

Triton Knoll Electrical System - Examining Authority's Second Written Questions

The following table sets out the Examining Authority (ExA)'s written questions and requests in relation to the Triton Knoll Electrical System (TKES).

Responses are required by Tuesday 5 January 2016.

Please note that if this deadline is missed the ExA is not obliged to take account of your response.

Each question has a unique number in Column 1, which is largely based upon the ExA's initial assessment of principal issues contained in Annex C of the Notice of Preliminary Meeting and availability of Relevant Representations letter (Rule 6) issued on 30 July 2015.

Please use the number reference system when responding to a question. Column 2 identifies the organisation(s) or individual(s) from which answers are sought. Column 3 sets out the question, often with a contextual introduction.

The ExA would be grateful if all named bodies would answer questions directed at them, providing either a substantive response or explaining why the question is not relevant to them. The expectation is that each organisation will provide an answer to each question asked of it, but joint answers are acceptable if the relevant issue is addressed. If the answer to a question is set out in, for example, a Statement of Common Ground (SoCG) then a cross reference to where the issue is addressed is acceptable.

In some areas there may be a degree of overlap between the answers to questions and it is acceptable to provide a single answer which responds to multiple questions or answer questions individually and provide cross references between multiple answers where appropriate. If you do so, please use all number references and ensure all elements are addressed.

The list of organisations to which an individual question is addressed is not exclusive. You may put relevant evidence to the ExA in response to any question asked of any party.

The reference numbers in square brackets [xxx-xxx] refer to the Examination Library: Updated - 7/12/2015 (<http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020019/0.%20Project%20Management/Examination%20Library.pdf>). The ExA would be grateful if respondees to these questions could adopt the same referencing system when referring to other documents.

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Question Number	Topic Heading/ Respondent	Question
DCO	Draft Development Consent Order and Marine Licence	
	Statements of Common Ground	
DCO 2.1	<i>Statements of Common Ground</i> The Applicant	<p>Provide a further update on progress on Statements of Common Ground (SoCGs) indicating which SoCGs are in their final version and setting out any possible impediments to reaching an agreed final SoCG by the final Deadline for receipt of SoCGs at Deadline 7 on 24 February 2016.</p> <p>Where possible impediments are identified, set out the issues involved and the nature of any potential disagreements.</p> <p>The ExA encourages the Applicant and those parties engaged in working on SoCGs to seek to reach agreement as long before the end of the Examination as possible.</p>
	General	
DCO 2.2	<i>Numbering in the draft DCO</i> All Parties to Note	<p>The Examining Authority (ExA) has based the references to the draft DCO in these questions on the <i>Revised draft Development Consent Order Revision D</i> [REP3-043].</p> <p>The ExA notes, however, that the numbering of paragraphs in <i>Comparison document draft DCO against revision C</i> [REP3-044] is not necessarily the same as in the <i>Revised draft Development Consent Order Revision D</i> [REP3-043] and in the <i>DCO Schedule of Amendments Explanatory document</i> [REP3-047].</p> <p>The Applicant is requested to ensure that in future versions of the draft DCO and associated documentation, the numbering is consistent across all documents.</p>

	Change Requests	
DCO 2.3	<i>Change Requests</i> All Parties	In a letter issued under the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) on 11 December 2015, the ExA issued a Procedural Decision to accept a request from the Applicant to make some changes to the Application documents. The details of these changes are set out in the ExA's letter which can be found at http://infrastructure.planninginspectorate.gov.uk/document/3567851 The ExA would welcome any comments from interested parties and affected persons on any matters that you feel that the ExA needs to have regard to as a result of these changes.
DCO 2.4	<i>Change Requests</i> The Applicant	Request 1: Bicker Fen Extension and Reconfiguration Either indicate where in the documentation submitted to support the change request a plan showing consequential amendment to the Land Plans [APP-124] is to be found or Provide this plan. Request 2: Order Limits Reduction Request Either indicate where in the documentation submitted to support the change request a plan showing consequential amendment to a) the Order Limits Plans [APP-122] and b) ES Volume 1 Annex 1.1 Comparison of Order Limits and Development Boundary plans [APP-024] are to be found or Provide these plans.
	Articles	
DCO 2.5	<i>Article 2 – the definition of 'Commence'</i> The Applicant	You have proposed the deletion of "exit for HDD and related works", "demolition work" and "remedial work in respect of any contamination or other adverse ground condition" from the definition of 'commence'. The <i>Written Summary of the Applicant's Oral Case put at DCO Issue Specific Hearing on the 12 November 2015</i> [REP3-037] states that you are considering the drafting of this

		<p>definition in the context of the plans and schemes secured by the Requirements and are discussing with the relevant consultees appropriate wording that would allow necessary surveys that will inform the discharge of those requirements to be undertaken with the appropriate controls in place.</p> <p>Provide a revised draft of this definition at Deadline 4 with a justification for a) the retention and b) the proposed deletion of any of the activities excluded by virtue of this definition.</p>
DCO 2.6	<p><i>Article 2 – the definition of ‘Commence’</i> The Applicant</p>	<p>The <i>DCO Schedule of Amendments Explanatory document</i> [REP3-047] states that you accept that the removal of hedgerows should only take place in accordance with the mitigation measures set out in the Outline Landscape and Ecological Management Plan and the Outline Construction Method Statement.</p> <p>An outline construction method statement is not defined in Article 2 nor is it included in Article 36 for certification.</p> <ul style="list-style-type: none"> i) Show how the outline construction method statement relates to the outline code of construction practice (onshore); ii) Provide a definition of the outline construction method statement for inclusion in Article 2 or justify its exclusion from the definitions; iii) Provide an amendment to Article 36 to include the outline construction method statement or justify its exclusion from that Article. <p>You may respond to this question in conjunction with question DCO 2.20, below</p>
DCO 2.7	<p><i>Article 2 – the definition of ‘Commence’</i> The Applicant</p>	<p>The <i>DCO Schedule of Amendments Explanatory document</i> [REP3-047] states that you accept that the removal of hedgerows should only take place in accordance with the mitigation measures set out in the Outline Landscape and Ecological Management Plan and the Outline Construction Method Statement and that you are discussing this with Natural England.</p> <p>Provide an agreed statement on the outcome of, or if strictly necessary the progress with, these discussions, setting out how this intent is to be secured in the draft DCO.</p>

DCO 2.8	<p><i>Article 2 – the definition of 'Commence'</i></p> <p>The Marine Management Organisation (MMO)</p>	<p>The Applicant has proposed removing the phrase “exit for HDD and related works” {ExA Note: this is stated to be “including exit for HDD” in the <i>DCO Schedule of Amendments Explanatory document</i> [REP3-047]} from the definition of “commence”.</p> <p>Indicate your acceptance or otherwise of this proposed amendment.</p> <p>You may respond to this question in conjunction with question DCO 2.30, below.</p>
DCO 2.9	<p><i>Article 2 – the definition of 'limits of deviation'</i></p> <p>The Applicant</p>	<p>You have inserted the definition “limits of deviation means the Order limits as shown on the Order limits plans” into the revised draft DCO [REP3-044].</p> <p>Set out the value of using the phrase “limits of deviation” in Article 3 and in Schedule 8, Part 1 instead of the phrase “Order limits”.</p>
DCO 2.10	<p><i>Article 2 – the definition of 'unlicenced'</i></p> <p>The Applicant</p>	<p>It was suggested at the Issue Specific Hearing into the draft DCO that the definition of ‘unlicenced’ could be clarified, perhaps drawing upon the definitions contained in section 3 of the Bicker Fen Extension and Reconfiguration Note [APP-136].</p> <p>Provide an amended definition of ‘unlicenced’ or justify the retention of the existing definition in the draft DCO.</p>
DCO 2.11	<p><i>Article 5 – Transfer of benefit of Order</i></p> <p>The Applicant</p>	<p>You have proposed an amendment to Article 5 to insert a new paragraph thus:</p> <p><i>(5) Despite anything contained in Part 4 of the 2009 Act (marine licensing), but subject to paragraph (4), the undertaker may transfer or grant relevant provisions to another person under paragraph (1) (and sections 72(7) and (8) shall not apply to such a transfer or grant).</i></p> <p>Explain and justify the reference to paragraph (4) in this amendment and the reference to paragraph (4) in 5.(1).</p>
DCO 2.12	<p><i>Article 5 – Transfer of benefit of Order</i></p> <p>The MMO</p>	<p>The Applicant has included additional wording as article 5(5) to disapply section 72 of the Marine and Coastal Access Act 2009 (see previous question).</p> <p>Indicate your acceptance or otherwise of this proposed amendment.</p>

DCO 2.13	<p><i>Article 6 – Application and modification of legislative provisions</i></p> <p>The Applicant</p>	<p>The <i>Written Summary of the Applicant’s Oral Case put at DCO Issue Specific Hearing on the 12 November 2015</i> [REP3-037] states that you have noted the need to secure agreement from the relevant bodies to the disapplication of legislation, as set out in the Additional Consents Document [APP-121] and that you are engaged in ‘ongoing’ discussions on this.</p> <p>Provide a statement on the outcome of, or if strictly necessary the progress with, these discussions.</p> <p>The ExA reminds the Applicant of the importance of obtaining these agreements.</p>
DCO 2.14	<p><i>Article 9 – Temporary stopping up of streets</i></p> <p>The Applicant East Lindsey DC Boston BC</p>	<p>The Applicant has inserted a sub-paragraph putatively setting a timescale for notification under this Article. The Applicant states [REP3-047] that it is in negotiation on the actual timescale.</p> <ul style="list-style-type: none"> i) The Applicant Justify the placing of this new sub-paragraph under 9(3) rather than under 9(4) ii) The Applicant East Lindsey DC and Boston BC Provide a progress report on negotiations in respect of this Article, stating where any disagreements exist.
DCO 2.15	<p><i>Part 3 – Streets</i></p> <p>Lincolnshire CC</p>	<p>The <i>DCO Schedule of Amendments Explanatory document</i> [REP3-047] states that no consultation is considered necessary with the County Council in relation to matters covered by articles 8 and 9 as these are detailed and secured within the draft DCO and the relevant schedules.</p> <p>Set out your agreement, or otherwise, with this statement.</p>
DCO 2.16	<p><i>Article 13 – Authority to survey and investigate the land</i></p> <p>The Applicant</p>	<p>Article 13 gives the undertaker the power “enter on any land ... which may be affected by the authorised project”.</p> <ul style="list-style-type: none"> i) Justify the inclusion of the phrase “any land which may be affected by the authorised project” rather than simply stating “any land shown within the Order limits”;

		ii) With reference to the letter from Cllr Davie of Lincolnshire County Council [REP3-024], explain why you consider that this paragraph does not allow entry on land outside the Order limits.
DCO 2.17	<i>Part 5: Powers of Acquisition</i> All Parties to Note	All parties should note that there are questions on Part 5 of the draft DCO in the ExA's questions on Compulsory Acquisition, below.
	Requirements	
DCO 2.18	<i>Requirement 5 – Detailed design onshore</i> The Applicant	Three proposed amendments have been made to this Requirement 5 in respect of permanent fencing and the height of external electrical equipment. The <i>DCO Schedule of Amendments Explanatory document</i> [REP3-047] does not justify these amendments. Justify these amendments. The Applicant may respond to this question jointly with its response to question LV 2.3, below.
DCO 2.19	<i>Requirement 14 - Code of construction practice (onshore) and construction environmental management plan</i> The Applicant	This Article is titled Code of construction practice (onshore) and construction environmental management plan The construction environmental management plan is not defined in Article 2, is not included in Article 36 for certification and is not referred to again either in this Article or in any other part of the draft DCO. Explain.

