand the true extent of the impacts. The Applicant has acknowledged T.H. Clements' concerns about severance, and previously advised (in meetings) that it would supply T.H. Clements with a set of plans showing the areas of the land that T.H. Clements farm that will be severed for T.H. Clements to review and comment on. T.H. Clements acknowledge that when shapefiles for the Order Land Plans were shared with Brown & Co. (T. H. Clements' appointed surveyors/land agents) on 23rd October 2024, they included identification of some areas of severance. However, T.H. Clements have not yet received the full set of plans showing all severed areas as promised by the Applicant in earlier meetings.	The Applicant has addressed these points in the following submissions: 20.3 The Applicant's Reponses to Written Representations submitted at deadline 3 19.2 The Applicant's Responses to The ExA's First Written Questions (ExQ1) (REP2-051) Q1 LU 1.5 As set out at ISH 3, the Applicant has committed to discussions with TH Clements ahead of Deadline 4 and will provide an update as to the status of discussions.

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		▪ Can the Applicant confirm if it has sought to engage with all relevant landowners and tenants to determine the amount of land that would be severed? If so, please provide details of the amount of land and implications for the conclusions in the ES. ▪ Please elaborate on the proposal for a management plan for severed land. Will this be a single plan or separate plans for individual owners or tenants? How is the commitment for these plans secured? Should it be specifically identified in the Schedule of Mitigation and dDCO?	T.H. Clements would invite further engagement with the Applicant to mutually agree areas that both parties consider will be severed for the duration of the construction phase of the project. This will assist in determining the amount of land that will be impacted by the proposed project, and therefore the extent of potential losses that will require mitigation. Management of severed areas during the construction phase of the project is also critical to T.H. Clements. It is important that T.H. Clements are able to maintain access to severed land in order to facilitate its management and ensure it is kept in good agricultural and environmental condition, even if it cannot be used for agriculture during construction. As T.H. Clements are, in many instances along the route, occupiers (rather than owners) of land impacted by the proposed project, their being unable to keep severed land in good condition due to access restrictions could disappoint landowners who would associate the poor condition of the severed areas with their 'occupier', T.H. Clements, which in turn may negatively impact THC's ability to secure land for growing postcompletion of the project. Understanding when and how the Applicant will provide and maintain access to severed areas during construction of the project for management/maintenance purposes, will be vital for T.H. Clements planning continuation of the agricultural operations of the business during the construction phase. In respect of any inaccessible severed areas, T.H. Clements would look to engage with and agree any management proposals the Applicant may have for parcels affected by severance that T.H. Clements will not be able to gain access to during the construction phase of the project. The plots/parts of plots which T.H. Clements believe, based on their agricultural operations, will be severed during the construction of the project are listed in the table below [Please see TH Clements original submission REP2-079 to see the imagery included]. This list has not yet been discussed or agreed with the Applicant, as such engagement has not been invited by the Applicant and the abovementioned set of severance plans has not yet been provided to T.H. Clements by the Applicant. Severed areas are indicated in dark blue. These are areas that are deemed to be inaccessible for machinery or too awkward in shape and/or location to viably farm. The size of areas have been calculated using the Land App data.	
Q1 LU 1.7	The Applicant NE Lincolnshire County Council (LCC) East Lindsey District Council Boston Borough Council	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	**Lincolnshire County Council's Response:** 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. 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'.	Further to the Applicant's response to this question as set out in the Applicant's Response to Written Questions (REP2-051), the Applicant has committed to undertaking soil surveys, including ALC surveys, which will inform the final Soil Management Plan. As set out in the Outline Soil Management Plan, an updated version of which has been submitted at Deadline 3 (document reference 8.1.3 version 3) full records

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	South Holland District Council	of BMV land. ▪ Explain with reasoning whether it is possible, in the Applicant's view, that land assumed to be Grade 2, 3 or 4 in the ES could be graded higher, when subject to survey? If not, why not? ▪ Have any ALC surveys been carried out in the vicinity that could be used to consider the accuracy of NE's Provisional ALC mapping? If so, provide further details and outline any implications. ▪ Can the Applicant point to any examples of similar Nationally Significant Infrastructure Projects being approved by the Secretary of State (SoS) in the absence of ALC surveys? If so, please outline the approach taken and the policy context at the time of approval. ▪ 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.	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. **Natural England's Response:** There have been post 88 surveys within close proximity, but these cannot be used to validate the provisional ALC mapping. To reiterate Natural England's Relevant Representations ([RR-045] NE Ref H70), the ES should quantify the areas of land according to Grades 1 to 5 of the ALC, including differentiating between Grades 3a and 3b. Natural England recognise the Applicant's acknowledgement of the deficiencies within the provisional dataset. However, whilst provisional mapping provides an indication of the ALC grade, and thus the potential impact on the best and most versatile (BMV) agricultural land, it does not provide the soil details required to inform soil management which would feed into the Soil Management Plan. There is a risk of soil damage, ALC degradation and long term or permanent loss of BMV from cable installation. Soil will need to be handled according to best practice and reinstated to a high standard to reduce the impacts. The results from a detailed ALC survey would provide soils data to inform a soil management plan for the whole site regardless of whether the use is permanent or temporary in nature.	of condition will be undertaken both pre-and-post construction, and the main objectives for the reinstatement of the land will be to restore it to its pre development quality. In respect of the differentiation between Grades 3a and 3b as the Applicant has stated previously, a precautionary approach has been taken and therefore all Grade 3 land has been assessed as being Grade 3a and therefore ensuring it has been assessed as BMV. The Applicant also notes that soil handling principles and best practice measures are set out in the Outline Soil Management Plan, which is secured in the DCO by Requirement 31 which requires the production of a final Soil Management Plan.
Q1 LU 1.8	NE	**ALC assessment at a national scale** Is Natural England aware of any other projects that have provided an assessment of cumulative impacts in terms of ALC at a national scale as its RR [RR-045] requests?	**Natural England's Response:** Rampion 2 Environmental Statement has considered cumulative impact regionally and nationally, please refer to document for further details (Rampion 2 ES Chapter 20 Soils and agriculture). The National Policy Statement for Renewable Energy Infrastructure (EN-3) states in paragraph 2.8.72 "Assessment of environmental effects of transmission infrastructure and any proposed offshore or onshore substations should assess effects both alone and cumulatively with other existing and proposed infrastructure"	The Applicant has committed to providing e an equivalent assessment to that submitted for the Rampion 2 project in relation to consideration of the cumulative effects at a national and regional scale of the loss of best and most versatile land at Deadline 4, in accordance with Action Point 11 arising from ISH3.
Q1 LU 1.9	The Applicant NE	**Peat identification and management** NE highlight a need for the Applicant to identify deep peat and peaty soils and to produce a Peat Management Plan with a strong recommendation that it should remain in situ [RR-045 and REP1- 063]. It states that, according to its data, there are records of deep peat within the area. The Applicant's response is that a review of publicly available data confirmed that no peat was present within the Order limits as shown on Figure 23.2 [AS1-058]. However, the ExA notes that Chapter 23 of the ES makes	**Natural England's Response:** Natural England advises that a digital dataset on lowland peat is available via LandIS.	The Applicant has noted that Natural England have advised of the Lowland Peat in England and Wales dataset on LandIS. The distribution of Lowland Peat sites shown as 100km^2 tiles on LandIS (which are available to lease), which may indicate that peat may be present in the area of the Order Limits ECC Section 6 crossing into Section 7. At this scale we are not able to ascertain the exact location of the mapped lowland peat deposits.

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		reference to “peat” or “peaty surface” in the description of the existing environment in ECC segments 1, 6 and 7 [APP-078]. **To NE :** ▪ Please provide any available records of peat in the area **To the Applicant:** ▪ Provide further detail to clarify the position that there is no peat present given the references in the Chapter 23 of the ES? ▪ Provide further details of how peat would be managed, if identified in future surveys? Please identify amendments to the outline Soil Management Plan (SMP) [PD1-040] as appropriate having regard to Natural England’s advice that peat should remain in situ		The Applicant maintains that the presence or absence of peat will be confirmed as part of the preconstruction soil surveys. The data resulting from the surveys would be reviewed by appropriate competent experts to identify the most appropriate methods of mitigation. The construction methodology would be informed by the pre-construction soil surveys and appropriate management and mitigation measures for peat would then be included within the final SMP or a separate Peat Management Plan, if required.
Q1 LU 1.10	The Applicant Interested Parties	**Dust contamination** Concerns regarding the risk of dust contamination of crops during construction are raised by a number of landowners and agricultural businesses in their RRs. The Local Impact Report submitted by East Lindsey District Council, Boston Borough Council and South Holland District Council [REP1-052] also identifies the need for the effective management of dust and communication with landowners. The ExA notes that the local authorities deem the mitigation measures listed in Table 2.1 of the outline Air Quality Management Plan (AQMP) [APP-270] to be robust. The Applicant’s response to RRs [PD1-071] identifies mitigation specified in the outline Construction Traffic Management Plan [APP-289], outline SMP [PD1-040] and the outline CoCP [PD1-038]. The latter refers to the implementation of a “Dust Management Plan” but this document is not identified in the Schedule of Mitigation [PD1-058] or in R18 of the dDCO [AS1-024]. ▪ Does the Applicant intend to produce a “Dust Management Plan”? If so, how would this plan be secured? Should it be identified in the Schedule of Mitigation and R18 of the dDCO? Will an outline Dust Management Plan be	**Natural England’s Response:** As this question is aimed specifically at dust impacts to crops, rather than sensitive environmental features of designated sites, Natural England does not have any specific comments to make. However, it does complement our request for more sensitive thresholds for assessing impacts to designated ecological features.	The Applicant notes that Natural England has no further comments however is continuing to engage with Interested Parties who have raised this concern and will provide an update in due course.