DCO 2.20	<p><i>Requirement 14 - Code of construction practice (onshore) and construction environmental management plan</i></p> <p>The Applicant</p>	<p>The <i>Written Summary of the Applicant's Oral Case put at DCO Issue Specific Hearing on the 12 November 2015</i> [REP3-037] states that the detail regarding the management of public rights of way during construction is included within the outline construction method statement (CMS).</p> <p>An outline construction method statement is not defined in Article 2 nor is it included in Article 36 for certification.</p> <ul style="list-style-type: none"> i) Show how the outline construction method statement relates to the outline code of construction practice (onshore); ii) Provide a definition of the outline construction method statement for inclusion in Article 2 or justify its exclusion from the definitions; iii) Provide an amendment to Article 36 to include the outline construction method statement or justify its exclusion from that Article. <p>You may respond to this question in conjunction with question DCO 2.6, above.</p>
DCO 2.21	<p><i>Requirement 14 - Code of construction practice (onshore) and construction environmental management plan</i></p> <p>Boston BC East Lindsey DC Lincolnshire CC</p>	<p>The Applicant proposes to include the phrase "including the management of public rights of way" into 14(2)(a).</p> <p>Set out your agreement, or otherwise, to this amendment.</p>
DCO 2.22	<p><i>Requirement 14 - Code of construction practice (onshore) and construction environmental management plan</i></p>	<p>Requirement 14(2) as drafted contains the phrase "main river crossings shall be undertaken using trenchless methods only". Requirement 14(4) states that for the purposes of paragraph (2) "main river" has the meaning given by the Water Resources Act 1991</p>

	The Applicant	<p>i) The phrase "main river" is also used in Article 12(5) but is not defined in Article 2. Provide a definition or justify why this should not be included.</p> <p>ii) Having regard to the importance of this statement, the ExA is minded to incorporate it into a separate additional Requirement. Please comment.</p>
	Other Schedules	
DCO 2.23	<p><i>Schedule 5 – Land in which only new rights etc. may be acquired</i></p> <p>The Applicant</p>	Justify the proposed removal of the word "Order" from the Restrictive Covenant contained in this Schedule.
DCO 2.24	<p><i>Schedule 5 – Land in which only new rights etc. may be acquired</i></p> <p>The Applicant</p>	<p>In a letter issued under the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) on 11 December 2015, the ExA issued a Procedural Decision to accept a request from the Applicant which has, <i>inter alia</i>, the effect of changing the draft DCO by dividing Plot 48/17 into Plots 48/17A and 48/17B.</p> <p>Schedule 5 includes the granting of rights in respect of Plot 48/17B to undertake the unlicensed works (including the right to install electrical equipment). Schedule 5 also includes a Restrictive Covenant applied to Plot 48/17B which prevents construction erection or works of any kind.</p> <p>Provide an explanation of how the rights for the unlicensed works and the Restrictive Covenant work together.</p>
DCO 2.25	<p><i>Schedule 5 – Land in which only new rights etc. may be acquired</i></p> <p>All Parties to Note</p>	All parties should note that there is a further question related to the Restrictive Covenant contained in the questions on Socio-Economic Impacts, below.

DCO 2.26	<p><i>Schedule 11 – Discharge of Requirements: paragraph 5(1)</i></p> <p>Boston BC East Lindsey DC</p>	<p>The <i>DCO Schedule of Amendments Explanatory document</i> [REP3-047] states that the Applicant confirms that the fee payable in accordance with paragraph 5(1) of Schedule 11 is per requirement discharged, not per request.</p> <p>Confirm or otherwise the acceptability of this interpretation.</p>
	<p><i>Additional Requirements</i></p>	
DCO 2.27	<p><i>means of controlling unexpected contamination</i></p> <p>The Applicant The Environment Agency</p>	<p>The <i>DCO Schedule of Amendments Explanatory document</i> [REP3-047] states that the Applicant and the Environment Agency remain in discussions regarding the appropriate means of controlling unexpected contamination within the draft DCO.</p> <p>Provide an agreed statement on the outcome of, or if strictly necessary the progress with, these discussions.</p>
	<p><i>Draft Marine Licence</i></p>	
DCO 2.28	<p><i>Schedule 9 - Condition 3(3)</i></p> <p>The Applicant The MMO The Marine and Coastguard Agency (MCA)</p>	<p>The <i>DCO Schedule of Amendments Explanatory document</i> [REP3-047] states that the Applicant has 'noted' the MMOs comments on this draft Condition.</p> <p>The <i>MMO's Response to the ExA's Deadline 3</i> [REP3-010] states, in connection with this Condition, that the MMO is content to leave this to the applicant and the MCA to determine and if no agreement is reached then the ExA/Secretary of State may need to make the conclusive decision.</p> <p>a) The Applicant Justify your decision not to take any further action on the MMO's comments</p>

		<p>b) The MMO</p> <p>Do you have a preferred wording for this Condition? If so, provide this.</p> <p>c) The Marine and Coastguard Agency</p> <p>The MCA has not made any submissions for Deadline 3. The Statement of Common Ground between the Applicant and the MCA [REP1-082] shows an agreement that Condition 3 will retain both 3(1) {ExA's Note: Condition 3 in REP3-044} and 3(3) {ExA's Note: Condition 3(2) in REP3-044} in the draft DML.</p> <p>Comment on the MMO's stated concerns related to this Condition.</p>
DCO 2.29	<p><i>Schedule 9 - Condition 5(13)</i></p> <p>The MMO</p> <p>The MCA</p> <p>Trinity House</p> <p>United Kingdom Hydrographic Office (UKHO)</p>	<p>The Applicant has added "Trinity House, MCA and UKHO" to the bodies to which reports must be made under this Condition.</p> <p>Indicate your acceptance, or otherwise, of this proposed amendment.</p>
DCO 2.30	<p><i>Schedule 9 - Condition 7</i></p> <p>The MMO</p>	<p>The Applicant has proposed that Condition 7 could be amended to state "The licensed activities or any part of those activities except for HDD works within works No 2 shall not commence....".</p> <p>Indicate your acceptance, or otherwise, of this proposed amendment.</p> <p>You may respond to this question in conjunction with question DCO 2.8, above.</p>
DCO 2.31	<p><i>Schedule 9 - Condition 8(1)</i></p> <p>The Applicant</p> <p>Historic England</p> <p>Lincolnshire CC</p>	<p>The Applicant has amended the wording of Condition 8(1) regarding timescales for provisions of reports to OASIS and notification to Lincolnshire County Council.</p> <p>Indicate your acceptance, or otherwise, of this proposed amendment.</p>

DCO 2.32	<p><i>Schedule 9 – former Condition 12</i></p> <p>The Applicant</p> <p>The MMO</p>	<p>The ExA notes the Applicant’s proposal to delete Condition 12 and the MMO’s statement [REP3-010] that it is content for this section to be removed as the topics detailed are covered within other legislation and are no longer necessary.</p>
DCO 2.33	<p><i>Schedule 9 – proposed new Condition 12</i></p> <p>The Applicant</p> <p>The MMO</p>	<p>Note: The <i>Comparison document draft DCO against revision C</i> [REP3-044] shows this as (new) Condition 12 whereas the <i>DCO Schedule of Amendments Explanatory document</i> [REP3-047] states that this is Condition 13.</p> <p>The <i>DCO Schedule of Amendments Explanatory document</i> states that The MMO have provided an alternative to the current drafting in relation to paragraph (b) of the condition.</p> <p>Provide an update on discussions on this proposed change of wording to this Condition and detail any areas of potential disagreement.</p>
DCO 2.34	<p><i>Schedule 9 – proposed new Condition 14</i></p> <p>The Environment Agency</p> <p>The MMO</p> <p>East Lindsey DC</p>	<p>The <i>DCO Schedule of Amendments Explanatory document</i> [REP3-047] states that the condition relating to bathing water quality has now been agreed by the MMO and is included as a new condition 14 of the dML.</p> <ul style="list-style-type: none"> i) To the MMO Signify that you have agreed the wording of this proposed new Condition; ii) To the EA Comment on whether the wording of this proposed new Condition satisfies your request for the inclusion of a requirement relating to the Bathing Water Directive; iii) To East Lindsey DC Comment on the acceptability and wording of this proposed new Condition

DCO 2.35	<i>Draft DCO drafting point</i> The Applicant	Should the definition and explanation of 'outline onshore written scheme of investigation' as set out in Paragraph 2 of Part 1 of the draft Development Consent Order Appendix 7 Revision D submitted for Deadline 3 dated 30 November 2015 [REP3-043] (herein referred to as the dDCO) read as follows? <i>"Outline onshore written scheme of investigation" means the document certified as the outline onshore written scheme of investigation by the Secretary of State for the purposes of this Order.</i>
DCO 2.36	<i>Draft DCO drafting point</i> The Applicant	Does the definition of 'HBMCE' as set out in Paragraph 1(1) of Schedule 9 of the dDCO [REP3-043] incorrectly reference 'Historic England' as 'Heritage England'?