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		submitted into the Examination? If not, why not? ▪ The ExA notes that the Applicant met with the Land Interest Group (LIG) on 4 September to discuss concerns and the outline CoCP. Can Interested Parties please comment on the mitigation proposed by the Applicant and specify any additional measures that they consider to be necessary. ▪ Is the Applicant committed to implementing all of the measures identified in Table 2.1 of the outline AQMP which are identified as "highly recommended"? If so, should this be made clearer in the outline AQMP? ▪ Can the Applicant provide feedback on the approach and conclusions of the Technical Report: Dust Deposition Modelling submitted by TH Clements & Son Ltd with its Written Representation [REP1-050]? Does this report have any implications beyond the study area of the ES or for other plots not included in the TH Clements & Son Ltd assessment?		
Q1 LU 1.11	The Applicant Interested Parties	**Stone contamination** The ExA notes the concerns raised by multiple Interested Parties regarding the potential for stone contamination of Grade 1 soils and associated implications for agriculture. The Applicant responds [PD1-071] by referring to a commitment in the outline SMP to conduct post-construction soil surveys. If stones are present on land previously stone free, "*an aftercare programme (as outlined in section 5.11 of the oSMP) will be agreed upon, and remediation works will be undertaken.*". However, the outline SMP [PD1-040] does not appear to include a commitment to ensure that stone free land remains so after construction. ▪ Should the outline SMP include a specific commitment to ensure that land identified as stone free in pre-construction surveys is returned this condition post-construction? ▪ Can the Applicant elaborate on the reasons why it cannot commit to aluminium trackway being the primary method for haul roads?	**Natural England's Response:** Natural England advises that where topsoil is proposed to be stripped, typically for construction compounds; access tracks and laying cabling, the soil handling methodology (movement, storage & replacement) and soil protection proposals are reviewed to ensure that appropriate mitigation is in place to allow for the restoration of the land to the baseline ALC Grade. The restored soil profile should be determined by the detailed ALC survey that will identify stone content as part of the assigned grade methodology. **T.H. Clements' Response:** The stone free nature of these soils is critical to uniform field production of vegetables to meet Supermarket requirements. Much of the alluvial soils farmed by T.H. Clements are stone-free, often with 0-1% stone content by volume. However, ALC Grade 1 classification may allow up to 5% volume of stones, including stones >6cm which may impact vegetable crop quality. As a result, the current proposal could mean that up to 5x more stone content by volume would be permitted in the soils compared to existing (and still count as the same classification (Grade 1) under ALC guidance). This would mark a material drop in the quality of the soils to the detriment of crop quality and field consistency. It is therefore crucial that stone content after re-instatement	**Natural England's Response:** The Outline Soil Management Plan (document reference 8.1.3 version 3) states that the main objectives for reinstatement will be to restore it to its pre development quality as far as is reasonably practicable as determined by the information obtained during the pre construction soil surveys and agreed with the relevant landowners. **TH Clement's response:** The Applicant has amended the oSMP to reflect the % of stone content by volume will be recorded as part of the ALC surveys as a specific % and not simply <5%. The post condition soil surveys will then use the same metric so a direct comparison can be made when comparing to a baseline survey and the land returned to its post works condition.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		▪ The Written Representation from TH Clements & Son Ltd [REP1-050] identifies issues apparent following the completion of other projects in the area, including Triton Knoll and Viking Link. Can the Applicant comment on the effectiveness of mitigation to avoid residual stone contamination on these projects and whether any lessons can be learned from them?	is assessed against specific pre-excavation soil survey levels, rather than assessment against the generic ALC Grade 1 stone content requirements.	
Q1 LU 1.12	The Applicant	**Soil restoration** NE [RR-045] welcomes the commitment to produce a Decommissioning Plan in R24 of the dDCO [AS1-024] but request a commitment to restore land to its original condition and ALC grade. The Applicant's response [PD1-071] appears to be contradictory in stating that the Decommissioning Plan will "*confirm the detail of restoration required which will include the restoration of land to its original ALC Grade*" whilst going on to state that this would not be possible as it would "*…require the methodology for ALC assessment to remain the same (currently MAFF 1988 guidance), with no updates to climate data sets*.". The ExA notes that there does not appear to be any confirmation in R24 of the dDCO, the outline SMP [PD1-040] or the Schedule of Mitigation [PD1-058] that the Decommissioning Plan will provide any detail regarding soil restoration. ▪ Should the outline SMP provide a specific commitment to restore agricultural land, to the same ALC grade (or equivalent future grade) to that identified in pre-construction surveys? If not, why not? ▪ Confirm if any such commitment would apply to the 26.38ha "permanent" land take, including the OnSS, as identified in Chapter 25 of the ES following decommissioning as well as the onshore ECC and 400kV cable corridor during operation? ▪ Should R24, outline SMP and the Schedule of Mitigation confirm the commitment for the Decommissioning Plan to restore soil?	**T.H. Clements' Response:** ALC grading provides broad categorisation of agricultural land, however its assessment methods do not fully incorporate the true measure of the biological, chemical and physical nature and quality of soils. For example, a comprehensive peer reviewed paper synthesising studies on 34 past pipeline installations has shown a decline in soil structural quality and crop yields in areas under pipeline installation compared to adjacent (undisturbed) ground in the majority of case (Table 2, Pg6; Table 3, Page 9 in Appendix 1 to this question response Pipeline installation effects on soils and plants: A review and quantitative synthesis, AgroSystems, Geosciences & Environment). The soil properties measured in these studies (for example, Soil organic carbon, are not routine parts of ALC assessment, and thus would not be picked up by ALC assessment alone. Soil assessment for restoration should therefore consider measurements of wider range of soil characteristics beyond those measured in the ALC assessment (e.g. soil organic matter levels, structural parameters, nutrient status and biological parameters) There is also potential for multiple soil horizons within a profile. For example, trial pits dug in one of the fields of concern (Foxholes) on 26/09/2024 found stratification of topsoil, forming two distinct horizons (0-40, 40-70cm) above what may be classically deemed the subsoil. These two upper horizons have similar colouration and thus may be identified as 'topsoil', but subsequent laboratory testing by Lancrop Laboratories found differences in organic matter, biological activity, cation exchange capacities and nutrient status (See Appendix 2 to this question response – Laboratory Testing). Mixing of these horizons during handling and reinstatement will therefore alter the quality, performance and functioning of these soils. The Soil Management Plan should include a specific commitment to restore soil horizons of agronomically similar soil properties in a suitable structural condition for crop growth. In some instances, this may result in multiple (>2) horizons being identified, and a need to address horizons separately	The Applicant notes T.H. Clements comments. Soil Restoration was a topic of discussion at ISH 3 Onshore Matters, where The Applicant provided further updates on this matter prior to Deadline 3. The Applicant's Written Summary of oral case put at Issue Specific Hearing 3 on Onshore matters, 5th Dec has been submitted at Deadline 3 (document reference 20.4.4). The Applicant has amended the oSMP and submitted at D3 to include provision for testing over and above the ALC surveys. The Applicant has also updated the oSMP to include the three soil horizons namely topsoil, upper subsoil and lower subsoil and measures to prevent mixing of different soil types and management of storage bunds. As confirmed in ISH3, TH Clements are to provide their comments on the oSMP and oCoCP at D3. The Applicant has committed to reviewing these comments and incorporating any changes required at D4.
Q1 LU 1.13	The Applicant	**Soil aftercare and monitoring** Section 5.11 of the outline SMP [PD1-040] states that "It will be responsibility of the Soil Clerk of Works	**T.H. Clements' Response:** Silt soils, such as these, are not self-structuring in nature, and will be very prone to structural damage after stockpiling and re-instatement.	The Applicant has updated the oSMP to include the three soil horizons namely topsoil, upper subsoil and lower subsoil and measures to

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		(SCoW) (or similar appointed person) to determine when the reinstatement standard has been met." Table 2 provides outline details of proposed monitoring but the frequency is not given. ▪ Will stakeholders, including landowners, be consulted to confirm that the reinstatement standard has been met? If so, how is this secured? If not, why not? ▪ Please provide further details of the frequency of proposed monitoring	Occupier and Landowner acceptance of soil monitoring arrangements and soil condition after re-instatement will be vital due to the specific nature of the crops being grown and the need for (soil related) consistency across the entire field. This drives crop consistency and ultimately, marketable yield. Furthermore, the identification of multiple horizons, with different soil properties, within the topsoil stripping depth (beyond that of simply 'topsoil' and 'subsoil') indicates that soil may need to be stripped and stored into more than two bunds to prevent intermixing and reduction of soil quality. For example, as detailed in THC's response to Q1LU1.12, Laboratory testing of soil samples from Foxholes Field has identified 3 specific horizons within 1m depth – a Topsoil A (0-40cm), a Topsoil B (40-70cm), and a 'subsoil' 70cm+. Each of these layers had different key soil quality indicators (organic matter contents, cation exchange capacities, biological activity and nutrient status) and thus should be handled separately to prevent intermixing upon reinstatement and subsequent field inconsistencies.	prevent mixing of different soil types and management of storage bunds. As confirmed in ISH3 (see Document Reference 20.4.4), TH Clements are to provide their comments on the OSMP and oCoCP at D3. The Applicant has committed to reviewing these comments and incorporating any changes required at D4.
Q1 LU 1.14	The Applicant NE	**Soil handling** ▪ Should the outline SMP [PD1-040] include explicit reference to the need to follow the Institute of Quarrying's Good Practice for Handling Soils in Mineral Working in relation to soil handling? If not, why not? ▪ What are Natural England's comments on the Applicant's suggestion in its response to its Relevant Representation [PD1-071] that the winter working agreement (as per table 22.7 of Chapter 22 Onshore Ornithology [APP-077] would be beneficial to soil handling? Should this be identified in the outline SMP?	**Natural England's Response:** Natural England advises that as a requirement of the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, soils should be handled in a dry and friable state. The institute of Quarrying guidance supersedes the MAFF, 2000 Good practise guide for handling soils and should be referred to when contractors are assessing whether a soil is dry enough to handle/stockpile. Please refer to previous advice given at Relevant Representations [RR-045] which included Natural England's assessment of document 8.1.3 Outline Soil Management Plan [APP-271]. **T.H. Clements' Response:** The Soil management Plan should include a reference to the need to follow the Institute of Quarrying's Good Practice for Handling Soils in Mineral Working, but in addition the further factors outlined in THC's response to Q1.LU.1.11, Q1 LU.1.12 and Q1.LU.1.13 need to be addressed in the SMP, specifically; ▪ Returning stone content to same levels pre-excavation (not to the same ALC grading) ▪ Ensuring any agronomically different soil horizons are truly represented separately in handling, stockpiling and re-instatement in order to minimise field variability for vegetable production post re-instatement ▪ Ensuring re-instated soil is in suitable structural condition as approved by the occupier/landowner following re-instatement As per Natural England's comments, the winter working agreement (i.e. reduced soil handling works between October and March) would be beneficial to soil handling on account of drier conditions and more friable soils outside	The Applicant notes both Natural England's and T.H Clements' responses. Soil handling was a topic of discussion at ISH 3 Onshore Matters, where The Applicant provided further updates on this matter prior to Deadline 3. The Applicant's Written Summary of oral case put at Issue Specific Hearing 3 on Onshore matters, 5th Dec has been submitted at Deadline 3 (document reference 20.4.4). As confirmed in ISH3, TH Clements are to provide their comments on the OSMP and oCoCP at D3. The Applicant has committed to reviewing these comments and incorporating any changes required at D4.

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			of this window. This should be specifically identified in the Soil Management Plan.	
Q1 LU 1.15	The Applicant LCC East Lindsey District Council Boston Borough Council South Holland District Council	**Level of detail in the outline SMP** Interested Parties including NE and agricultural businesses 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. ▪ Does the outline SMP provide sufficient detail at this stage? If not, please elaborate on specific additions that are necessary.	**Lincolnshire County Council's Response:** As long as there is commitment to 'populate' the SMP with detail of the soils found and any issues such as drainage at the time, perhaps with a suitable agricultural or soils specialist then the detail may be acceptable presently. 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. This favours a full soil survey of the route for ALC and soils management purposes. **T.H. Clements' Response:** The Soil Management Plan does not provide sufficient detail at this stage. The following additions are needed: **Stone Content:** As per T.H. Clements response to Q1 LU1.11, there should be a commitment that the stone content of re-instated soil must be returned to same levels as pre-excavation stone content (not to same ALC grading) **Soil horizons:** Intermixing of soil horizons will alter the agronomic capabilities of these high value soils. This is particularly relevant to vegetable production, where field uniformity is to maximising harvest efficiencies. As per THC response to Q1 LU1.12, the SMP should consider potential for multiple different soil horizons (beyond that of simply 'topsoil' and 'subsoil') to prevent intermixing of layers and field inconsistencies upon re-instatement. **Soil structural condition post-re-instatement:** Relevant stakeholders (occupiers) should be consulted after reinstatement to ensure structure and physical characteristics of re-instated soil is in an adequate condition for farming practice as per T.H. Clements response to Q1 LU1.12 **Drainage considerations:** The outline Soil Management Plan does note that 'Particular care will be taken to ensure that the existing land drainage is not compromised' (Pg 20, Paragraph 61. However, more detail on drainage re-instatement is required, specifically: (i) Jetting and cleaning issues can occur when drainage pipes are re-installed. As such, there should be commitment in the Soil Management Plan to ensure drain restoration must be in exact alignment without any diversion from cable, in order to ensure proper cleaning (jetting) capabilities in future. (ii) The Soil Management Plan should include a specific note to remove any severed drains that have not been adequately restored, or this may compromise the drainage scheme going forwards by redirecting flow. (iii) To ensure the same drain functioning as pre-excavation, the Soil Management Plan should also provide a commitment to maintain current water levels within the drainage scheme	The Applicant would like to clarify that the Soil Management Plan will be drafted post consent, in line with the Outline Plan, containing additional levels of detail and information. A fully comprehensive Plan at this stage of pre-consent is not appropriate as detailed engineering design must be concluded to allow a detailed plan to be finalised. The Applicant has at Deadline 3 updated the oSMP in section 2.4 and section 5.10 to include specific reference to stone contamination to address the points raised in this Written Representation by TH Clements. The Applicant notes the information provided by TH Clements and has updated the oSMP (document reference 8.1.3, version 3) to include reference to the three soil horizons namely top soil , upper subsoil and lower subsoil at Deadline 3 and how these will be effectively managed during construction. As confirmed in ISH3, TH Clements are to provide their comments on the OSMP and oCoCP at D3. The Applicant has committed to reviewing these comments and incorporating any changes required at D4.