AH	Archaeology and Heritage	
AH 2.1	<i>dDCO wording</i> The Applicant ELDC Boston BC	<p>For the project, the definition of 'commencement' as set out in Paragraph 2 of Part 1 of the dDCO [REP3 -043] specifically excludes archaeological investigations.</p> <p>i) Explain whether as drafted, the Written Scheme of Investigation, which is required under Requirement 12 of Schedule 1 of the dDCO, would not necessarily need to be agreed prior to any archaeological works taking place.</p> <p>ii) Update the dDCO to ensure that the archaeological investigations cannot be carried out until the Written Scheme of Investigation is agreed.</p>
AH 2.2	<i>Recording and Mitigation</i> The Applicant	<p>In question AH 1.4 [PD-009], the ExA required a statement from the Applicant as to whether the recording of heritage assets is an appropriate method of mitigation. In response, the Applicant says that EN-1 does not preclude mitigation in the form of recording.</p> <p>As quoted in that question, paragraph 5.8.19 of National Policy Statement (NPS) EN-1 states "<i>A documentary record of our past is not as valuable as retaining the heritage asset and therefore the ability to record evidence of the asset should not be a factor in deciding whether consent should be given</i>".</p> <p>Comment whether the above paragraph is explicit that recording is not an appropriate mitigation, and explain whether a revised assessment is necessary which does not take into account recording lost assets when determining the significance of residual effects.</p>
AH 2.3	<i>Sibsey Lancaster Memorial</i> The Applicant	<p>Explain how the measures recommended by the Applicant in response to question AH 1.14 [REP1-044], which relate to maintenance of access and management of discovery of associated crash remains at the Sibsey Lancaster Memorial site, would be secured in the dDCO.</p>

AH 2.4	<i>Sibsey Lancaster Memorial</i> The Applicant	<p>The Applicant states in the clarification note for the Sibsey Lancaster Memorial site, submitted at Deadline 1 [REP1-054], that the use of a gate-controlled crossing to maintain access would be used:</p> <ul style="list-style-type: none"> i) Explain how this would operate and what effect, if any, it would have in respect to access and maintenance of the site during the construction and operation of the cable route. ii) Indicate on a plan the existing access track that would be affected. iii) Explain how the site would be reinstated, whether interested parties would be consulted, and how this is secured in the dDCO.
AH 2.5	<i>Sibsey Lancaster Memorial</i> The Applicant	<p>The Applicant states in the clarification note for the Sibsey Lancaster Memorial site submitted at Deadline 1 [REP1-054], that minor temporary rerouting of the access track within the Order limits would be necessary to maintain access to the memorial site.</p> <ul style="list-style-type: none"> i) Define 'minor'? ii) Define 'temporary'? iii) Set out in a plan how the rerouting would be achieved within the Order limits. iv) Set out how the land used for temporary rerouting will be reinstated and how this will be secured in the dDCO.
AH 2.6	<i>Sibsey Lancaster Memorial</i> The Applicant	<p>The Applicant states in the clarification note for the Sibsey Lancaster Memorial site submitted at Deadline 1 [REP1-054] that the Sibsey Memorial Trust will be kept informed of construction activities.</p> <ul style="list-style-type: none"> i) Indicate how this would be achieved and what information would be provided. ii) Set out where in the dDCO this would be secured.
AH 2.7	<i>Sibsey Lancaster Memorial</i> The Applicant	<p>The post accompanied site visit notes from Mr Ian Grant [REP3-004] indicates the extent of possible evidence remaining from the crash, with evidence having been found beyond the distance from the memorial at which the proposed works will take place.</p> <p>Justify the non-inclusion in the draft DCO of an Article similar to that set out at Article 17 in The Infrastructure Planning (Model Provisions) (England and Wales) Order 2009.</p>

<p>AH 2.8</p>	<p><i>Draining Scoop Wheel and Channel</i></p> <p>East Lindsey DC</p> <p>Historic England</p> <p>Heritage Trust for Lincolnshire</p>	<p>Question AH 1.10 [PD-009] asked:</p> <p><i>Evidence the statement in paragraph 8.52 of Volume 3, Chapter 8 of the Environmental Statement [APP-049] that the Grade II listed Draining Scoop Wheel and Channel will not be impacted by the scheme given that Map 10 of Figure 1.1 of the Historical Environment Baseline [APP-085] shows this listed building to be immediately adjacent to a temporary construction compound.</i></p> <p>The Applicant's answer to AH 1.10 [REP1-004], confirmed in Paragraph 1.3.134 of ES Volume 5 Annex 8.1 (Ref 6.2.5.8.1) [APP-085] states that the location of the Grade II Listed Draining Scoop Wheel and Channel, which is identified as RSK ID 698 in Figure 1.1, Map 10 of ES Volume 5 Annex 8.1 [APP-085] is in fact incorrect. The heritage asset is in fact located at the point identified as RSK ID 699, slightly further to the north, and is separated from the Temporary Construction Compound (TCC) by a private residence. Thus, the Applicant concludes there would be no impact on the heritage asset.</p> <p>Confirm that the heritage asset is incorrectly plotted and the Applicant's assertion that there would be no impact to the heritage asset from the TCC.</p>
<p>AH 2.9</p>	<p><i>Draining Scoop Wheel and Channel</i></p> <p>The Applicant</p>	<p>You state in your answer to AH 1.10 [REP1-004] that the duplication should be removed from the submitted data.</p> <p>Explain how this will be achieved.</p>
<p>AH 2.10</p>	<p><i>Outline Onshore Historic Environment WSI</i></p> <p>Heritage Trust for Lincolnshire</p> <p>Lincolnshire County Council</p>	<p>Please provide a response in respect to the ExA's first question AH 1.7 [PD-009], in which we seek your views as to whether an outline onshore historic environment Written Statement of Investigation has been reviewed and agreed by you.</p>

<p>AH 2.11</p>	<p><i>Offshore</i> The Applicant</p>	<p>Question AH 1.19 [PD-009] asked: <i>Paragraph 11.123 of APP-038 states that many of the likely effects on the character of the historic seascape would be time limited and many would be reversible following decommissioning. Explain more fully in what ways may the impact of the construction of an under-sea cable be reversible.</i></p> <p>The Applicant’s response [REP1-004] says that these matters will be covered when decommissioning is explored. The ExA considers the question has not been satisfactorily answered.</p> <p>Provide a revised explanation, or confirm that the time limited and reversibility statement is erroneous, and cannot be known fully until details of the decommissioning are investigated.</p>
<p>AH 2.12</p>	<p><i>Offshore SoCG</i> The Applicant Marine Management Organisation</p>	<p>Confirm and update, as referred to on Page 16 of Appendix 13: Statements of Common Ground Summary and Index submitted at Deadline 3 30 November 2015 [REP3-049] that a Statement of Common Ground (SoCG) with the Marine Management Organisation will be submitted no later than Deadline 4 and will agree the effects if any on the offshore historic environment and the mitigation measures required to avoid and reduce these effects.</p>

CA	Compulsory Acquisition	
CA 2.1	All Parties to Note	<p>The ExA has structured the questions below in relation to particular tests for the inclusion of provision authorising the compulsory acquisition of land in an order granting development consent. These tests are drawn from Statute – the Planning Act 2008 (PA2008) and from Department for Communities and Local Government <i>Guidance related to procedures for the compulsory acquisition of land</i> published in September 2013 (DCLG Guidance).</p> <p>The ExA considers that it may be helpful to set out that statute or guidance where relevant to this Application and to specific questions, below.</p>
CA 2.2	<p><i>acquiring land by negotiation</i></p> <p>The Applicant</p>	<p>DCLG Guidance states that: <i>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. Where proposals would entail the compulsory acquisition of many separate plots of land (such as for long, linear schemes) it may not always be practicable to acquire by agreement each plot of land. Where this is the case it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset.</i></p> <p>The <i>Updated schedule of compulsory acquisition</i> (dated 30 November 2015) [REP3-048] shows that agreement has been reached (Column 13) with one landowner. This demonstrates no progress since the first Schedule of compulsory acquisition, submitted for Deadline 1 on 5 November 2015 [REP1-049].</p> <p>i) The <i>Written Summary of The Applicant’s Oral Case put at Compulsory Acquisition Hearing on 13 November 2015</i> [REP3-038] states that Applicant advised that since Deadline 2, a total of 3 interests had agreed terms with the Applicant. Explain this apparent contradiction with the <i>Updated schedule of compulsory acquisition</i>.</p>

		<p>ii) Having regard to the DCLG Guidance above, address the claim made in <i>Written Summary of Oral Submissions Made on Behalf of the National Farmers Union and the Lincolnshire Association of Agricultural Valuers at the Compulsory Acquisition Hearing on 13 November 2015</i> [REP3-027] that there had been very little actual negotiation in respect of the acquisition of rights over land.</p> <p>iii) Detail what actions have been taken since the date of the last Schedule of compulsory acquisition submitted for Deadline 2 on 27 October 2015 [REP2-019] including detailing any meetings held with landowners or their representatives;</p> <p>iv) Adumbrate your statement in your <i>Written Summary of The Applicant's Oral Case put at Compulsory Acquisition Hearing on 13 November 2015</i> [REP3-038] that you did decline the offer of a collective meeting with agents, as in your experience large group meetings have a tendency to become unruly.</p>
CA 2.3	<p><i>acquiring land by negotiation</i></p> <p>the National Farmers Union and the Lincolnshire Association of Agricultural Valuers</p>	<p>In a number of places in your <i>Written Summary of Oral Submissions Made on Behalf of the National Farmers Union and the Lincolnshire Association of Agricultural Valuers at the Compulsory Acquisition Hearing on 13 November 2015</i> [REP3-027] you state that Agents felt unable to recommend the Heads of Terms to their clients.</p> <p>Explain why this is so.</p>
CA 2.4	<p><i>alternative dispute resolution techniques</i></p> <p>The Applicant</p>	<p>DCLG Guidance states that: <i>In the interests of speed and fostering good will, applicants are urged to consider offering full access to alternative dispute resolution techniques for those with concerns about the compulsory acquisition of their land. These should involve a suitably qualified independent third party and should be available throughout the whole of the compulsory acquisition process, from the planning and preparation stage to agreeing the compensation payable for the acquired properties.</i></p>

		<p>Evidence how this guidance has been followed in the compulsory acquisition process for the proposed for the proposed Triton Knoll Electrical System.</p> <p>In setting out the evidence for this approach, address more fully the claim made by Mr James O’Brien of Brown & Co [REP3-027] that you had made it plain that you were not required to engage in mediation and that it had no intention of doing so taking into account your statement in your <i>Written Summary of The Applicant’s Oral Case put at Compulsory Acquisition Hearing on 13 November 2015</i> [REP3-038] that you would like to clarify that you have not ruled out mediation.</p>
CA 2.5	<p><i>alternatives to compulsory acquisition</i></p> <p>The Applicant</p>	<p>DCLG Guidance states that: <i>The applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored.</i></p> <p>The request for the powers of compulsory acquisition are based on an approach which seeks a permanent easement combined with a Restrictive Covenant. The <i>Written Summary of Oral Submissions Made on Behalf of the National Farmers Union and the Lincolnshire Association of Agricultural Valuers at the Compulsory Acquisition Hearing on 13 November 2015</i> [REP3-027] states that a number of the agents giving evidence, including Mr Johnston, Mr O’Brien, stated that a main concern of their clients was the request for a permanent easement rather than a lease.</p> <p>The ExA have noted your statement in in your <i>Written Summary of The Applicant’s Oral Case put at Compulsory Acquisition Hearing on 13 November 2015</i> [REP3-038] that Given landowners’ strong preference for a lease rather than a permanent easement, you undertook to review whether time-limited rights by way of a lease would deliver the necessary rights for the construction, operation, protection, maintenance and decommissioning of the proposed development and that this issue remains under consideration and the Applicant will report on progress at deadline 4.</p>

		<p>i) What other approaches other than a permanent easement combined with a Restrictive Covenant are being considered by you?</p> <p>ii) Set out the rationale for the rejection of each of the alternative approaches considered.</p>
CA 2.6	<p><i>alternatives to compulsory acquisition</i></p> <p>The National Farmers Union and the Lincolnshire Association of Agricultural Valuers</p>	<p>In your <i>Written Summary of Oral Submissions Made on Behalf of the National Farmers Union and the Lincolnshire Association of Agricultural Valuers at the Compulsory Acquisition Hearing on 13 November 2015</i> [REP3-027] you state that the compulsory acquisition of land or rights over land is a draconian measure which should only be sanctioned as a measure of last resort.</p> <p>Show where in statute or guidance the test of 'last resort' is required or suggested.</p>
CA 2.7	<p><i>the need for the land proposed to be subject to compulsory acquisition</i></p> <p>The Applicant</p>	<p>s122 of PA2008 states that:</p> <p><i>(1) An order granting development consent may include provision authorising the compulsory acquisition of land only if the decision-maker is satisfied that the conditions in subsections (2) [is] met. .</i></p> <p><i>(2) The condition is that the land— .</i></p> <p><i>(a) is required for the development to which the development consent relates, .</i></p> <p><i>(b) is required to facilitate or is incidental to that development</i></p> <p>DCLG Guidance states that: <i>the Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.</i></p> <p>The <i>Compulsory acquisition clarification paper</i> [REP3-053] states that you propose to use temporary possession powers for construction purposes and to only exercise compulsory purchase powers when the scope of the Easement Width is known.</p>

		<p>At present the DCO authorises the CA of rights over all of the land identified. It also authorises the temporary possession of this land. This will permit the undertaker to use temporary powers and then only to CA what it actually needs.</p> <p>However it does not prevent the undertaker exercising their power to CA rights over all of the land.</p> <p>Comment.</p>
CA 2.8	<p><i>the need for the land proposed to be subject to compulsory acquisition</i></p> <p>The Applicant to note</p>	<p>You were asked during the Compulsory Acquisition Hearing held on 13 November 2015 whether the Order limits in the vicinity of Work No 50A were drawn to reflect a sub-station using air insulated switchgear or using gas insulated switchgear. You committed to seeking advice on this.</p> <p>The ExA have noted your response in paragraphs 1.86 to 1.88 in your <i>Written Summary of The Applicant's Oral Case put at Compulsory Acquisition Hearing on 13 November 2015</i> [REP3-038] and reserve the right to examine this further at the Compulsory Acquisition Hearing to be held on 20 January 2015.</p>
CA 2.9	<p><i>compelling case in the public interest</i></p> <p>The Applicant to note</p>	<p><i>(1)An order granting development consent may include provision authorising the compulsory acquisition of land only if the decision-maker is satisfied that the conditions in subsections (3) [is] met. .</i></p> <p><i>(3)The condition is that there is a compelling case in the public interest for the land to be acquired compulsorily</i></p> <p>DCLG Guidance states that: ... <i>the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss.</i></p>

		The ExA have noted your response in paragraphs 1.74 to 1.78 in your <i>Written Summary of The Applicant's Oral Case put at Compulsory Acquisition Hearing on 13 November 2015</i> [REP3-038] and reserve the right to examine this further at the Compulsory Acquisition Hearing to be held on 20 January 2015.
CA 2.10	<i>Human Rights</i> The Applicant	<p>DCLG Guidance states that: <i>the Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights.</i></p> <p>Article 1 of the First Protocol to the European Convention on Human Rights has been incorporated into of Schedule 1 of the 2008 Human Rights Act and states that: <i>Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.</i></p> <p><i>The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest ...</i></p> <p>Justify the restrictions sought and the framing of these for each of the provisions of the Restrictive Covenant as set out in Schedule 5 of the draft DCO in relation to the entitlement to the peaceful enjoyment of possessions.</p>
CA 2.11	<i>Impediments</i> The Applicant	DCLG Guidance states that: <i>applicants will need to be able to demonstrate that any potential risks or impediments to implementation of the scheme have been properly managed.</i>

		<p>In respect of the proposed 'unlicensed' development at Bicker Fen sub-station, the ExA have issued a Procedural Decision to accept changes to the application. These changes potentially involve linking into the grid on a site that is currently scrubland and an access road.</p> <p>i) What certainty can you have that that you will have the ability that you can link into the grid at the time your project requires?</p> <p>ii) What certainty do you have that NGET will not require you to make one or more further changes to the location of your unlicensed works forcing you to seek further changes to your application – or to the DCO if it were to be approved?</p>
CA 2.12	<p><i>Impediments</i> The Applicant</p>	<p>DCLG Guidance states that: applicants will need to be able to demonstrate that they have taken account of any other physical and legal matters pertaining to the application, including the programming of any necessary infrastructure accommodation works and the need to obtain any operational and other consents which may apply to the type of development for which they seek development consent.</p> <p>The ExA see question DCO 2.13, above, as being relevant and important in this respect.</p>
CA 2.13	<p><i>Funding</i> The Applicant</p>	<p>Paragraph 3.3 of the Funding Statement [APP-013] states that it will not be necessary to obtain any third party funding in respect of the land assembly requirements of TKES.</p> <p>Can you confirm that you will not be seeking loans or other sources of funding for land assembly and compulsory acquisition?</p>
CA 2.14	<p><i>Funding</i> The Applicant</p>	<p>Paragraph 3.3 of the Funding Statement [APP-013] states that both groups have made allowances for the cost of funding the land assembly for TKES, as they would with any large infrastructure project they undertake, and ensure that the necessary funds will be available when they are due.</p> <p>What is the process within each Company for calling on these funds?</p>

CA 2.15	<i>Funding</i> The Applicant	<p>Paragraph 1.5 of the Funding Statement [APP-013] says that the acquisition of land and interests, along with the construction of the TKES will be ultimately funded by RWE AG (listed in Germany), via its subsidiary RWE Innogy GmbH and by Statkraft SF, via its subsidiary Statkraft AS.</p> <p>What is the proposed division of funding between these two companies?</p>
CA 2.16	<i>Funding</i> The Applicant	<p>Article 37 in the revised draft DCO [REP3-043] sets out the requirement for a guarantee or other form of security to be in place before Part 5 of the draft DCO can take effect.</p> <p>What forms of guarantee or security are you considering?</p>
CA 2.17	<i>Funding</i> The Applicant	<p>As funding will be undertaken by RWE AG (listed in Germany), via its subsidiary RWE Innogy GmbH and by Statkraft SF, via its subsidiary Statkraft AS, confirm or otherwise that any parent company guarantee will be legally valid in the jurisdictions of the countries in which the companies are listed.</p>
CA 2.18	<i>Funding</i> The Applicant	<p>The Funding Statement [REP3-043] did not contain any quantification of cost. In response [REP1-044] to the ExA's question CA 1.18 , you provided headline figures on the estimated cost of compulsory acquisition.</p> <p>i) One of the general assumptions behind your estimated figure of £20,075,000 was that no compensation claims will be substantiated for loss of value to residential property resulting from the works under s.10 of the Compulsory Purchase Act 1965.</p> <p>In which case, why are possible claimants under s.10 of the Compulsory Purchase Act 1965 listed in Part 2 of the Book of Reference [APP-130]?</p>

		<p>ii) Another of the general assumptions is that where there is proposed development on any land included within the Order Limits, the Applicant will work with the landowner and developer to ensure that there is no impact on the commercial development of the site;</p> <p>What effect may the imposition of a Restrictive Covenant have on this?</p> <p>iii) You state that the temporary working areas occupation will be compensated based on current worst case arable rental values.</p> <p>Why have worst case values been chosen in this respect?</p> <p>iv) You state that the duration of the contractor's occupation will be no longer than 3.5 years on the cable easement corridor, and crop loss has been taken into account to cover this time period. An estimate of the value of crop loss was put forward at the Compulsory Acquisition hearing held on 13 November 2015. What estimate have you made for crop loss?</p>
CA 2.19	<p><i>Special Category Land</i></p> <p>The Applicant</p>	<p>Your <i>Written Summary of The Applicant's Oral Case put at Compulsory Acquisition Hearing on 13 November 2015</i> [REP3-038] refers to the ExA's request that only final, agreed documents be submitted to the Examination. The ExA wishes to make it clear that this 'request' related simply to a desire by the ExA to know when a version of a SoCG was the final version and was not designed to be construed as giving any weight to a decision by the Applicant not to consider it appropriate to submit a draft joint statement between itself and Lincolnshire County Council on special category land.</p> <p>Whilst the ExA encourages you to make as much progress as possible on the joint statement in advance of Deadline 4, submit this joint statement at Deadline 4 whether or not it is in its final form indicating, if necessary, areas where disagreement persists and containing your assessment of the implications of the Act including drafting for any amendments required to the DCO.</p>

CA 2.20	<p><i>Special Category Land</i></p> <p>The Applicant Lincolnshire County Council</p>	<p>In its <i>Written Summary of The Applicant's Oral Case put at Compulsory Acquisition Hearing on 13 November 2015</i> [REP3-038], the Applicant states that that, although there will be temporary interference with the use of limited areas of open space during construction as a result of the exercise of the powers of temporary possession and the works to be undertaken, access to the remainder of the beach will still be available. Indeed, in the long-term the open space will remain unobstructed and available for the recreational uses to which it is currently put. The Applicant therefore considers that the recreational use of Plot 01/01 will be no less advantageous to LCC, nor to the general public, than it was before it was burdened with the rights as proposed in the Order.</p> <p>At the Compulsory Acquisition Hearing held on 13 November 2015 Lancashire CC did not consider that the order land, when burdened with the order right, will be no less advantageous than it was before (s.132(3) of PA2008).</p> <p>Given the statement from the Applicant referred to above, justify your position.</p>
CA 2.21	<p><i>Statutory Undertakers</i></p> <p>The Applicant Environment Agency Drainage Authorities Network Rail Infrastructure National Grid Gas plc National Grid Electricity plc</p>	<p>The draft DCO [REP3-043] contains the following draft Protective Provisions at Schedule 8:</p> <ul style="list-style-type: none"> • The Environment Agency • Drainage Authorities • Network Rail Infrastructure • National Grid Gas plc • National Grid Electricity plc • Anglian Water • Canal & River Trust • Electricity, gas and sewerage undertakers and • Operators of electronic communications code networks.