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			Further to the drainage issues mentioned above, it is not uncommon in these soils for heavy agricultural machinery to sink within the running silts and sands, even up to 2m. At the same time, one method to prevent crop failure under waterlogged condition involves rapid excavation of drainage channels, which may be excavated beyond 1.2m. As such, T.H. Clements must be absolved of any liability regarding any issues around depth of their routine agricultural working and conflict with pipe installation infrastructure in future.	
Q1 LU 1.17	The Applicant LCC East Lindsey District Council Boston Borough Council South Holland District Council	**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. ▪ What is the proposed minimum burial depth of the onshore ECC and 400kV Cable? ▪ Can the details of the ground investigations be provided now? Do the results have any implications for cable depth? 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, 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] ▪ Can the Applicant comment on the additional evidence provided and identify any implications for its current approach? Should long term monitoring be undertaken as a precaution?	**Lincolnshire County Council's Response:** Generally farm cultivation equipment would not operate at depths as deep as 1.2metres. 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. 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. Some very sandy or peaty soils may in certain circumstances cause farm machinery to bog down. It would be quite rare but possible. Where particular soils that might cause this are known a deeper laying of the cable might be useful, if practicable. 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. **T.H. Clements' Response:** T.H. Clements concerns about the insufficient cable burial depth proposed by the Applicant are set out in paragraph 4.3 of its Written Representation [REP1-050] and summarised in its response to Q1 CC 1.4 above. T.H. Clements is reassured that the ExA has raised specific questions about the proposed cable depth, but reserves its right to make further comments on this point once it has reviewed and considered the Applicant's response to this question.	The Applicant notes LCC's response and notes that it aligns with the Applicants position regarding the statement that farm machinery does not operate at a depth of 1.2m The Applicant has responded to drainage queries in 19.2 The Applicant's Responses to The ExA's First Written Questions (ExQ1) (REP2-051) Q1 LU1.18. In addition, the Applicant has confirmed that they will install the cable 300mm below any existing land drainage schemes where practical. This commitment was made in the voluntary agreements with landowners however is now also be included within section 5.15 of the outline Code of Construction Practice (document reference 8.1, version 3) which has been submitted at Deadline 3. The Applicant has responded to this question and has nothing further to add at this stage.

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		▪ 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?		
Q1 LU 1.23	NE	**Scoping and pollution management** Can NE comment on the Applicant's response to its Relevant Representations [PD1-071] regarding the scoping of Chapter 23 of the ES (NE reference H19) and pollution management (NE reference H22)?	**Natural England's Response:** Chapter 23 of the ES (NE ref H19) Natural England agrees with the Applicant's response and have no further concerns. The activities associated with the maintenance stage of the project are unlikely to cause impacts on the designated sites with geological features. The activities associated with the decommissioning and construction stages are accounted for. Pollution Management (NE ref H22) Natural England agrees with the Applicant's response based on the measures that are included in the Outline Code of Construction Practise (CoCP), secured by DCO Requirement 18. We have no further concerns.	This comment has been noted by the Applicant.

1.14 Landscape and Visual Effects

Table 1.13.13: Landscape and Visual Effects

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Landscape and Visual Effects				
Q1 LV 1.1	The Applicant Local Planning Authorities (LPA)	**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 siting and that there are no specific intentions to provide landscape mitigation, including for Temporary Construction Compounds (TCC) and Cable Installation Compounds (CIC). ▪ 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?	**Lincolnshire County Council's Response:** 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 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. 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.	These comments have been noted by the Applicant. The Applicant has submitted an updated oCoCP (document 8.1, version 4) at Deadline 3 which includes additional text within section 5.2 outlining mitigation measures for the layout and screening of construction bunds. The appropriateness of the 1km buffer study area around the onshore ECC and landfall is set out in Chapter 28 LVIA [APP-083 Section 4.1] and the findings of Chapter 28 LVIA [APP-083 Section 7.3.2] highlight the especially localised nature of significant effects associated with the landfall and onshore ECC, thus confirming the appropriateness of the 1km buffer study area.

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		▪ 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)? LPA may also respond.	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.	
Q1 LV 1.2	Lincolnshire County Council (LCC) The Applicant	**Construction traffic** 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] LCC is requested to expand on this concern to provide further specific detail and what it considers the assessment of effects should be? The Applicant may also respond.	**Lincolnshire County Council's Response:** 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 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.	These comments have been noted by the Applicant. In respect of the compounds referenced, the Applicant has submitted an updated Outline CoCP (v document 8.1, version 4) at Deadline 3 which includes additional text within section 5.2 outlining mitigation measures for the layout and screening of construction bunds.
Q1 LV 1.3	LPA The Applicant	**Residential Receptors** A Residential Visual Amenity Assessment (RVAA) has not been undertaken. 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? The Applicant may also respond.	**Lincolnshire County Council's Response:** 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. However, the Council would expect residential properties with receptors that have the potential for visual effects should be fully considered and assessed.	The Applicant has addressed the points raised by LCC in the Applicant's Response to Written Questions submitted at Deadline 3 [REP2-051].

1.15 Marine Mammals

Table 1.14: Marine Mammals

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Marine Mammals				
Q1 MM 1.3	The Applicant	**European Protected Species and/or wildlife licence** NE in its Relevant Representation (RR) [RR-045] page 13, has made reference to the fact that an application for a European Protected Species and/or wildlife licence may be required for a number of species including harbour porpoise, harbour seal and grey seal. What is the current situation with this, including whether it is likely that a Letter of No Impediment will be issued before the close of this Examination? The ExA requests that you provide an update on this at each Deadline.	**MMO's Response** 4.8.1 The MMO notes this question was directed to the Applicant but would highlight to the ExA that a licence is likely required for marine mammals, and this is undertaken by the MMO's Marine Conservation Team. The MMO does not issue letters of no impediment. The approval of the EPS licence requires more detail in relation to the design and any required mitigation. The MMO would highlight that the EPS has different legislative requirements in providing consent and the test for mitigation could be considered higher. Therefore, the MMO strongly advises that noise abatement systems are committed to at this stage to ensure a licence can be granted and there is no impact to the programming of the project.	The Applicant has provided a response to this in (REP2-051) (Table 1.16 Q1 MM 1.3). The Applicant welcomes the MMOs confirmation that they do not issue letters of no impediment for EPS licences for marine mammals. The Applicant's current position remains unchanged in that until the Defra policy is published, it is not possible to determine the type of NAS that would be required, or how it would need to be implemented on the project, if it was necessary to do so.
Q1 MM 1.5	NE and the MMO	**Interim Population Consequences of Disturbance Modelling Report** As part of its 19 September 2024 submissions the Applicant submitted an Interim Population Consequences of Disturbance Modelling Report [PD1-094]. The modelling does not assume density dependence and the Applicant contends that the results are considered to be highly conservative. Do you agree with the Applicant's analysis and, if not, please provide a justification for your response?	**Natural England's Response:** The Interim Population Consequences of Disturbance (iPCOD) modelling is a tool to link disturbance to changes in health, and consequently population level impacts; however, many of the inputs into this model are based on expert elicitation, as empirical evidence is not available. This results in a model based on assumption. iPCoD is the best available option for assessing potential population level impacts of a project, but since much is based on assumption, iPCoD models should be interpreted with care. Natural England identifies iPCoD as a useful tool which should be used with other methods of assessing disturbance (for example, Effective Deterrent Range (EDR) and dose response. Natural England does not consider iPCoD to be highly conservative , but it is a useful tool to be used to indicate if the project has potential to cause a decline size relative to an unimpacted population. If iPCoD modelling results show any decline in population size, this could indicate a significant impact, and therefore should be assessed in more detail, reviewing the iPCoD results with other methods to assess disturbance, such as EDR and dose response. Regarding the iPCoD modelling for this project, in the results for minke whale, harbour seal (stable and declining populations) and grey seal, the impacted and unimpacted values for disturbance from piling are the same. A counterfactual of population size (the ratio in population size between impacted and unimpacted populations) of 1 indicates an issue with variability and the model inputs and outputs need to be reviewed. To have a more informed understanding of the potential for impact, the median population size and the 95% Confidence Intervals which indicate the uncertainty, should also be presented for all species. Owing to uncertainty in the model outputs, Natural England will assess the significance of each decline on a case-by-case basis. Here, further discussions on the impact of disturbance on harbour porpoise	Conservatism The Applicant considers the iPCoD model to be conservative, given that the input parameters are conservative. Other methods to assess disturbance "If iPCoD modelling results show any decline in population size, this could indicate a significant impact, and therefore should be assessed in more detail, reviewing the iPCoD results with other methods to assess disturbance, such as EDR and dose response." The Applicant considers that the meaning of this statement is unclear. The iPCoD modelling uses the results from dose-response or EDR (the number of animals disturbed per day) and models the population level consequence of this disturbance over the entire piling programme. Notwithstanding, the Applicant undertook the original assessment for disturbance from piling within ES Chapter 11 Marine Mammals (APP-066) using the dose-response approach (as agreed with Natural England in consultation). As such, the Applicant considers that the conclusions of the iPCoD modelling confirm the previous conclusions of the EIA.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			and bottlenose dolphin, and other species that show a decline once the inputs and outputs have been reviewed, are needed. **MMO' Response** 4.9.1 The MMO has not raised any comments or queries on this aspect to date. The MMO defers to Natural England for comments relating to the Interim Population Consequences of Disturbance Modelling Report.	Counterfactual of 1: A counterfactual of 1 means that there is no impact at the population level given the inputs of the number of animals disturbed per piling day and the piling schedule. This is a function of the inputs and the model. A counterfactual of 1 is not indicative of an issue with the inputs. Median & 95% CIs: Noted. These will be added to the iPCoD and a revised version will be submitted at Deadline 4. Population decline: The iPCoD model includes demographic and environmental stochasticity. The outputs highlight that the uncertainty in demographic and environmental variables outweighs the impact of disturbance. Harbour porpoise: The counterfactual of population size (the ratio in population size between impacted and unimpacted populations) for harbour porpoise is 0.9991 at the lowest (the impacted population size is 99.91% of the impacted population size). The impacted population is predicted to maintain a stable trajectory in the long term. The impacted population size is <0.1% lower than the unimpacted population size, thus, the change in population size resulting from the impact of disturbance is significantly smaller than that driven by the environmental and demographic stochasticity in the model. This supports the overall conclusions of the EIA of an effect of minor significance, which is not significant in EIA terms. Bottlenose dolphin: The counterfactual of population size (the ratio in population size between impacted and unimpacted populations) for bottlenose dolphins is 0.9985 at the lowest (the impacted population size is 99.85% of the impacted population size). The impacted population is predicted to maintain a

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
				stable trajectory in the long term. The impacted population size is <0.2% lower than the unimpacted population size, thus, the change in population size resulting from the impact of disturbance is significantly smaller than that driven by the environmental and demographic stochasticity in the model. This supports the overall conclusions of the EIA of an effect of minor significance, which is not significant in EIA terms.
Q1 MM 1.6	The Applicant	**Use of Noise Abatement Systems** In its D1 response [REP1-060] NE has reiterated its view that a commitment should be made to the use of noise abatement systems (NAS) as a mitigation measure and expressed the view that: " … the majority of piling from 2025 onwards will not be able to go ahead without noise abatement in place." The ExA is aware of the Applicant's response on this matter in [PD1-071] and notes that the In Principle Southern North Sea SAC Site Integrity Plan, [APP-281] as updated by [PD1-048], references the potential use of NAS as a secondary mitigation option but does not make a firm commitment to its use. However, in light of NE's comments explain your reluctance to either commit to the use of NAS at this stage as a secondary mitigation measure, or to set out the criteria that would trigger the implementation of NAS.	4.10.1 The MMO will keep a watching brief on this response	This comment is noted by the Applicant.