	Anglian Water Canal & River Trust	<p>According to the <i>Statements of Common Ground Summary and Index</i> [REP3-049], protective provisions remains an issue with Anglian Water Services, the Canal & River Trust and the Environment Agency.</p> <p>Provide a statement on Protective Provisions indicating the status of each in terms of the achievement of, or progress towards, final agreement and indicating whether it is intended that provisions will be agreed with any other body.</p>
CA 2.22	<p><i>Statutory Undertakers - s.127 and s.138</i></p> <p>The Applicant</p>	<p>Provide an update, jointly with affected Statutory Undertakers where possible, on the position on s.127 and s.138 showing where agreement has been reached and representations withdrawn.</p>
CA 2.23	<p><i>The draft DCO Article 13</i></p> <p>The Applicant</p>	<p>In the description of land column in the Book of Reference [APP-014] for plots 03/07, 05/34, 07/07, 11/14, 12/19, 12/23, 15/14, 33/08, 33/09, you specify Article 13 - power to survey but the actual plot of land is still described as "new rights in....".</p> <p>Suggest a form of words for these plots in the BoR to make it clear that it is only a power to survey / access which is sought over these plots or</p> <p>Justify the retention of the existing wording.</p>

EOf	Environmental Issues: Off-shore	
EOf 2.1	<i>Points of clarification</i> Natural England	<p>Could Natural England confirm whether it is satisfied with the Applicant's responses in respect to the following matters:</p> <ul style="list-style-type: none"> a) Appendix 9 to Deadline 2 [REP2-016] which states that matters relating to seabed preparation have been resolved (indicate if already responded to HRA 2.3); b) pre-lay ploughing techniques as raised in question EOf 1.5 [PD-009] c) mechanical trenching as raised in question EOf 1.6 [PD-009]; and d) sandwave crests as raised in question EOf 1.8 [PD009].
EOf 2.2	<i>Sediment transfer</i> The Applicant Natural England	<p>The <i>Statements of Common Ground Summary and Index</i> [REP3-049] states that discussions are ongoing with regards to outstanding matters, which now relate to a single issue on sediment transport and the potential need for monitoring to be agreed.</p> <ul style="list-style-type: none"> i) Detail the nature of this issue and whether agreement is likely to be reached on it ii) Provide a review of the paper currently being finalised by Natural England on this issue, ensuring that the Natural England paper and all relevant supporting documents are submitted into the Examination along with your review, by Deadline 4. iii) In particular, <ul style="list-style-type: none"> a) what monitoring is proposed? b) has this been agreed with Natural England? And c) will the DCO require updating to reflect any agreement reached?

EOn	Environmental Issues: On-shore	
EOn 2.1	<p><i>EMF</i></p> <p>The Applicant</p>	<p>In its written representation for Deadline 3 [REP3-029], Orby Parish Council expresses concern regarding the levels of EMF produced during the routine daily functioning of the cable route, stating that <i>"during a conversation with the applicant it was stated that they do not have the information with regards to the EMF's and that they have utilised the statement that the system will comply with exposure limits indicated by ICNIRP or they will not be able to operate."</i> The representation from Orby Parish Council also makes reference to the DECC Code of Practice on demonstrating compliance with EMF public exposure guidelines, making reference to the need for a calculation, that there is insufficient data and <i>"thus it cannot be proven that EMFs produced by the cable circuits either individually or cumulatively (6 trefoils @ 3.5m spacing) will be within safe limits."</i></p> <p>Your Health Impacts and Electro-magnetic Fields Clarification Note [REP1-053] makes reference to shielding of the cables and states that the potential magnetic flux density is likely to be about 100 microtesla at 1 metre above ground directly over the cable.</p> <p>Respond to these concerns, explaining how you have concluded that the levels of EMF produced are within safe limits and showing how you have complied with relevant ICNIRP and DECC guidance.</p>
EOn 2.2	<p><i>EDF Bicker Fen wind farm</i></p> <p>The Applicant</p>	<p>In its relevant representation [RR-099], EDF expressed concern that construction and operation of your project could impact on its current operations in respect of</p> <ul style="list-style-type: none"> i) cumulative noise impact ii) energy yield iii) piling iv) dust v) access to its turbines

		<p>vi) damage to existing access tracks, and vii) security</p> <p>The Statements of Common Ground Summary and Index [REP3-049] states that matters to be covered in the SoCG will be noise, impacts on the energy yield of the turbines and construction impacts on the operational wind farm. These issues were raised in EDF's relevant representation [RR-099].</p> <p>Explain your understanding of EDF concerns and how you have addressed them.</p>
EOn 2.3	<p><i>Pollution prevention</i> The Applicant</p>	<p>Your response to question EOn 1.16 [REP1-044] states that your revised Outline Pollution Prevention and Emergency Incident Response Plan (PPEIRP), submitted as Appendix 39 at Deadline 1 [REP1-060] includes a new statement:</p> <p>"Pollution response contractors, accredited by the UK Spill Association (UKSpill), shall be identified and named in the final PPEIRP, such that, in the event of a large scale spill incident, one of the named contractors may be contacted to assist with containment and clean-up." (ExA emphasis)</p> <p>i) How do you define a large scale spill incident? ii) For clarity, do you mean "will be contacted"? iii) If not, how will you deal with containment and clean-up following a large scale spill incident?</p>
EOn 2.4	<p><i>Lincolnshire Coastal Grazing Marshes</i> The Applicant</p>	<p>In paragraphs 1.26 to 1.29 of Appendix 3 to your Deadline 3 submission [REP3-039], you discuss biodiversity enhancements and in paragraph 1.28 you state that an update will be provided as soon as information becomes available.</p> <p>i) Where are these enhancements assessed in the Environmental Statement? ii) Where are these enhancements secured in the DCO? iii) Provide the necessary information, to include a) an update on what further external discussions you have had and with whom</p>

		<p>b) a more detailed description of the proposed biodiversity enhancements, with a plan indicating their locations</p> <p>c) details of any matters remaining and/or left unresolved</p> <p>iv) Will these biodiversity enhancements have any effects on other areas of the project?</p>
EOn 2.5	<p><i>Lincolnshire Coastal Grazing Marshes</i></p> <p>The Applicant</p> <p>Natural England</p> <p>The Lincolnshire Wildlife Trust</p>	<p>In their written representations for Deadline 3, both JE Spence & Son [REP3-011] and Roger Wardle [REP3-030] express concern in respect of the impact of your proposals on site E (site 6) and suggest either Horizontal Directional Drilling (HDD) or thrust boring under the site to reduce the impact. Roger Wardle also suggests a third option, namely avoiding works during the breeding season [REP3-030].</p> <p>i) <u>To the Applicant:</u> with reference to paragraphs 5.13 and 5.14 of your response to Deadline 3 [REP3-035],</p> <p>a) is this matter being discussed with these parties?</p> <p>b) are you willing to commit to any of these three options at this location?</p> <p>ii) <u>To the Applicant:</u> if you are willing to commit to one of these three options,</p> <p>a) have these methods been assessed in the Environmental Statement?</p> <p>b) how would this be secured in the DCO? and</p> <p>c) will the trenchless crossing plan which you are providing need updating?</p> <p>iii) If you are not willing to commit, explain why</p> <p>iv) <u>To Natural England and the Lincolnshire Wildlife Trust:</u> do you have a view on which method(s) should be used at this location?</p>

EOn 2.6	<p><i>Noise monitoring</i></p> <p>The Applicant Local Planning Authorities</p>	<p>In paragraph 1.5 of Appendix 20 to the Applicant’s Deadline 3 submission [REP3-056], the Applicant states a commitment to adding a new paragraph to the outline Noise and Vibration Management Plan (document reference 8.7.3) [APP-101], as follows:</p> <p><i>"Whilst no specific noise limits will be applied during construction, as the potential noise impacts of construction will be controlled by the mitigation measures outlined herein, it is recognised that in some circumstances the Local Authorities may find it beneficial to have a record of measured noise levels that occur during construction. Noise levels within construction areas will be monitored as part of the standard monitoring procedures that will be employed to ensure construction plant and equipment is operating within expected parameters, and these measurements will be forwarded on to the Local Authorities on request."</i></p> <p>i) Has this new paragraph been agreed with the local planning authorities?</p> <p>ii) If so, provide an updated outline Noise and Vibration Management Plan at Deadline 4</p> <p>iii) If not, explain why.</p>
EOn 2.7	<p><i>Crossing schedule</i></p> <p>The Applicant</p>	<p>At paragraph 4.8 of their joint submission for Deadline 3 [REP3-001], the Internal Drainage Boards point out an error in the crossing schedule [REP1-048] and state that it is unclear how the works numbers in the draft DCO Requirement 5(11) relate to the numbers as set out in the crossing schedule.</p> <p>Revise the crossing schedule to correct the error and to identify the work numbers for each crossing by Deadline 4.</p>
EOn 2.8	<p><i>Land drainage</i></p> <p>The Applicant</p>	<p>At paragraph 4.8 of their joint submission for Deadline 3 [REP3-001], the Internal Drainage Boards propose an amendment to paragraphs 5.8 and 5.9 of the outline Construction Method Statement (document reference 8.7.1) [APP-199] so that cables will be buried at a minimum of 2m plus a safe working distance of 900mm beneath all watercourses.</p>