1.16 Noise & Vibration

Table 1.15: Noise & Vibration

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Noise & Vibration				
Q1 NV 1.1	Lincolnshire County Council (LCC) Barry Cooper	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. 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-	Lincolnshire County Council's Response: 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.	The Applicant notes LCC's response.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		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. 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.		
Q1 NV 1.3	The Environment Agency (EA)	**Noise Bund Assessment** Could the EA clarify its position on the Noise Bund Assessment, as mentioned in Paragraph 7.8 of the Written Representation [REP1-048]?	**The Environment Agency Response:** The Environment Agency has reviewed the Applicant's Noise Bund hydraulic modelling, which is supporting evidence for the Flood Risk Assessment. The modelling has assessed if the presence of the noise bund (the landraising) will interfere with flood flow routes and/or increase the risk of flooding (to 3rd parties) elsewhere in the area – i.e. assessing compliance with the flood risk Exception Test (EN-1 paragraph 5.8.7), and paragraph 5.8.12 which states "*There should be no net loss of floodplain storage and any deflection or constriction of flood flow routes should be safely managed within the site*". The Environment Agency has queries regarding the modelling, which need to be addressed, and these were sent directly to the Applicant on 15 November 2024. We are currently awaiting a response to these, so we are not yet able to confirm if the modelling is fit for purpose. Until these queries are resolved, the FRA could be subject to change	The Applicant confirms receipt of the EA's comments and is working to address these. An update will be provided in due course.
Q1 NV 1.4	EA	**Noise Bund Hydraulic Modelling Report** With reference to Table 5, EA14 of the Draft Statement of Common Ground (SoCG) between the Applicant and the Environment Agency [REP1-026], could the EA provide their stance on the Noise Bund Hydraulic Modelling Report [PD1-075] to [PD1-079]?	**The Environment Agency Response:** Please see Q1 NV 1.3 above.	Please see the Applicant's response to Q1 NV 1.3 above.
Q1 NV 1.5	LCC Nicola Ann Pearson	**Vibration effects** 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. In the Applicant's response to the RR [PD1-071]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.	**Lincolnshire County Council's Response:** 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.	The Applicant notes LCC's response.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		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		

1.17 Offshore and Intertidal Ornithology

Table 1.16: Offshore and Intertidal Ornithology

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Offshore and Intertidal Ornithology				
Q1 OR 1.2	Natural England (NE) and RSPB	**Outstanding areas of disagreement** Table 1.1 of Response to the Rule 17 Letter dated 3 July 2024, Doc Ref 14.2 [AS-013] and The Applicant's Responses to Relevant Representations, Doc Ref 15.3 [PD1-071] present a breakdown of what the Applicant considers to be the key areas of disagreement on assessment methodology for offshore and intertidal ornithology. Do you consider that the Applicant has adequately captured in these documents all the outstanding issues and outstanding areas of disagreement over methodology or are there any other assessment methodology matters that have been omitted in these two documents?	**Natural England's Response:** Please refer to Appendix K1 for Natural England's response regarding offshore ornithology. This sets out those outstanding issues that have yet to be addressed, and those that have been addressed within the ORBA assessment. **The RSPB's Response:** The RSPB is content that the Applicant responses correctly represent the key areas of disagreement and there are no further assessment methodology matters that have been omitted.	The Applicant has provided responses to Natural England's responses regard offshore ornithology in (Appendix K1) within Table 1.3 The Applicant's Comments on Deadline 2 Submissions (document reference 20.2 submitted at this Deadline).
Q1 OR 1.4	The Applicant, NE and the RSPB	**Closure of the English and Scottish North Sea waters for sandeel fishing** Paragraph 43 of the Kittiwake Compensation Plan [APP-250] refers to the permanent closure of the sandeel fishing industry in English and Scottish waters from 1st April 2024. What impact is this likely to have on sandeel populations and consequentially prey availability for seabird species? When will the first monitoring results of sandeel populations become publicly available? Has this ban on sandeel fishing been factored into any of the Applicant's assessment methodology?	**Natural England's Response:** By reducing the fishing pressure on the sandeel populations in UK waters, the closure has the potential to increase the resilience of the sandeel populations, which in turn has the potential to provide benefits for foraging seabirds. However, sandeel populations are affected by a number of complex and inter-related pressures and therefore there is considerable uncertainty regarding the level of benefits to both sandeels and seabirds that might arise. Accordingly, there is no meaningful way of factoring the closure into the seabird impact assessments. Currently there are no specific plans to monitor sandeel populations following the closure. **The RSPB's Response:** The RSPB wishes to assist the Examining Authority with this question. However, we will have to defer our answer as the relevant specialist colleagues do not	This comment is noted by the Applicant and entirely concords with the Applicant's approach to this in so far as the sandeel fishing ban has not been considered within the assessment, but that the Applicant expects it to have generally positive benefits.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			have capacity to respond at this time. The RSPB will submit its answer to this question to the Examining Authority as soon as practicable.	

1.18 Oil, Gas and Other Offshore Infrastructure

Table 1.17: Oil, Gas and Other Offshore Infrastructure

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Oil, Gas and Other Offshore Infrastructure				
Q1 OG 1.2	The Applicant Breesea Limited, Soundmark Wind Limited, Sonningmay Limited, Optimus Wind Limited Hornsea 1 Limited Lincs Wind Farm Limited Orsted Hornsea Project Four Limited Orsted Hornsea Project Three (UK) Limited	**Wake and energy yield** The Examining Authority (ExA) notes the Applicant's responses to multiple Relevant Representations (RR) [PD1-071] regarding energy yield concerns. Reference is made by the Applicant to the respective distances from the project's array area to the other Offshore Wind Farms (OWFs), compliance with The Crown Estate's requirements for Offshore Wind Leasing Round 4 that projects may not be located within 7.5km of an existing OWF unless the owner of the OWF has given their written consent and the findings of the Offshore Wind Leasing Programme Array Layout Yield Study published by the Crown Estate in 2023. Furthermore, the ExA also notes the provisions of National Policy Statement (NPS) EN-3, including paragraphs 2.8.197, 2.8.198, 2.8.345, 2.8.347, Requirement (R)25 of The Awel y Mor Offshore Wind Farm Order 2023 and the conclusions of SoS for DESNZ on this project that a wake assessment was required. ▪ For the Applicant, please submit a wake assessment to identify any effects on the energy yield of other OWFs. If such an assessment is not to be provided, please provide justification. ▪ Please provide comments on the implications of the Awel y Mor decision and interpretation of the relevant policy with NPS EN-3 ▪ The other OWFs operators are invited to submit evidence in support of their position. ▪ The Applicant is invited to submit a copy of the Offshore Wind Leasing Programme Array	**Ørsted IPs' Response:** The first question directed at the Ørsted IPs is an invitation to submit evidence in support of their position. Due to the proximity of the Outer Dowsing Project to the Ørsted IPs' developments, the Ørsted IPs are concerned the Outer Dowsing Project will interfere with the wind speed and/or direction at their developments and therefore adversely affect energy yields. The Ørsted IPs note that there is ample evidence of material wake effects occurring at the relevant farm-to farm separation distances, both in their own portfolios and in academic research. This evidence can be categorised as follows: ▪ Satellite observations and aircrafts; ▪ Scanning Light Detection and Ranging ("LiDAR"); ▪ Wake and other atmospheric models; and ▪ Observations from existing turbines' Supervisory Control and Data Acquisition ("SCADA") data. These categories are explained further below, along with key excerpts of relevant evidence (the full copies of which are provided at Appendix 1 of this submission). Satellite observations and aircrafts Synthetic Aperture Radar ("SAR") installed on satellites can be used to directly observe wakes in the sea. The papers referred to below combine this approach with specially equipped research aircraft and laser measurements or models to measure the wake impact directly. The relevant findings of this research regarding wake loss are noted below: Platis, A., Siedersleben, S., Bange, J. et al 'First in situ evidence of wakes in the far field behind offshore wind farms': "…satellite imagery reveals wind-farm wakes to be several tens of kilometres in length under certain conditions (stable atmospheric stratification), which is also predicted by numerical models. The first direct in situ measurements of the existence and shape of large wind farm wakes by a specially equipped research aircraft in 2016 and 2017 confirm wake lengths of more than tens of kilometres under stable atmospheric conditions, with maximum wind speed deficits of 40%..." Platis, A et al 'Long-range modifications of the wind field by offshore wind parks – results of the project WIPAFF':	The Applicant notes this topic was discussed at Issue Specific Hearing 2 on 4th December 2024. Please refer to The Applicant's Written Summary of Oral Case Put at the Issue Specific Hearing 2 held on 4 December 2024 (submitted at Deadline 3; 20.4.3). The Applicant will provide a further response on this topic at Deadline 4.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
	Race Bank Wind Farm Limited The Crown Estate	Layout Yield Study for inclusion in the Examination Library ▪ The other OWF operators are invited to provide specific comments on Offshore Wind Leasing Programme Array Layout Yield Study, including any implications for the project. ▪ Can the Crown Estate clarify if the minimum 7.5km distance requirement between Leasing Round 4 projects takes the potential for wake effects into account? The Crown Estate is invited to comment on the purpose of the Offshore Wind Leasing Programme Array Layout Yield Study and any implications for the project?	"The in-situ measurements recorded on-board the research aircraft DO128 and remote sensing by laser scanner and SAR prove that wakes of more than 50 kilometres exist under certain atmospheric conditions." Hasager, C.B.; Vincent, P.; Badger, J.; Badger, M.; Di Bella, A.; Peña, A.; Husson, R.; Volker, P.J.H, 'Using Satellite SAR to Characterize the Wind Flow around Offshore Wind Farms': "The approximate extent of the individual wind farm wakes is outlined in the image. The longest is at Belwind around 55 km long while at Thornton Bank it is 45 km…"Scanning LiDAR Scanning LiDARs are wind measurement devices that use the doppler shift of laser beams to accurately measure wind speed. The majority of modern offshore wind farms have their energy yield analysis based on measurements from LiDAR technology. The papers referred to below contain relevant findings based on this data source: J. Schneemann et al. 'Cluster wakes impact on a far-distant offshore wind farm's power': "Our results showed clear wind speed deficits that can be related to the wakes of wind farm clusters up to 55 km upstream in stable and weakly unstable stratified boundary layers resulting in a clear reduction in power production…" B. Cañadillas et al. 'Offshore wind farm cluster wakes as observed by long-range-scanning wind lidar measurements and mesoscale modelling': "Both the observations (Fig. 8a) and model (Fig. 9) show a wake extending at least 40 km downstream of the N-3 wind farm cluster…" Wake and other atmospheric models Mathematical models can also be used to predict the extent of offshore wakes by modelling the behaviour of the atmosphere when interacting with offshore wind farms. In all cases these models have been validated on operational data from offshore wind farms and hence can be relied on as good predictors of the behaviour of offshore wakes. The papers referred to below contain relevant findings based on these models: D. Rosencrans et al 'Seasonal variability of wake impacts on US mid-Atlantic offshore wind plant power production': *"The strongest wakes, propagating 55 km, occur in summertime stable stratification…"* Akhtar, N., Geyer, B., Rockel, B. et al. 'Accelerating deployment of offshore wind energy alter wind climate and reduce future power generation potentials': *"The mean deficit, which decreases with distance, can extend 35–40 km downwind during prevailing southwesterly winds."* R. Borgers et al 'Mesoscale modelling of North Sea wind resources with COSMO-CLM': *"In weakly stable conditions, absolute capacity factor reductions are much higher, as these exceed 13 % over large zones within and outside the wind farm clusters and 5 % more than 20 km from wind farm clusters and larger wind farms."* Sara C. Pryor, Rebecca J. Barthelmie, Tristan J. Shepherd 'Wind power production from very large offshore wind farms':	

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			"Under some flow conditions whole wind-farm wakes can extend up to 90 km downwind of the largest lease areas…" P. Baas et al 'Investigating energy production and wake losses of multi-gigawatt offshore wind farms with atmospheric large-eddy simulation': *"In this case, a clear wake is visible, which is still present as the flow reaches the southern edge of the domain. Clearly, for studying wake lengths behind windfarms of this size, much larger domains are required than the present 80 km."* Sanchez Gomez M. et al 'Can mesoscale models capture the effect from cluster wakes offshore?': "*Long wakes from offshore wind turbine clusters can extend tens of kilometres downstream, affecting the wind resource of a large area."* Stoelinga M. et al 'Estimating Long-Range External Wake Losses in Energy Yield and Operational Performance Assessments Using the WRF Wind Farm Parameterization': *"The simulations produced dramatic hub-height project scale wake swaths that extended over 50 km downwind, with a specific example showing a waked wind speed deficit of 7% extending 100 km downwind from the array of turbines that produced it."* Observations from existing turbines SCADA data Another way to evidence the impact of wake effects is to use observations of the power produced by existing wind turbines both before and after a neighbour wind farm has been installed. These "natural experiments" occur with increasing frequency as the number of offshore wind farms that are installed globally increases. As the owner of the world's largest offshore wind portfolio, Ørsted A/S (the parent company of the Ørsted IPs) is uniquely placed to use its own operational data to observe the wake impacts of neighbouring wind farms. In a presentation delivered at the Wind Europe Technology Workshop 2023, Ørsted's Nicolai Nygaard shared some of this evidence. The presentation is referenced in the FrazerNash Consulting Study referred to by the Applicant. The paper uses operational data from 37 offshore wind farm pairs located in Northern Europe to demonstrate the neighbouring wake effect through the reduction of power generated by front row turbines. The paper demonstrates that when a wind farm is in the wake of a neighbour at a distance of 30km you can expect a power reduction of just under 10%, whereas at 50km the reduction is still about 5% of the available power. It should be noted that the paper provides these impacts for a wind speed of 8m/s. The power also shows how the wake impact varies depending on the wind speed, the stability of the atmosphere at the time of the observation and also the size, distance, shape and density of the neighbour wind farm. Per the above, internal modelling (which is commercially confidential) undertaken by the Ørsted IPs indicates that the Outer Dowsing Project will have an impact on energy yield at Ørsted's developments. In order to properly understand the effects of a development, the specific environment and relevant developments should be carefully considered. This issue is not only important in terms of impacts experienced by other sea users such as the Ørsted IPs but is a matter of good	

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			design. It is also relevant to the degree of climate change benefit the Outer Dowsing Project offers – the impacts of the Outer Dowsing Project on loss of energy generation at the Ørsted IPs' developments is relevant to evaluating the benefits of the Outer Dowsing Project in terms of emissions reductions and climate change benefits. The Ørsted IPs agree with the Examining Authority that the Applicant must undertake a wake assessment to identify any effects on the energy yield of other OWFs. This approach aligns with paragraph 2.8.197 of NPS EN-3 which states that "the applicant should undertake an assessment of the potential effects of the proposed development on such existing or permitted infrastructure and activities". This assessment must calculate the 'net' benefit – i.e. accounting for renewable energy generation losses arising from impacts to other offshore projects, as well as potential new generation from the Outer Dowsing Project. The second question directed at the Ørsted IPs is an invitation to provide specific comments on the Offshore Wind Leasing Programme Array Layout Yield Study (the "Study"), including any implications for the Outer Dowsing Project. The Ørsted IPs have reviewed the Study and note that the purpose of the Study was to "…maximise the energy production from the portfolio of existing and future wind farms". The Crown Estate ("TCE") is trying to optimise the UK seabed to find some balance between the size of future offshore wind development zones and how far they should keep them apart (buffers). TCE is seeking to maximise the production from the entire portfolio and not only for new lease areas. The Study takes some generic, theoretical offshore wind farm pairs and looks at the balance in total production based on different densities and separation buffers – asking whether the "portfolio" production increases when development zones are smaller and further away from each other (reducing the neighbour wake effect) versus larger wind farms which are closer to each other (the larger leases would allow lower turbine density inside the development zones reducing the internal wake effect). The Study should be interpreted as saying that, relative to the internal wake losses, the neighbour wake losses are not as significant for large separations. Hence, in the context of the TCE's goal to maximise the portfolio production of total seabed of the UK, new developments should not be forced into very small array areas with very high turbine density as in this case the internal wakes will dominate relative to neighbour wakes. The Study does not comment on the distances over which wake losses will occur, however in section 2.2 of the Study it mentions that *"Ørsted … have shown evidence from their own portfolio of offshore wind production data that the method reproduces long range wakes well up to 50km separation".* Additionally, the Ørsted IPs highlight that the Study was based on a theoretical, unrealistic regular grid wind farm pair orientated directly North-South and not aligned with the principal wind direction. Therefore, it should not be relied on to predict the likelihood of actual wake losses for the Ørsted IPs' projects. In summary, the Study cannot be used to determine whether there is an impact on existing wind farms. The Ørsted IPs consider it would be quite straightforward for the Applicant to model the real-world situation for the Ørsted IPs as a result of the Outer Dowsing Project and reiterate their request that the Applicant does so.	

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			The Crown Estate's Response: 1. Can the Crown Estate clarify if the minimum 7.5km distance requirement between Leasing Round 4 projects takes the potential for wake effects into account? • The buffer/stand-off between wind farms (unless developers consent to closer proximity) is a separation distance to enable developers to develop, operate and maintain wind farms by allowing for a range of factors including amongst other matters, wake effects, navigation, and safety. • The 2019 Information Memorandum ahead of Offshore Wind Leasing Round 4 set out the requirement that "Projects may not be located within 7.5 km of an existing offshore wind farm (meaning a wind farm at any stage of development which has been awarded an agreement for lease or lease from The Crown Estate) unless the owner of the existing offshore wind farm has given its written consent". • This 7.5km was used for the purpose of processing project proposals in the tender only, being higher than the 5km buffers that are specified within the seabed lease agreements (introduced in Round 3); this was for the purpose of de-risking the Round 4 tender by providing additional mitigation and assurance to participants through limiting proximity. • The Crown Estate acknowledges that inter-farm wake effects can extend beyond these buffer distances. TCE also notes that the spatial and temporal variability of wind speed means that it is complex to accurately predict the wake impact on nearby wind farms, which may depend upon factors beyond distance – e.g. prevailing wind direction and wind farm layout. • The location of a wind farm within an area of seabed leased from The Crown Estate is for developers to decide and design for, subject to obtaining the necessary consents and The Crown Estate's approval. 2. The Crown Estate is invited to comment on the purpose of the Offshore Wind Leasing Programme Array Layout Yield Study and any implications for the project. • As outlined in the Introduction section of the Offshore Wind Leasing Programme Array Layout Yield Study by Frazer-Nash published on the Marine Data Exchange in November 2023: "The objective of this present study is to provide generic evidence to support TCE's design of future offshore wind leasing programmes from an aerodynamic loss perspective. Specifically, the influence of key PDA (project development area) design parameters on wind farm production are assessed using an updated engineering wake model with more realistic accounting of farm-to-farm wake and farm blockage effects" • The report summarises modelling applied to generic/hypothetical wind farms and does not replace the need for project-specific analysis. • The published report included findings on inter-farm wake effects for generic scenarios. As with any technical evidence, this can be beneficial to the sector to inform decision making and analysis; appropriate selection and application of this or other studies and evidence to specific projects is for developers to determine.	

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			• As this report was completed during 2023 it has no direct link to the buffer zones set out in the 2019 Information Memorandum for Offshore Wind Leasing Round 4.	
Q1 OG 1.3	The Applicant Diamond Transmission Partners RB Limited Lincs Wind Farm Limited Race Bank Wind Farm Limited TC Lincs OFTO Ltd	**Impacts on other offshore infrastructure arising from the potential extension of Special Areas of Conservation (SACs)** Concerns have been raised by Diamond Transmission Partners RB Limited [RR-017], Lincs Wind Farm Limited [RR-037], Race Bank Wind Farm Limited [RR-054] and TC Lincs OFTO Ltd [RR-066] regarding the possibility of impacts on the operation of other offshore infrastructure arising from the potential extension of the Inner Dowsing Race Bank and North Ridge SAC and/or the Haisborough, Hammond and Winterton SAC. The Applicant provided a response to these Relevant Representations on 19 September [PD1-071] noting that any proposals would be subject to consultation at a later date. The Applicant's Without Prejudice Benthic Compensation Evidence Base and Roadmap document [APP-248] provides outline details. Figures 3.5 and 3.6 identify the SAC extensions and other seabed users. ▪ Can the Applicant confirm what the "Subsea power cable (active)" as identified in paragraph 80 and on Figure 3.6 of the benthic compensation document connects to and the body that is responsible for it? Figure 3.6 also appears to show a second active power cable that is not listed in paragraph 80. Please confirm the status of this cable, what it connects to and the body responsible for it. ▪ Interested Parties, please elaborate on concerns raised in Relevant Representations and outline what action would be necessary to address them by the Applicant.	**Natural England's Response** Natural England advises the following in relation to this matter - The extension and/or designation of MPAs is a DEFRA led project and all queries on strategic compensation should be directed to Mike Rowe, Director of Marine and Fisheries, DEFRA, email address Mike.Rowe@defra.gov.uk. NE will be working closely with JNCC to support DEFRA on the MPA designation project by considering the evidential strength and ecological merits of potential areas. At this stage it is too early to say where the new or extended MPAs will be, nor the amount or type of habitat which will be designated. However, DEFRA will need to investigate a number of options to ensure the right types of habitat can be designated. Once areas have been identified, DEFRA will be leading on the formal consultation with stakeholders (with support from the SNCBs where required). Defra led stakeholder meetings, and the Defra consultation, will be the place where any stakeholder concerns can and should be raised. We hope this is useful background information for the Examining Authority and IPs. **Ørsted IPs' Response:** The relevant Ørsted IPs note the Applicant's response and that this measure is identified as a strategic measure compensation, which would be subject to further consultation by the UK Government if it were ever to be taken forward. The concerns of the Ørsted IPs are focused on the location of the proposed SAC extension, as this could in effect limit necessary operations on export cables for Race Bank and Lincs by introducing further constraints into an already busy and ecologically constrained area of seabed. The Applicant identifies the interactions with Race Bank and Lincs in the "Review of Other Users" section of [APP-248] but makes no substantive comments or analysis on the impact of the proposed SAC designation in this location on those projects. The Ørsted IPs wish to make clear that any SAC extension must not prevent or compromise the ongoing safe operation of the Ørsted IPs' windfarms and must ensure necessary steps can be taken for the protection of the integrity of the cables during the projects' operational lifetimes.	The Applicant welcomes the additional context provided by Natural England. The Applicant has undertaken an assessment within the Without Prejudice Benthic Compensation Evidence Base and Roadmap document (APP-248), providing outline details and Figures 3.5 and 3.6 identify the SAC extensions and other seabed users. However, due to the SAC extension being a strategic compensation measure, the final details will be determined by Defra. The process of establishing the SAC extension will require consultation, in which Ørsted IPs and other interested parties will have a forum to raise concerns to Defra.
Q1 OG 1.4	Breesea Limited, Soundmark Wind Limited, Sonningmay Limited, Optimus	**Potential monitoring implications of cumulative ecological and ornithological effects** Concerns have been in raised in Relevant Representations Breesea Limited, Soundmark Wind Limited, Sonningmay Limited, Optimus Wind Limited [RR-011], Hornsea 1 Limited [RR-028] and Lincs Wind Farm Limited [RR-037] regarding the potential impact of cumulative ecological effects on post construction	**Ørsted IPs' Response:** Clarification is required from the Applicant on whether the Lincs Offshore Wind Farm is included in the ornithological cumulative effect assessment, as this project is not referenced within Table 12.46 of the Applicant's Offshore and Intertidal Ornithology [AS1-040]. The Ørsted IPs' concerns centred around increased mortality affecting the outcomes of post-construction monitoring. However, if Natural England is in agreement with the Applicant's assessment that the impacts from the Outer Dowsing Project on offshore ornithology and migratory	The Applicant can confirm that Lincs Offshore Wind Farm is included in the ornithological cumulative effect assessment set out in ES Chapter 12 Offshore and Intertidal Ornithology. There is a typographical error in Tables 12.46, 12.50, 12.53, 12.57. 12.61. 12.65, 12.67, 12.69, 12.71 and 12.74 which incorrectly refers to 'Lincolnshire Node',