		<ul style="list-style-type: none"> i) Have you discussed this proposal with the Internal Drainage Boards with a view to reaching agreement, or does your position remain as stated in paragraph 5.6 of your draft SoCG with the Internal Drainage Boards submitted at Deadline 2 [REP2-029], where you state that committing to a depth of 2m plus the 0.9m safe working depth is not justified? ii) If your view remains that committing to a depth of 2m plus the 0.9m safe working depth is not justified, explain why, detailing the technical difficulties, health and safety considerations and wider environmental impacts and why they increase significantly at a depth of 2m plus the 0.9m safe working depth. iii) If your view has changed from that stated in paragraph 5.6 of your draft SoCG, <ul style="list-style-type: none"> a) explain your current position and b) provide an updated Construction Method Statement at Deadline 4.
EOn 2.9	<p><i>Flood risk</i></p> <p>The Applicant</p> <p>The Environment Agency</p>	<p>In their written representations for Deadline 3, both Mr Bowler [REP3-006] and Bicker Parish Council [REP3-019] state that the Environment Agency has confirmed increased flood risk due to closure of pumping stations.</p> <ul style="list-style-type: none"> i) Is this correct? ii) If so, <ul style="list-style-type: none"> a) are you satisfied that the increased risk is acceptable? b) are you satisfied that the increased risk will be properly managed? c) how will this be achieved and d) show where the draft DCO provides adequate security that risks in this respect will be properly and effectively managed

EOn 2.10	<i>Enhancement at landfall site</i> The Applicant	Paragraph 1.77 of your Appendix 5 submitted at Deadline 3 [REP3-041] says that there will be enhancement at the landfall in the form of sowing of wildflower seed mix on the transition joint bays. <ul style="list-style-type: none"> i) Should this be included in the outline Landscape Strategy and Ecological Management Plan (LSEMP)? ii) Justify your response and update the LSEMP if necessary by Deadline 4.
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HRA	Habitats Regulations Assessment	
HRA 2.1	<i>Identification of European sites</i> The Applicant	With reference to question HRA 1.3: i) do you agree with Natural England’s response [REP1-033] that a likely significant effect (LSE) on reef features of the Inner Dowsing, Race Bank and North Ridge SCI cannot be ruled out for the project alone? ii) If not, explain why
HRA 2.2	<i>Mitigation plan</i> Natural England	In its response to question HRA 1.9 [REP1-044], the Applicant did not provide a draft plan of the Annex I mitigation scheme. Are you satisfied that the DCO is sufficiently flexible to enable the necessary mitigation to be adequately secured?
HRA 2.3	<i>Seabed preparation</i> Natural England	Further to your response to question HRA 1.11 [REP1-033], i) are you satisfied with the Applicant’s proposals in respect of seabed preparation contained in a) its response to question HRA 1.11; b) within the Statement of Common Ground (SoCG) with Natural England submitted as Appendix 18 at Deadline 2 [REP2-034]; and c) within the Clarification Note submitted by the Applicant at as Appendix 25 at Deadline 2 [REP2-025]? ii) if not, please explain and indicate what further information the Applicant needs to submit to address your outstanding concerns

LV	Landscape and Visual Effects	
LV 2.1	Draft DCO The Applicant	<ul style="list-style-type: none"> i) Requirement 5 (7)(a) of Schedule 1 of the draft DCO [REP3-043] in respect to the Intermediate Electrical Compound states that 'the highest part of any building shall not exceed 16.54 meters AOD. Clarify and list what would fall under the category of 'any building' at the Intermediate Electrical Compound. ii) Confirm, if not done so in a) above and as intimated in Requirement 5 (7)(b) of the dDCO that lightning rods would not fall under the definition of 'any building'.
LV 2.2	Draft DCO The Applicant	Requirements 5 (8)(a)(i), and 5 (8)(b)(i) of Schedule 1 of the dDCO [REP3-043] in respect of the Substation state that 'the highest part of any building shall not exceed 10 meters (for AIS) AOD and 16 meters (for GIS). Clarify and list what would fall under the category of 'any building' at the Substation.
LV 2.3	Draft DCO The Applicant	<ul style="list-style-type: none"> i) Clarify and list which buildings and equipment at the Intermediate Electrical Compound would be at the ground level of 1.94m AOD, and which would be at 3.54m AOD. Confirm that the external electrical equipment would be at the ground level of 3.54m AOD. ii) Clarify and list which buildings and equipment at the Substation would be at the ground level of 1.99m AOD, and which would be at 3m AOD. Confirm that the external electrical equipment would be at the ground level of 3m AOD.
LV 2.4	Draft DCO The Applicant	<p>The ExA noted at the Landscape and Visual Hearing, held on Wednesday 18 November 2015 [EV-026 and EV-027], that current draft DCO omitted reference to a restriction for a maximum height for the external electrical equipment at the Substation. The ExA notes its inclusion in Revision D at Requirements 5 (8)(a)(ii) and 5 (8)(b)(ii).</p> <p>However, assuming (in answer to LV 2.3) that the external electrical equipment would be sited on a raised 1.51m level (3m AOD), the GIS external electrical equipment should therefore be a maximum height of 13.5m AOD. Explain why Requirement 5 (8)(b)(ii) requires this height to be 15m AOD.</p>

LV 2.5	<i>Draft DCO</i> The Applicant	<p>APP-043 and APP-097 both state that the 4no. lightning rods would not exceed 18m in height. The ExA was informed at the Landscape and Visual Hearing, held on Wednesday 18 November 2015 [EV-026 and EV-027] that this would be sited on the 0.5m raised ground level. This would mean that the lightning rods would be 19.94m AOD at the Intermediate Electrical Compound, and 19.99m at the Substation.</p> <p>Explain why Requirements 5 (7)(c) and 5 (8)(c) sets the upper limit to be 21.54m AOD in the case of the Intermediate Electrical Compound, and 21m AOD in the case of the Substation.</p>
LV 2.6	<i>Draft DCO</i> The Applicant	<p>The ExA sought clarification at the Landscape and Visual Hearing, held on Wednesday 18 November 2015 [EV-026 and EV-027] that the 'Electrical Transmission Components' as referred to in APP-043 is the same as 'External Electrical Compound' as referred to in the Design Principles document [APP-097] and the dDCO. For the avoidance of doubt, should Article 2 of the dDCO include a definition which aligns the two definitions?</p>
LV 2.7	<i>Draft DCO</i> The Applicant Boston BC	<p>North Kesteven District Council has requested [REP3-028] that Requirement 15 of the dDCO submitted at Deadline 3 should specify the hours of illumination and the means of control. Comment on this request.</p>
LV 2.8	<i>Draft DCO</i> The Applicant East Lindsey DC Boston BC	<p>In respect of Requirements 6 (Provision of Landscaping), 7 (Implementation and Maintenance of Landscaping) and 13 (Ecological Management Plan) of Schedule 1 of the the dDCO, are the parties satisfied that the wording, which requires that each approved scheme 'accords with the outline ecological management plan' is sufficiently precise?</p> <p>Suggest alternative wording if not.</p>
LV 2.9	<i>AIS/GIS at the substation</i> The Applicant	<p>Having heard the ExA's comments in respect to the design of the Substation at the Landscape and Visual Hearing, held on Wednesday 18 November 2015 [EV-026 and EV-027], reflect and update whether the Applicant can confirm whether AIS or GIS technology would be used.</p> <p>If unable to do so, confirm or otherwise as covered at the Hearing, that a determinant for this approach is dependency on the manufacturer's stock availability.</p>

LV 2.10	<p><i>Construction of the cable route</i></p> <p>The Applicant</p>	<p>In question Eon 1.26 [PD-009], and at the Landscape and Visual Hearing, held on Wednesday 18 November 2015 [EV-026 and EV-027], the ExA requested a map of the cable route indicating the construction method for each part. After discussion, the applicant agreed that this map could be produced.</p> <ul style="list-style-type: none"> a) Provide this map. b) Indicate on this map where the working width would be reduced from 60m to 40m and 30m, and update the Works Plans if necessary. c) Clarify where in the draft DCO where it is set out that special construction practices would be adhered to for Site E as shown on Figure 5 of the Outline Construction Method Statement 8.7.1 [APP-199].
LV 2.11	<p><i>Construction of the cable route</i></p> <p>The Applicant</p>	<p>The Construction Sequencing, Cable Testing and Joint Bay Clarification Note [REP3-058] states that the Temporary Construction Compounds, topsoil strip across the working width of the construction corridor and haul road in any cable route section will remain in situ until completion of construction and testing for that entire portion of the cable route (for example, from Onshore Substation to IEC). The retention of the haul road for this period is necessary to retain access along the route to prepare the cable for test, install any monitoring equipment that may be required and carry out any remedial works identified during the testing process.</p> <ul style="list-style-type: none"> a) Explain the likelihood and possible nature of faults arising during testing. b) Explain why partial restoration of this land, with the haul road to remain in place, would not suffice.
LV 2.12	<p><i>Brown zone</i></p> <p>The Applicant East Lindsey DC</p>	<p>State whether the Intermediate Electrical Compound would be less visually intrusive if located at the Wainfleet Industrial Estate (the 'Brown Zone', referenced as 'Site Int_ZA' in ES Volume 1 Chapter 4 6.2.1.4 [APP-023]).</p>

LV 2.13	<p><i>Brown zone</i></p> <p>Applicant East Lindsey DC Lincolnshire CC</p>	<p>The applicant stated at the Landscape and Visual Hearing, held on Wednesday 18 November 2015 [EV-026 and EV-027] that other problems existed which prevented the Brown Zone site being considered for the location of the Intermediate Electrical Compound. One of those reasons cited were problems aligning the cable route through the site.</p> <ul style="list-style-type: none"> a) Could the Applicant explain why this site was therefore initially judged as its preferred site if it knew of such problems? b) Would the requested parties explain whether, in their view, the IEC could have been accommodated at the Brown Zone even accounting for the planned development including the construction of a new road.
LV 2.14	<p><i>Green zone</i></p> <p>The Applicant Boston BC</p>	<p>At the Landscape and Visual Hearing, held on Wednesday 18 November 2015 [EV-026 and EV-027], Boston Borough Council confirmed that its support for the proposed siting for the Substation (the 'Blue Zone' referenced as 'Site Sub_J' in ES Volume 1 Chapter 4 6.2.1.4 [APP-023]) principally stemmed from local views, and that because the Substation would be capable of being served by a permanent access road which could be taken directly from the A52.</p> <ul style="list-style-type: none"> a) Explain whether all the shortlisted sites were proposed with permanent access roads. b) Explain from where the Green Zone (Cow Bridge referenced as 'Site Sub_F' in ES Volume 1 Chapter 4 6.2.1.4 [APP-023]) permanent access road would have been taken. c) Explain whether a permanent access road from the A17 to the Green Zone site was sufficiently explored. d) If the Green Zone had a suitable access, would Boston BC have supported this location over the proposed site, having regard to its proximity to the existing NG substation?