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
	Wind Limited Hornsea 1 Limited Lincs Wind Farm Limited	monitoring of other OWFs. The Applicant has responded [PD1-071] with a conclusion that post construction monitoring will not be impacted. ▪ Please elaborate on concerns identified in that post construction monitoring might be impacted. ▪ Provide comments on the Applicant's conclusions and reasoning.	fish receptors are negligible and are predicted to be undetectable against a backdrop of natural fluctuations in baseline mortality and productivity, then the Ørsted IPs have no further comments to make, subject to the clarification sought above. Confirmation from Natural England on these points would be welcomed.	rather than Lincs Offshore Wind Farm. The Applicant will update these tables and provide a revised version of Chapter 12 Offshore and Intertidal Ornithology at Deadline 5. Numbers of birds presented for 'Lincolnshire Node' within the Applicant's cumulative assessment align with those presented for the Lincs Wind farm in cumulative assessments presented by other projects (e.g Hornsea Four Environmental Statement Chapter 5: Offshore & Intertidal Ornithology PINS Ref A2.5)
Q1 OG 1.5	The Applicant Breesea Limited, Soundmark Wind Limited, Sonningmay Limited, Optimus Wind Limited Hornsea 1 Limited IOG North Sea Limited Lincs Wind Farm Limited Orsted Hornsea Project Four Limited Orsted Hornsea Project Three (UK) Limited Perenco UK Limited Race Bank Wind Farm Limited	**Vessel access and displacement** RRs s from a significant number of operators of other offshore infrastructure highlight issues relating to potential vessel access and displacement and the need for co-ordination. The Applicant has provided responses to these RRs [PD1-071]. ▪ Do the Interested Parties have any comments in response to the Applicant's position on the respective RRs? ▪ Please provide updates on any negotiations to agree and secure any necessary mitigation.	**Ørsted IPs' Response:** The Ørsted IPs are considering the Applicant's assessment of the impacts of the Outer Dowsing Project on shipping and navigation. In particular, the Ørsted IPs are reviewing how the cumulative risks to shipping and navigation would be managed, in light of the level of development in this area, and the uncertainty regarding the location of construction and operation/maintenance operations. As a general consideration, and in line with the points made throughout this submission by the Ørsted IPs in relation to proximity agreements, the Ørsted IPs consider some level of coordination will be required between developers and other sea users in the area. The Ørsted IPs seek that the Applicant provide ongoing updates regarding its consultation with vessel operators including any likely future case routeing which may impact the Ørsted IPs' developments, as well as engagement on any mitigations which could influence the Ørsted IPs' developments (including any positive measures). In addition, the Ørsted IPs seek that a mechanism is developed to ensure they are directly consulted in respect of any operational procedures for the Outer Dowsing Project, relating to construction and operation traffic to/from the Ørsted IPs' developments. The Ørsted IPs also refer to their comments in Table 2 below regarding proximity agreements with the Applicant, which the relevant Ørsted IPs require to be put in place. **Perenco's Response:** The Marine corridors proposed in the Draft Protective Provisions are acceptable to Perenco, however the corresponding Restriction on authorised development (as set out in clauses 3 (1) (a); 3 (2) (a); and 3) would need to be modified to preclude the installation of any temporary or permanent surface infrastructure within each of the marine corridors. This has been raised in the ongoing negotiations with the Applicant.	The Applicant maintains that the Navigational Risk Assessment (NRA) set out in ES Chapter 15 Navigational Risk Assessment (APP-171) undertaken by Anatec Limited provides a robust consideration of other offshore wind farm developments. In relation to Perenco, The Applicant notes this topic was discussed at Issue Specific Hearing 2 on 4th December 2024. Please refer to The Applicant's Written Summary of Oral Case Put at the Issue Specific Hearing 2 held on 4 December 2024 (Document 20.4.3) (submitted at Deadline 3). The Applicant continues to engage with Perenco on this issue.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
	Shell U.K. Limited			
Q1 OG 1.7	Maritime & Coastguard Agency (MCA)	**ES Chapter 18 and the Helicopter Access Report** The ExA notes that the Written Representation [REP1-044] submitted by the MCA which addresses details in Chapter 15 of the ES – Shipping and Navigation [APP-070] and the Navigational Risk Assessment [APP-171]. Chapter 18 of the ES - Marine Infrastructure and Other Users [APP-073] and the Helicopter Access Report [APP-175] also provide commentary and conclusions in relation to Search & Rescue helicopters. ▪ Please can the MCA confirm if it has any concerns regarding Chapter 18 of the ES - Marine Infrastructure and Other Users or the Helicopter Access Report? If so, outline what they are and how they should be addressed.?	**Maritime & Coastguard Agency's Response** The MCA confirm that we are content with the conclusions as summarised in table 18.18 of Chapter 18 of the ES (APP-073). We are also content that acceptable focus has been put on embedded mitigations as summarised in section 18.5.3. Regarding the Helicopter Access Report (APP-175) specifically, we make the following comment. While the report is focussed predominantly on Commercial Air Transport (CAT) access to oil and gas platforms in the vicinity of Outer Dowsing (and within the proposed boundary of the wind farm in the case of Malory), there is reference to emergency situations and Search and Rescue (SAR). There is a general assumption that SAR aircraft will be available to support in an emergency, regardless of weather conditions or location of the incident (e.g. within or nearby a windfarm). MGN 654 compliant windfarms improve the likelihood of SAR helicopter operations within the windfarm being possible, but undesirable factors can and do impact this and therefore SAR helicopter access may not be available, particularly overnight or in poor weather conditions. CAT helicopters may be required, when they are able, to support in emergency situations or where there may be a welfare issue such as a power failure offshore. In these circumstances, a reduction in CAT helicopter availability would likely be considered as more than just a logistical issue. This is not so much a factor for Normally Unmanned Installations (NUI) operations, since it would be expected that personnel would only be on board an installation when conditions were within CAT helicopter availability.	The Applicant notes this topic was addressed at Issue Specific Hearing 2 on 4th December 2024. Please refer to The Applicant's Written Summary of Oral Case Put at the Issue Specific Hearing 2 held on 4 December 2024 (Document 20.4.3) (submitted at Deadline 3).
Q1 OG 1.12	The Applicant Perenco UK Limited IOG North Sea Limited	**Line of Sight microwave (LOS) communications** Paragraph 110 of Chapter 18 of the ES [APP-073] acknowledges that project infrastructure may affect the following links: West Sole A to Malory, West Sole A to Lancelot, West Sole A to Excalibur and Malory to Excalibur. Perenco UK Limited [RR-053] identify concerns for LOS communications at the Waveney platform which do not appear to have been addressed in the ES. IOG North Sea Limited [RR-031] also seeks confirmation that LOS communication between fixed installations and its chosen onshore gas terminal would not be obstructed by any individual wind turbines. ▪ Can the Applicant provide comments on impacts on the Waveney platform and implications for the conclusions in the ES? ▪ Can the Applicant provide feedback on the likelihood that LOS communications for IOG	**Perenco's Response:** Perenco is awaiting a detailed proposal from the Applicant with regard to safety critical communications systems for the Malory, Lancelot, Excalibur and Waveney platforms. There has been good cooperation and constructive discussions with the Applicant.	The Applicant notes this topic was discussed at Issue Specific Hearing 2 on 4th December 2024. Please refer to The Applicant's Written Summary of Oral Case Put at the Issue Specific Hearing 3 held on 4 December 2024 (Document 20.4.3) (submitted at Deadline 3). The Applicant continues to engage with Perenco on this issue.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		North Sea Limited's might be impacted by the Proposed Development? ▪ Can the Applicant provide an update on mitigation, including details of measures required, progress an agreement between parties and how measures would be secured.		
Q1 OG 1.14	The Applicant Race Bank Wind Farm Limited	**Impacts scoped out of the assessment – marine disposal areas** Paragraph 46 of Chapter 18 [APP-073] of the ES states that *"The only open disposal area in the Direct Study Area is the Race Bank OWF (HU126), used for the construction of the Race Bank OWF. As this windfarm is currently operational, this site is assumed to be no longer in use, and therefore disposal operations to this area will not be impacted by Project activities. Marine disposal areas have therefore been scoped out of further assessment."* ▪ Please provide confirmation of whether the disposal area is no longer in use. ▪ If the disposal area is still in use, please outline the implications.	**Ørsted IPs' Response:** Race Bank Wind Farm Limited confirms that the disposal area is no longer in use	This comment is welcomed by the Applicant.
Q1 OG 1.20	The Applicant National Grid Electricity Transmission plc	**Existing environment - subsea cables** Paragraph 44 of Chapter 18 of the ES [APP-073] states that the Offshore Transmission Network Review (OTNR) process has identified possible cables that may pass through the study area but details are not yet known. *"In addition, National Grid are proposing two 'bootstrap' subsea transmission cables from Scotland which are also expected to make landfall in Lincolnshire. At the time of writing, the status and details of these additional subsea cable developments are not available in the public domain, and therefore have not been considered further"* Can the Applicant and National Grid provide an update on these projects?. Please detail any related implications for the project in relation to subsea cables?	**National Grid Electricity Transmission PLC's Response:** This is a reference to the EGL 3 and EGL 4 projects referred to in NGET's RR and WR. A non-statutory consultation in relation to these projects was carried out between 23 April 2024 to 15 July 2024. Details of the early proposals that were consulted on are contained in the Project Background Document, a copy of which is appended to this response. NGET and its development partners are currently considering the consultation responses, which will inform the further development of their proposals in due course	This comment is noted by the Applicant. The Applicant refers the ExA to The Applicant's Response to the ExA's First Written Questions (REP2-051) Q1 OG 1.20.

1.19 Onshore Construction Effects

Table 1.18: Onshore Construction Effects

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Onshore Construction Effects				
Q1 OC 1.1	The Applicant	**Working Hours for Construction** In reference to Paragraph 40 of the Outline Code of Construction Practice [PD1-038]: *3. With the exception of activities undertaken in accordance with sub paragraph (2)(f) and as provided in paragraph (5) all construction works which are to be undertaken outside the hours specified in paragraph (1) must be agreed in advance with the relevant planning authority* Please identify the location of paragraph (5) within the Outline Code of Construction Practice [PD1-038]?	**T.H. Clements Response:** Please see response to Q GC 1.1 above.	
Q1 OC 1.3	The Applicant National Grid Electricity Transmission Plc (NGET)	**Cumulative impacts - Construction** NGET's Relevant Representation [RR-048] raises the concern about cumulative impacts of construction due to the following projects: ▪ the Eastern Greenlink 3 Project (EGL3) ▪ the Eastern Greenlink 4 Project (EGL4) ▪ Grimsby to Walpole Project **To NGET:** How does the Applicant's response to Relevant Representations [PD1-071] address the concerns raised? Explain your reasoning and provide your recommendations to address them. **To the Applicant:** Provide an update to the ExA regarding the discussions with NGET on NGET3 and NGET9 as mentioned in Table 5 of draft Statement of Common Ground (SoCG) between the Applicant and NGET [REP1-032]?	**National Grid Electricity Transmission PLC's Response:** The Applicant's response to NGET's Relevant Representations does not adequately address NGET's concerns, since it does not contain a detailed response to the points made in NGET's RR. NGET's recommendation for dealing with this issue is set out in its WR. In summary, NGET's proposed Protective Provisions require the Applicant to use reasonable endeavours to avoid conflict between the Project and the proposed NGET projects. The inclusion of these provisions will ensure a clear framework for managing coordination between the projects and ensure that they can be brought forward in an efficient manner. There is clear precedent for NGET' proposed approach in the Awel Y Mor Offshore Wind Farm DCO, which was granted development consent on 20 September 2023. Similar wording has also been proposed by NGET in relation to the Viking CCS Pipeline DCO application. NGET and the Applicant are also members of the Lincolnshire Energy Projects Forum, which has been formed to facilitate effective collaboration between energy infrastructure developers and host authorities, and will allow discussion of opportunities for co-ordination.	The Applicant met with NGET on 28th November to progress discussions on the proposed Protected Provisions which included proposals to: 1. Include a plan to confirm NGET current area of interest relative to the Applicant's Order Limits. 2. Introduce a 'Connection Area' where the Applicant would require agreement from NGET to acquire any land rights, and 3. Include a reasonable timeframe for consultation with NGET on these matters. The Applicant's position remains that commercial matters should be included in a side agreement outside of the DCO.
Q1 OC 1.4	Local Planning Authorities (LPAs)	**Development Plans and Policies** Confirm if you agree with the Applicant's analysis of the policies relevant to the Onshore Construction Effects of the Proposed Development. Inform the ExA and relevant Interested Parties of any alterations to the Development Plan in your	**Lincolnshire County Council's Response:** 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 The Lincolnshire Minerals and Waste Local Plan has commenced its statutory review with the Regulation consultation concluding on 25thSeptember it is not	This comment has been noted by the Applicant. The Applicant understands that the Lincolnshire Minerals and Waste Local Plan is under review and the final version will come into force following the close of Examination.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		areas since the Application for the Proposed Development was submitted. State whether any further changes are expected before the close of this Examination.	expected that the Regulation 19 stage will commence until after the examination has completed.	

1.20 Seascape and Visual

Table 1.19: Seascape and Visual

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Seascape and Visual				
Q1 SV 1.1	The Applicant Natural England (NE) Local Authorities	**Duty to further the purposes of National Landscapes** 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."* ▪ Can the Applicant explain how it has considered this duty? ▪ 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?	**Lincolnshire County Council's Response:** 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. 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. **Natural England's Response:** As noted in our Relevant Representations [RR-045], Natural England's concerns regarding potential seascape impacts on the Lincolnshire Wolds National Landscape were addressed at the pre-application phase. Therefore, as the proposal will not be having significant impacts on the setting of the designated landscape, we do not consider it a project 'outside the boundaries of these areas which may have impacts within them.' Accordingly, we do not see how the Levelling Up and Regeneration Act ('LURA') duty applies to the seascape impacts of this particular project.	As set out in The Applicant's Response to the ExA's First Written Questions (ExQ1) (REP2-051) Q1 SV 1.1 as the Project is outside the designated landscape, the relevant policy test is that "[t]he Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development" (NPS EN1 5.10.8). The Applicant takes the strong position that the impact of the Project on the special qualities of the Lincolnshire Wolds AONB or Norfolk Coast AONB designations is no greater than minor, not significant and indirect, and does not result in 'harm' that requires to be offset. To reiterate, the Lincolnshire Wolds AONB is located over 63.9km from the Project array area at its nearest point and the Norfolk Coast AONB over 55km. The Applicant submits, given there are no significant effects, it is not proportionate for further enhancement measures to be imposed and that current measures are sufficient and appropriate. The Applicant submits that no such necessity has or can be demonstrated given the assessed, and agreed, level of potential worst case impact on National Landscapes is not significant The Applicant notes Natural England also conclude that it does not comprise a Project 'outside the boundaries of an NL/AONB which may have impacts within them'. Therefore, the Applicant does not consider enhancement would be relevant to the Project.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
				No significant effects have been identified in relation to the Lincolnshire Wolds NL/AONB with regards to the onshore or offshore elements of the Project.
Q1 SV 1.2	The Applicant NE Local Authorities	**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. ▪ 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?	**Lincolnshire County Council's Response:** Heritage Coast is currently awaiting the Natural England Designations team to review it but the Council do not know of their timeframes 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 Word Heritage Site. **Natural England's Response:** Natural England's current understanding is that there is no further progress regarding the ambition for a Lincolnshire Heritage Coast. However, as this is a partnership initiative, we would like to seek further updates and will aim to report back on this matter at Deadline 3.	The Applicant notes the comments made by LCC and Natural England and awaits Natural England's further comments at Deadline 3.
Q1 SV 1.9	The Applicant NE Local Authorities	**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. ▪ The Applicant is invited to explain why offshore elements of the project, including the ORCPs, are not considered in the Design Approach Document and Design Principles Statement. ▪ 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?	**Lincolnshire County Council's Response:** 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. **Natural England's Response:** Natural England is supportive of good design principles being applied to offshore infrastructure, particularly where they will be highly visible from the coast. However, given the low risk of impacts to designated landscapes, in the context of Natural England's statutory remit the design of the Offshore Reactive Compensation Platform (ORCP) is not of particular concern, other than the extent to which the design might have a role in mitigating the potential displacement effects of the ORCP within the Greater Wash SPA e.g. through reducing its height. This in turn could provide benefits with respect to views out to sea.	The Applicant welcomes LCC and NE's responses provided at Deadline 2. As set out in The Applicant's Response to the ExA's First Written Questions (ExQ1) (REP2-051) the Applicant intends to update the Design Approach Document (APP-292) and Design Principles Statement (APP-293) to include consideration of relevant offshore infrastructure at Deadline 4.
Q1 SV 1.10	NE	**Seascape viewpoints**	**Lincolnshire County Council's Response:**	These responses are welcomed by the Applicant.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
	Local Authorities	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".* ▪ Is Natural England satisfied with the Applicant's response? If not, why not? ▪ 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?	The Council has focussed its assessment for visual impacts for the on-shore impacts and not the offshore 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. **Natural England's Response:** Natural England considers that the viewpoints in the SLVIA were sufficient to provide our advice regarding the impacts of the proposal on designated landscapes.	

1.21 Shipping and Navigation

Table 1.20: Shipping and Navigation

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Shipping and Navigation				
Q1 SN 1.2	The Applicant Breesea Limited, Soundmark Wind Limited, Sonningmay Limited, Optimus Wind Limited Hornsea 1 Limited IOG North Sea Limited Lincs Wind Farm Limited Orsted Hornsea Project Four Limited Orsted Hornsea Project Three (UK) Limited	**Cumulative Routeing and Navigational Risks** Numerous operators of other offshore infrastructure have raised concerns in their Relevant Representations about the cumulative routeing, vessel access, and navigational risks, emphasizing the need for coordination. How does the Applicant's response to Relevant Representations [PD1-071] address these concerns? Explain your position, highlight any unaddressed concerns, and provide your recommendations to address them. Provide an update on the progress of any negotiations aimed at finalizing and implementing the required mitigation strategies?	**Ørsted IPs' Response:** The Ørsted IPs are considering whether to instruct a consultant to review the Applicant's Navigational Risk Assessment and, if deemed necessary, will provide comments on this document as soon as practicable at a future examination deadline. In addition, the Ørsted IPs refer to their responses to Q1 OG 1.5 above on this matter, particularly in relation to the requirement for proximity agreements.	The Applicant notes this topic was discussed at Issue Specific Hearing 2 on 4th December 2024. Please refer to The Applicant's Written Summary of Oral Case Put at the Issue Specific Hearing 2 held on 4 December 2024 (submitted at Deadline 3). The Applicant will provide a further response on this topic at Deadline 4.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
	Race Bank Wind Farm Limited			
Q1 SN 1.3	Maritime and Coastguard Agency (MCA) Trinity House UK Chamber of Shipping (CoS) and any other relevant IP	**NRA methodology** Do you find the methodology used to assess the Proposed Development's shipping and navigational risks in the submitted NRA (Chapter 3 in [APP-171]) satisfactory? If not, what specific concerns do you have, and how might these be addressed?	**Trinity House Response:** We confirm we are content that the methodology used to access the Proposed Development's shipping and navigational risks in the submitted NRA is satisfactory. **Maritime and Coastguard Agency's Response:** As per our Written Representation we submitted at Deadline 1, we are content that Outer Dowsing Offshore Wind has undertaken the NRA in accordance with MCA guidance (MGN654) and NRA risk assessment methodology. **UK Chamber of Shipping Response:** The UK Chamber of Shipping is satisfied with the methodology used and submitted in the NRA, in line with the draft SOCG between the Chamber and applicant, believed submitted for Deadline 1.	These responses are welcomed by the Applicant.
Q1 SN 1.4	MCA Trinity House CoS and any other relevant IP	**NRA data sources** Are you satisfied that the NRA has utilized the appropriate data sources (Chapter 5 in [APP-171])? If not, what additional data do you believe should be considered to accurately assess the navigational and shipping risks associated with the Proposed Development?	**Trinity House Response:** We are content that the sources of data utilized within the NRA are suitable for Trinity House's requirements. **Maritime and Coastguard Agency's Response:** As per our Written Representation we submitted at Deadline 1, we are satisfied that appropriate traffic data has been collected in accordance with MGN654. **UK Chamber of Shipping Response:** The UK Chamber of Shipping is satisfied with the data sources used in the NRA, in line with the draft SOCG between the Chamber and applicant, believed submitted for Deadline 1.	These responses are welcomed by the Applicant.
Q1 SN 1.5	The Applicant MCA Trinity House	**Statement of Common Ground (SoCG)** Draft SoCG with MCA [REP1-030]. To the Applicant: Please provide an update on progress on discussions for Ref MCA7 to Ref MCA13 as mentioned in Table 4? To the MCA and Trinity House: Do you concur that all areas of agreement or areas under discussions have been covered in their respective draft SoCGs with the Applicant [REP1-030] and [REP1-037]?	**Trinity House Response:** Trinity House concurs that all areas of agreement, or areas under discussion, have been covered in its draft SoCG with the Applicant. **Maritime and Coastguard Agency's Response:** In reference to REP1-030 MCA agree that all areas of agreement or areas under discussions have been covered in the draft SoCG. Further discussions will be held with the applicant in due course to finalise agreement on the areas currently 'in discussion'.	These responses are welcomed by the Applicant. The Applicant will continue to engage with Trinity House and MCA in relation to Statements of Common Ground.
Q1 SN 1.6	The Applicant CoS	**Offshore Cables after decommissioning** In draft SoCG between the Applicant and the CoS [REP1-033] Table 4, CoS13 states that the Chamber strongly advocates for the full removal of all infrastructure and cabling. Paragraph 197 under 7.12.3 of Chapter 7 [APP-062] indicates cables will be retained in situ.	**UK Chamber of Shipping Response:** The UK Chamber of Shipping understands that the applicant will decommission the site in line with relevant legislation, regulation and guidance at the time, which may involve leaving cabling in situ. The UK Chamber is accepting that the development will be decommissioning in line with relevant legislation, regulation and guidance at the time nevertheless our base position is to strongly recommend full removal of all infrastructure, including of cables.	The Applicant re-iterates the points made in The Applicant's response to The ExA's First Written Questions (REP2-051) that it cannot confirm at this stage its decommissioning plan. The Energy Act (2004) requires that a decommissioning programme must be submitted to and approved by the relevant Secretary of

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		To ensure clarity: Can the Applicant confirm if offshore cables will remain in situ after decommissioning? If necessary, update the draft SoCG between the Applicant and the CoS accordingly. To the CoS: The ExA notes that the CoS advocates for the complete removal of all infrastructure and cabling. Please expand on this position with further information and reasoning, considering Chapter 7 of the Marine Physical Processes [APP-062], which indicates that cables will be retained in situ.	The Chamber strongly advocates for the reuse of "brownfield" sites at sea and so is supportive of repowering or repurposing. Where the wind farm is to be fully decommissioned, the Chamber strongly advocates for the full removal of all infrastructure above and below the seabed, acknowledging BATNEEC when it comes to turbine foundations which penetrate deep into the seabed. The Chamber believes that the leaving of cabling it situ fails to meets the Guidelines and Standards for the Removal of Offshore Installations and Structures on the Continental Shelf and in the Exclusive Economic Zone – Resolution A.672 (16) adopted on 19 October 1989. The resolution specifies that an installation or structure need not be entirely removed if: ▪ It is no longer technically feasible (however, the design and construction should be such that entire removal would be feasible); ▪ It would involve extreme cost; ▪ It would involve an unacceptable risk to personnel or the marine environment; and ▪ If the structure can be left without causing unjustifiable interference with other uses of the sea The Chamber asserts that it is unlikely that the above conditions would be met and so if following the IMO Resolution should see full removal. The Chamber also raises the specific reasoning for recommending full removal of cabling: Firstly, the Chamber has concerns that buried cables left in situ may become exposed and therefore pose a hazard to anchoring activity, especially in an emergency when such activity is most likely to take place. This has been highlighted by the International Hydrographic Organization (IHO) who at their Assembly meeting held at Monaco in April 2017 highlighted: "*Mariners are also warned that the seafloor where cables were originally buried may have changed and cables become exposed; therefore particular caution should be taken when operating vessels in areas where submarine cables exist especially where the depth of water means that there is a limited under-keel clearance"* Such risk is minimised during the economic life of the wind farm, as navigational traffic through the development will be reduced and it is expected that regular monitoring of the cabling and its protection will be carried out with any necessary remedial works. However once decommissioned, the site will be open to a greater extent to surface navigation and other activity. The Chamber is not aware of commitments by developers post commissioning to regularly monitor and rebury or remove cabling which has become exposed. Secondly, it is widely recognised that ships' anchors pose a significant hazard to submarine cables as they are designed to penetrate the seabed. The depth of penetration will depend on the size and type of anchor and the nature of the seabed. Hence, the Chamber is concerned that cable burial at typical depths does not fully safeguard against anchor fouling and snagging risk. This was exemplified through the incident of the Stema Barge II incident in the English Channel when emergency anchoring led to the IFA interconnector being fouled and cut though. Passing the cost of potential fouling and disentanglement to the shipping company, authorities, insurers and any Search and Rescue (SAR) services required is not desirable. Thirdly, through the leaving of cabling in situ, future seabed activity in the area is constrained, either rendered unfeasible, or costly for the next seabed user to remove or work around such cabling.	State, a draft of which will be submitted prior to the construction of the Proposed Development. The decommissioning programme will be updated during the Proposed Development's lifespan. To take account of changing good practice and new technologies, the approach and methodologies employed at decommissioning will be compliant with the legislation and policy requirements at the time of decommissioning. In accordance with the requirement 7 of the draft Development Consent Order (dDCO) (3.1), a written decommissioning programme will be provided prior to commencement of Work nos. 1-7. The details of the proposed decommissioning process will be included within the Decommissioning Programme which will be developed and updated throughout the lifetime of the Proposed Development to account for changing good practice. It is noted that this will be subject to good practice at the time of decommissioning and surveys conducted to assess the quality of the communities established and a decision on their removal made in conjunction with the statutory authorities.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			To conclude, should the appropriate legislation, regulation and guidance at the time of the decommissioning programme permit the applicant to leave cabling in situ then the Chamber acknowledges and accepts this, however may endeavour to lobby for a change in legislation.	