LV 2.15	<p><i>Planting at construction phase</i></p> <p>The Applicant</p>	<p>At the Landscape and Visual Hearing, held on Wednesday 18 November 2015 [EV-026 and EV-027], you stated that planting mitigation at the landfall site, the Intermediate Electrical Compound, along the cable route and the Substation could commence at the construction stage rather than the completion stage as originally intended by you. This would exclude any enabling works.</p> <ul style="list-style-type: none"> a) Clarify whether this is still your position. b) State whether 'Year 1', as identified in the ES Volume 3 Chapter 2 (6.2.3.2 [APP-043]) would commence at this construction stage of the project. c) Show where the commencement of planting at the construction stage is secured through the draft DCO.
LV 2.16	<p><i>Management and maintenance of the planting</i></p> <p>The Applicant East Lindsey DC Boston BC</p>	<ul style="list-style-type: none"> a) Confirm when the 10-year period of management and maintenance of the planting, as specified in Requirement 7(2) of the dDCO [REP3-043] would commence (i.e at 'Year 1' commencement of construction) and whether this is secured in the draft DCO. b) Clarify whether the 10-year period of management and maintenance of planting, as specified in Requirement 7(2) of the draft DCO [REP3-043] would be sufficient to ensure the successful of establishment of the planting. c) State whether you consider that the draft DCO is sufficiently precise as to the responsibility of the management and maintenance within the 10-year period.
LV 2.17	<p><i>Planting on the cable route</i></p> <p>Applicant All parties</p>	<p>In responses to Deadline 3, Lincolnshire County Council [REP3-024] states that the Applicant's assertion that only shallow root systems can be planted over the cable route is not justified.</p> <p>Please respond stating your reasons for supporting or refuting this assertion.</p>

SE	Socio-economic issues	
SE 2.1	<p><i>Economic impact analysis</i></p> <p>The Applicant</p>	<p>In your response to question SE 1.13 [REP1-044], you cite the Regeneris study (Document 6.2.5.3.3) [APP-076] and state that it has drawn on the analysis of actual economic and employment impacts from the construction of the Gwynt Y Mor Offshore Wind Farm in North Wales.</p> <ul style="list-style-type: none"> i) Explain where the similarities are between the Gwynt Y Mor Offshore Wind Farm (GYMOWF) and your project; ii) Explain why the induced impacts generated by the additional spending from the employment created in the GYMOWF supply chain are considered to be relevant to construction of your project; iii) What account has been taken of the operation and decommissioning of your project? iv) Explain why you only considered one project and did not consider other more similar projects
SE 2.2	<p><i>Employment</i></p> <p>The Applicant</p>	<p>The draft DCO does not contain any requirements that seek to ensure that local people benefit from any opportunities for employment during the construction period.</p> <ul style="list-style-type: none"> i) Why not? ii) Is the Applicant in discussions with the Greater Lincolnshire Local Enterprise Partnership (LEP) about this matter? iii) Are you aware of what the LEP would want to see in a local employment requirement? iv) Would the Applicant consider inserting such a local employment requirement?

SE 2.3	<p><i>Tourism</i> The Applicant</p>	<p>In paragraphs 46 to 48 of its written representation submitted at Deadline 3 [REP3-024], Lincolnshire County Council expresses concerns in respect of the possible effects of the scheme on various types of tourism and provides figures to indicate tourism's place and future in the local economy.</p> <ul style="list-style-type: none"> i) Are you discussing these issues with Lincolnshire County Council? ii) Are you discussing these issues with the Greater Lincolnshire Local Enterprise Partnership (LEP)? iii) How are you seeking to mitigate the effects of the scheme on tourist destinations, including the Coastal Country Park and other nature/green tourist attractions being developed with a view to extending the season and increasing the value of the visitor economy? iv) Do you agree with the figures provided? v) If not, provide your figures
SE 2.4	<p><i>Tourism</i> The Applicant</p>	<p>Regarding your proposed closure of the footpath PRoW Hutt/10/4 at Anderby Creek:</p> <ul style="list-style-type: none"> i) detail when, for how long and at what times of year the footpath will be closed ii) explain why it is neither possible nor necessary to divert this footpath iii) is this matter being discussed with either Lincolnshire County Council or the Lincolnshire Wildlife Trust? iv) detail what impacts will this proposed closure have on tourism, and whether or not they are adequately assessed in the Environmental Statement, bearing in mind Lincolnshire County Council's stated aims (paragraphs 36, 43 and 47, and Appendices 1 and 2 of its written representation for Deadline 3 [REP3-024, REP3-025]) of: <ul style="list-style-type: none"> a) expanding tourist activities beyond the traditional bucket and spade holiday season; b) moving into green tourism; c) encouraging a healthy economy based on year-round tourism; d) developing the Coastal Country Park

SE 2.5	<p><i>Joint pits</i> The Applicant</p>	<p>In paragraph 1.26 of Appendix 22 to your Deadline 3 submission [REP3-058], you state that cable joint pits, approximately 10m by 2m, will be required every 600m to 1000m for each circuit, and will consist of a concrete plinth.</p> <ul style="list-style-type: none"> i) At what minimum depth below ground level will the top of this concrete plinth be? ii) At what minimum depth below ground, other than immediately below the link boxes, will the underground testing cables be? iii) Will this minimum depth be sufficient to allow standard farming activities such as mole ploughing and subsoiling to be carried out? iv) Where will this minimum depth be secured?
SE 2.6	<p><i>Jointing bays and link boxes</i> The Applicant</p>	<p>In paragraph 3.2 of the National Farmers' Union (NFU) and Lincolnshire Association of Agricultural Valuers (LAAV) written submissions submitted at Deadline 3 [REP3-027], it is recognised that it will be very difficult to locate jointing pits in field boundaries due to all the hard constraints, but that the NFU and LAAV would like to enter into negotiations as soon as possible on the location of all jointing bays and link boxes so that if the location is possible in a field boundary this can be achieved.</p> <ul style="list-style-type: none"> i) Have you started negotiations with any farmers or landowners in respect of the locations of any jointing bays and link boxes? ii) Provide an update.
SE 2.7	<p><i>Cable route</i> The Applicant</p>	<p>In his written representation for Deadline 3 [REP3-014], Mr JRM Mackinder on behalf of the Mackinders details an alternative cable route which he believes you should and could take.</p> <ul style="list-style-type: none"> i) Have you discussed this with Mr Mackinder? ii) Are you considering this alternative route? iii) If so, give an update of your position; and iv) If you are not considering this alternative route, explain why.

SE 2.8	<p><i>Cable route</i> The Applicant</p>	<p>In his written representation for Deadline 3 [REP3-033], Mr Hand of Hand Brothers provides further details of an alternative cable route which he believes you should and could take.</p> <ul style="list-style-type: none"> i) Have you discussed this with Mr Hand and with Mr Caudwell, the other affected landowner? ii) Are you considering this alternative route? iii) If so, give an update of your position; and iv) If you are not considering this alternative route, explain why.
SE 2.9	<p><i>Cable depth</i> The Applicant</p>	<p>At paragraph 4.2 of the NFU and LAAV written submissions submitted at Deadline 3 [REP3-027], it is recognised that the restriction of carrying out agricultural operations within 0.6m as stated in clause (c) of the Restrictive Covenant contained in Schedule 5 of the draft DCO [REP3-043] effectively prevents farmers from sub-soiling or mole ploughing, operations which need to be carried out on a regular basis. Further, there is the need to lay cables below the level of the active agricultural land drainage pipes (paragraph 1.41 of your Appendix 5 submitted at Deadline 3 [REP3-041] so as to minimise interference with existing field drains.</p> <ul style="list-style-type: none"> i) Have you obtained details of field drainage systems for each field which the cable route passes through? ii) What steps are you taking to ensure that cables are laid deep enough both to avoid existing field drainage systems and to allow farmers to carry out essential farming operations? iii) Would you be willing to commit to a depth of at least 0.5m below existing drains as requested by Mr Grant [REP3-004]? iv) Should there be a minimum depth for the entire onshore cable route? v) If there were a minimum depth specified, <ul style="list-style-type: none"> a) Where and how would it be secured in the draft DCO? b) could the 0.6m restriction then be relaxed to a higher figure? c) what would this higher figure be?

SE 2.10	<i>Restrictive Covenant</i> The Applicant	Given the discussions at the Socio-economic and the CA Hearings and the subsequent representations made at Deadline 3, are you redrafting the Restrictive Covenant? If so, provide a redraft or report on progress made towards a redraft
SE 2.11	<i>Cable depth</i> Cllr. Tony Cox for Anderby Parish Council	In your written representation for Deadline 3 [REP3-012] you state that " <i>Lines are close enough to the surface to be attacked ... and routes easily traced.</i> " i) In your view, how deep should the cables be buried to reduce the risk of such attack and trace to an acceptable level? ii) Please provide references to relevant guidance and evidence to support your view.
SE 2.12	<i>Agricultural Liaison Officer</i> The Applicant	In the outline Soil Management Plan [APP-103] you outline the role of the Agricultural Liaison Officer (ALO) in relation to soil sampling, crop regimes, field boundaries, existing drainage and existing access arrangements. i) Will the ALO be involved proactively in meeting landowners and farmers on a regular basis to understand their concerns? ii) What other planning, design, construction, operation and decommissioning issues do you consider the ALO will need to address? iii) Do you consider that one or more ALOs should be appointed now? iv) How many ALOs do you think will be needed and over what timeframe to ensure proper coverage of these issues? v) Provide further details of the roles and responsibilities of the ALO in dealing effectively and efficiently with these issues to the satisfaction of landowners and farmers over the lifetime of the project, either in the Soil Management Plan or another Management Plan, ensuring that these details are secured through the DCO by Deadline 4.