1.22 Socio-economic Effects

Table 1.21: Socio-economic Effects

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Socio-economic Effects				
Q1 SE 1.1	LCC	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?	**Lincolnshire County Council's Response:** 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. 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. LCC considers that construction activities could dissuade potential tourists from visiting Lincolnshire resulting in a loss of income and jobs 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).	These comments have been noted by the Applicant. The Applicant's assessment has concluded that there will be no significant effects on tourism as a result of the construction of the Project. This includes effects as a result of visual impacts or a general perception of the area. This assessment is based on how the key drivers of the tourism sector in the area are likely to be impacted by the development. Data from across the UK shows that the construction of onshore energy and grid infrastructure does not have a significant impact on tourism. This is because either the construction of this infrastructure does not change the perception of a destination, or visitors are not sensitive to these perceptions. The Applicant is not aware of any evidence that supports the LCC's position that the development would dissuade potential tourists from visiting Lincolnshire.

1.23 Transportation and Traffic

Table 1.22: Transportation and Traffic

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Transportation and Traffic				
Q1 TT 1.1	Lincolnshire County Council (LCC)	**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	**Lincolnshire County Council's Response:** 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.	This comment has been noted by the Applicant.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		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?		

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Q1 TT 1.2	The Applicant LCC	**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? The Applicant may respond.	**Lincolnshire County Council's Response:** 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. 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.	The Applicant has responded to this question in the Applicant's Response to Written Questions [REP2-051] The outline Construction Traffic Management Plan (CTMP) (document reference 8.15 v2) sets out proposed protocols for construction traffic.
Q1 TT 1.3	LCC Fosdyke Playing Field	**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	**Lincolnshire County Council's Response:** 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.	This comment has been noted by the Applicant, the Applicant has considered the potential for cumulative impacts with emerging schemes as far as is possible given the information publicly available, in the inter-relationship report [REP2-055] submitted at Deadline 2.
Q1 TT 1.4	LCC Nicholas Alexander Sermon	**Construction Traffic Effects** In [RR-093], Nicholas Alexander Sermon has raised 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	**Lincolnshire County Council's Response:** The Council has no issue to raise with the applicant's response on this matter. **Nicholas Alexander Sermon's Response:**	These comments have been noted by the Applicant. ▪ The Applicant's position is that the assessment is

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		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.	I do not find the Applicant's response and conclusions entirely satisfactory, specifically: ▪ The (primarily) HGV traffic assessment for Wyberton Roads seem to have been assessed as "reasonable". However, as the map at the end of this letter notes several sections that plan to be used are incapable of having cars & HGVs being able to pass each other. o Vehicles in most places would have to mount grass verges to pass, and in some places even this would not allow vehicles to pass one another – in poor weather verges would be muddy and vehicles could get stuck. o There is a blind double bend close to the White House access road which will be a bottleneck and would require one of the vehicles to reverse if meeting another one. o Wyberton Roads is one of only two routes to Frampton Marsh Nature Reserve, and traffic varies considerably e.g. seasons, weather, school holidays, spotting of rare birds etc. – I doubt that the traffic assessment takes this into account. Adding 77 traffic movements daily is significant i.e. over 9 additional vehicle movements per hour in an 8-hour working day. o From a selfish perspective, exiting from my driveway will be more difficult, and potentially more dangerous, than currently due to the increased volume of traffic and size of vehicles using the road. The exit is effectively blind and requires slow exit to allow passing vehicles to spot a car exiting my property ▪ The comments about use of the footpath as a combined pedestrian, cycle, non-project vehicles and project vehicles is, in my opinion, an accident waiting to happen. o There is no way that a footpath should be used in this way, especially as access to the footpath at the first corner is blind when walking down the bank. o Dog walkers would need to take their pets onto the field to allow HGVs to pass. The field is not level and would be a slip/trip hazard, which could potentially release dogs from their leads into oncoming traffic. o I cannot see any opportunity for vehicles (e.g. Frampton Marsh vehicles) to safely pass HGVs on the footpath/track, apart from one passing point.	robust and the mitigation measures proposed for Wyberton Road through the installation of passing places, as set out in Appendix 1 Transport Assessment Annex N Passing Place Proposals [AS1-094] and measures laid out in the outline CTMP (document reference 8.15 v2 are appropriate ▪ The Applicant's proposals for temporary passing places on Wyberton Road are shown on Sheet 15 of Appendix 1 Transport Assessment Annex N Passing Place Proposals [AS1-094]. These have been determined using line of sight and it should not be necessary for vehicles to mount the verges. ▪ In respect of the blind double bend the Applicant has included two additional passing places as shown on Sheet 15 of Appendix 1 Transport Assessment Annex N Passing Place Proposals [AS1-094] and believes this will allow vehicles to pass without needing to reverse. ▪ The Transport Assessment [AS1-086] is based upon vehicle traffic count and reflects

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
				the actual number of vehicles using a route. ▪ The Applicant acknowledges that construction traffic will be passing the Interested Party's vehicular entrance onto Wyberton Roads and will continue to engage to discuss additional traffic management measures that could address these concerns.
Q1 TT 1.5	LCC Barry Cooper	**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 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.	**Lincolnshire County Council's Response:** The Council has no reason to dispute the applicants conclusions on this matter.	This comment has been noted by the Applicant.
Q1 TT 1.6	LCC	**Cumulative Transport Assessment during construction** 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.	**Lincolnshire County Council's Response:** 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.	These comments have been noted by the Applicant. The Applicant has submitted an interrelationship report at Deadline 2 [REP2-055] which outlines the other NSIPs within the area, the availability of information on these and the potential for cumulative impacts.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		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].		
Q1 TT 1.7	The Applicant LCC	**Public Rights of Way (PRoW)** In the LIR of LCC [REP1-053], it is noted that the 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.	**Lincolnshire County Council's Response:** 1. The King Charles III England Coast Path (KCIIIECP) 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 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 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 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. 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. 7. 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."* 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?)	Please see 20.6 The Applicant's Response to Action Points 2, 7, 9 of ISH3 and Correction to LV 1.4 Response and Clarification Note King Charles III England coast path (document number 20.14).

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
			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 9. 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? 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. 11. Page 11: Defined diversion zone: this needs to be within the final PAMP 12. Page 16: 8 weeks advance notice is written for any temporary closures. This should be fine. 13. Page 16: The option for having a diversion in place but only implementing when necessary is welcome 14. Comments on specific diversions: a. Figure 2.6: the Council is unsure why Hogs/48/1 needs to be diverted? 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. e. 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.	

1.24 Water Environment

Table 1.23: Water Environment

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
Water Environment				
Q1 WE 1.3	The Applicant Witham Fourth District Internal Drainage Board Lindsey Marsh Drainage Board Black Sluice Internal Drainage Board South Holland Internal Drainage Board Welland and Deepings Internal Drainage Board	**Side Agreement with the Internal Drainage Boards (IDBs)** The Applicant's planning obligations and side agreements tracker [REP1-023] indicates that side agreements have been drafted with the following listed Internal Drainage Boards and are currently under discussion. ▪ Witham Fourth District Internal Drainage Board ▪ Lindsey Marsh Drainage Board ▪ Black Sluice Internal Drainage Board ▪ South Holland Internal Drainage Board ▪ Welland and Deepings Internal Drainage Board Please provide an estimated timeline for when these draft side agreements will be available for consideration by the ExA?	**Witham Fourth District IDB's Response:** Witham Fourth District IDB have no objection for the side agreement being released by the applicant to the ExA when it is ready. The said side agreement is currently being reviewed by the Board's solicitors. We cannot give an exact timeline as any comments made by the solicitors following the review will be sent to the Applicant prior to any formal signing **South Holland IDB's Response:** South Holland IDB is not able to provide an estimated timeline on when the Planning Performance Agreement ("side agreement with Internal Drainage Boards") will be available for the Examining Authority to consider, because this is dependent on receiving legal advice for which the Boards have been waiting for several months. The Boards have not had an indication of when this advice will be provided. South Holland IDB's view is that if the side agreement is not completed within the Examination timeline, the Board will revert to the consents approval process set out in the Protective Provisions for Drainage Authorities in the draft Development Consent Order.	These comments have been noted by the Applicant. The Applicant is continuing to engage with the IDBs to agree the side agreement and protective provisions. The Applicant's position is that planning performance agreement (PPA) as drafted, but not signed, includes a Non-Disclosure Agreement and relates to the remuneration of the IDBs and the streamlining of the system for the pre-construction approval of technical details. The Applicant believes that it is not necessary to submit this document, as it relates to post-consent arrangements. Draft protective provisions will be submitted into examination at Deadline 4
Q1 WE 1.4	Witham Fourth District Internal Drainage Board Lindsey Marsh Drainage Board Black Sluice Internal Drainage Board South Holland Internal Drainage Board Welland and Deepings Internal Drainage Board	**Change Request about pipeline crossings** With reference to the Applicant's Additional Submission [AS-025] and the ExA's advice related to these possible changes in its Rule 8 letter [PD-011], the Applicant advised the ExA of further changes that it had not yet submitted to the ExA. These were described by the Applicant as follows: ▪ Changes to documents to account for additional utilities crossings; and ▪ Changes to documents to account for additional drain crossings. The ExA has made a Procedural Decision [PD-012] that these changes do not need to be submitted as part of a formal change request.	**South Holland IDB's response:** South Holland IDB understands that the changes referred to relate to consideration of IDB assets and interests at construction access routes along the River Welland. The south bank of the River Welland is within the South Holland IDB internal drainage district. The applicant consulted South Holland IDB on a document titled "Access arrangements alongside the River Welland" in October 2024. South Holland IDB is content that the Applicant has identified South Holland IDB interests and assets along this construction access route, and has identified appropriate mitigation (where required) to minimise impacts.	These comments have been noted by the Applicant.

Question ID	Question addressed to	Question	Response at Deadline 2	Comments on Deadline 2 Responses
		Please respond with any concerns you may have regarding the changes and provide recommendations to address them.		
Q1 WE 1.5	Lincolnshire County Council (LCC) The Environment Agency Anthony Kindred Lisa Kindred	**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 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. With reference to the RR, as well as the Applicant's response to Relevant Representations in RR084.004 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.	**The Environment Agency Response:** Although the Environment Agency is not yet able to confirm that the Flood Risk Assessment is wholly compliant with national planning policy requirements, it has received sufficient information to be assured that, subject to the mitigation measures in the Outline Code of Construction Practice and associated documents, the works around Fosdyke Bridge should not increase the risk of flooding in that area. **Lincolnshire County Council's Response:** The Council find the applicant's response satisfactory and have no further comments to add on this point.	These comments have been noted by the Applicant. The Applicant is continuing to engage with the Environment Agency in respect of the Flood Risk Assessment.