SE 2.13	<i>Soils aftercare</i> The Applicant	<p>Paragraph 1.61 of your Appendix 5 submitted at Deadline 3 [REP3-041] notes that the NFU requested that due aftercare is provided for the soils and suggested further sample surveys are carried out for a 10-year duration post construction. The NFU has said at paragraph 5.14 of its written submissions [REP3-027] that it would like to see the specific wording agreed with the NFU/LAAV and included in the Soil Management Plan and the Code of Construction Practice.</p> <p>Provide an update of the discussions you are having with the NFU, the LAAV and the CLA regarding this suggestion.</p>
SE 2.14	<i>Agricultural reinstatement</i> The Applicant	<p>In paragraph 2.5 of the NFU and LAAV summary of oral submissions submitted at Deadline 3 [REP3-027], Mr James O'Brien of Brown & Co explained that one of his clients' main concerns is the treatment of land drainage.</p> <ul style="list-style-type: none"> i) Have you met Mr O'Brien and/or his clients on their landholdings to discuss and understand their concerns? ii) What further information have you provided to Mr Bolton's clients to address their concerns to their satisfaction?
SE 2.15	<i>Agricultural reinstatement</i> The Applicant	<p>Explain with diagrams and plans how you would reinstate a field drainage system within the Order limits.</p>
SE 2.16	<i>Agricultural reinstatement</i> The Applicant	<p>In paragraph 5.11 of the NFU and LAAV written submissions submitted at Deadline 3 [REP3-027], the NFU/LAAV say that they would like to know how field drainage is going to be dealt with pre-, during and post-construction and that detailed wording is essential.</p> <ul style="list-style-type: none"> i) Is this detailed wording being discussed with the NFU, the LAAV and the CLA? ii) Will it be agreed in the SoCG? iii) Will it be included in the Code of Construction Practice (CoCP)? iv) Will the agricultural land drainage clarification note, submitted as Appendix 26 at Deadline 2 [REP2-026], be linked formally with or incorporated into the CoCP?

SE 2.17	<p><i>Agricultural reinstatement</i></p> <p>The Applicant</p>	<p>In paragraph 2.6 of the NFU and LAAV summary of oral submissions submitted at Deadline 3 [REP3-027], Mr Robert Hurst of Fisher German, representing a number of clients, says that one of their major concerns is that you do not properly understand the complexities of land drainage in this part of Lincolnshire, noting that his clients had had very little, if any, direct engagement from you on their farms.</p> <ul style="list-style-type: none"> i) Have you met Mr Hurst and/or his clients on their farms to discuss and understand their concerns? ii) What further information have you provided to Mr Hurst’s clients to address their concerns to their satisfaction?
SE 2.18	<p><i>Agricultural reinstatement</i></p> <p>The Applicant</p>	<p>In paragraph 2.7 of the NFU and LAAV summary of oral submissions submitted at Deadline 3 [REP3-027], Mr James Bolton says that all his clients have concerns about the reinstatement of their land, the treatment of land drainage and the presence and positioning of manhole covers in their fields.</p> <p>What further information have you provided to Mr Bolton’s clients to address these issues to their satisfaction so that progress can be made on Heads of Terms?</p>
SE 2.19	<p><i>Width of cable corridor</i></p> <p>The Applicant</p>	<p>In paragraph 1.19 of your Appendix 5 submitted at Deadline 3 [REP3-041], you state that for short distances where a hedgerow is crossed a narrowing of the cable corridor construction width can be achieved.</p> <ul style="list-style-type: none"> i) To what width can the cable corridor construction width be narrowed? ii) Over what distance is this possible? iii) Are there any specific locations where you are committed to a narrowing of the cable corridor construction width? iv) If so, update the works plans to reflect this by Deadline 4 v) Are there any other specific locations, such as field boundaries, where a narrowing of the cable corridor construction width is possible? vi) Have you discussed any such specific locations with landowners or farmers?

		<p>vii) If so,</p> <p>a) what is the outcome of such discussions? and</p> <p>b) where are these locations?</p>
SE 2.20	<p><i>Occupation of agricultural land</i></p> <p>The Applicant</p>	<p>In paragraph 2.7 of their written submission [REP3-027], the NFU and LAAV ask for clarification on the length of time that any one farm holding would be occupied for construction of the cable route.</p> <p>Confirm that the average continuous time period needed for construction of the cable route is three and a half years, ie 42 months, and that the maximum continuous time period needed for construction of the cable route is four and a half years, ie 54 months.</p>
SE 2.21	<p><i>Decommissioning</i></p> <p>The Applicant</p>	<p>In paragraph 3.3 of the NFU and LAAV written submissions submitted at Deadline 3 [REP3-027], it is stated that it is essential that link boxes are removed at the end of the scheme due to the disturbance and cost to an agricultural business. The NFU and LAAV are also concerned about what happens to the joint bays.</p> <p>What are your proposals for the decommissioning of the link boxes and the jointing bays and where are these proposals secured in the DCO?</p>

TT	Traffic and Transport	
TT 2.1	Access The Applicant	Explain with a plan how you propose to access the Temporary Construction Compound (TCC) for the Intermediate Electrical Compound (IEC) from the bellmouth at Marsh Lane.
TT 2.2	Access The Applicant	<p>In his written representation for Deadline 3 [REP3-014], Mr JRM Mackinder on behalf of the Mackinders details an alternative route for the haul road from the A158 to the IEC using the Ingoldmells Road to Marsh View Farm.</p> <ul style="list-style-type: none"> i) Have you discussed this alternative route with Mr Mackinder? ii) Are you considering this alternative route? iii) If so, give an update of your position; and iv) If not, explain why not
TT 2.3	<p><i>Access to the landfall site</i></p> <p>The Applicant The Local Highway Authority</p>	<p>The Applicant's response to question EOn 1.23 [REP1-044] states that "access to the site would be served from Roman Bank ... a temporary access will be constructed to provide access to the site for the duration of the construction programme. This will utilise an existing farm track from Roman Bank ..."</p> <ul style="list-style-type: none"> i) Is this also the public right of way PRow/Hutt/10/4 which will be temporarily closed? ii) Does the local highway authority consider that this is a suitable access? iii) Has the local highway authority agreed the proposed route in principle? iv) If not, have other options for access to the landfall site been considered and assessed in the ES?

TT 2.4	<p><i>Abnormal Indivisible Loads</i> The Applicant</p>	<ul style="list-style-type: none"> i) Are cable reels assessed as Abnormal Indivisible Loads (AIL) in the ES? ii) If so, where? iii) If not, where is there a commitment to the delivery of cable reels by means other than AIL in the DCO? iv) After any necessary temporary works to modify the highway, will all Temporary Construction Compounds be directly accessible in a safe manner to the satisfaction of the local highway authority off a suitable road, and by AIL if necessary? v) Your response to question TT 1.4 [REP1-044] says that the locations of temporary works to modify the highway are indicated on sheets 43 and 49-53 of the Access to Works and Street Plans [APP-007]. Where are these modifications described?
TT 2.5	<p><i>Vehicle occupancy</i> The Applicant</p>	<p>In Volume 3 Chapter 9 paragraphs 9.81, 9.112 and 9.114 of the Environmental Statement [APP-050] you say that vehicle occupancy of 3 per car/LGV has been assumed. Your answer to question TT 1.7 [REP1-044] mentions a minibus service with 10 seats per vehicle but does not explain how your figure of 3 per car/LGV is arrived at.</p> <ul style="list-style-type: none"> i) Justify your assumption of 3 per car/LGV ii) How will this vehicle occupancy be monitored and enforced? iii) How and where will such monitoring and enforcement be secured?
TT 2.6	<p><i>Vehicle routeing</i> The Applicant</p>	<ul style="list-style-type: none"> i) Will the proposed permanent access road for the proposed new substation also be used by you to undertake works at the existing National Grid substation nearby? ii) If so, do you see any potential benefit to the local community in encouraging the use of this proposed permanent access road by other parties during the lifetime of the proposed project? iii) Do you see any other potential for enhancement for the local community?

TT 2.7	<i>Vehicle routeing</i> North Kesteven District Council	<p>In your written representation [REP3-028], you consider that either Requirement 14 or Requirement 18 should include reference to construction traffic routeing and any prohibited routes, along with the means by which such restrictions may be enforced.</p> <p>Would it be better to specify information on the routeing of construction traffic, prohibited routes and enforcement of restrictions on construction traffic in the Traffic Management Plan instead?</p>
TT 2.8	<i>Vehicle routeing</i> The Applicant	<p>In your response at Deadline 3 (Part 1 action item 17) [REP3-035] you state that the additional wording proposed by Boston Borough Council regarding Requirement 18 (construction traffic) is under discussion.</p> <p>Provide an update and a draft of the agreed revised Requirement.</p>
TT 2.9	<i>Monitoring and enforcement</i> Lincolnshire CC Boston BC East Lindsey DC North Kesteven DC	<ul style="list-style-type: none"> i) Are you satisfied with the control measures proposed in the outline Traffic Management Plan [APP-110] in respect of monitoring and enforcement of restrictions on construction traffic movements? ii) If not, what measures do you think need to be included and why?
TT 2.10	<i>Tourist traffic</i> Lincolnshire CC Boston BC East Lindsey DC North Kesteven DC	<ul style="list-style-type: none"> i) Are you satisfied with the measures proposed in the outline Traffic Management Plan [APP-110] to mitigate effects of the project on tourist traffic? ii) If not, what measures do you think need to be included and why?

TT 2.11	<p><i>Highways</i> Lincolnshire CC</p>	<p>In paragraph 66 of your written representation submitted at Deadline 3 [REP3-024], you state that "<i>subject to some alterations to the Outline Access Management Plan, the Outline Onshore Code of Construction Practice and the Outline Traffic Management Plan, which are currently awaited, then the Council will be in a position to agree a Statement of Common Ground covering many highway issues. That position cannot be reported further at this stage.</i>"</p> <ul style="list-style-type: none"> i) Explain what these alterations are ii) Explain what outstanding highway issues there are outside these mitigation plans; and iii) Explain why you are unable to report to the Examining Authority further at this stage
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