



# Triton Knoll Offshore Wind Farm Limited Triton Knoll Electrical System

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**The Applicant's Response to  
Deadline 6**

**Date: 17 February 2016**

**Document Ref: 2505-TKC-CON-  
K-KX-0195**

Triton Knoll Offshore Wind Farm Limited

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Triton Knoll  
Offshore Wind Farm Limited  
4<sup>th</sup> Floor One Kingdom Street  
Paddington Central  
London  
W2 6BD

T: 0845 026 0562  
Email: [info@tritonknoll.co.uk](mailto:info@tritonknoll.co.uk)

[www.rweinnogy.com/tritonknoll](http://www.rweinnogy.com/tritonknoll)

Drafted By:	TKOWFL
Approved By:	Kim Gauld-Clark
Date of Approval:	17 February 2016
Revision:	1.0

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Offshore Wind Farm Limited  
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## TABLE OF CONTENTS

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<b>1. SUMMARY</b>	<b>7</b>
<b>2. Applicant’s comments on ExA’s consultation draft DCO</b>	<b>7</b>
<b>3. Applicant’s responses to the ExA’s third written questions</b>	<b>7</b>
<b>4. The Applicant’s comments on information received at Deadline 5</b>	<b>8</b>
<b>5. Additional information requested by the ExA</b>	<b>8</b>
Updated Schedule of Compulsory Acquisition	8
Statements of Common Ground	8
Protective Provisions	8
Other documents	9
<b>Part 1 The Applicant’s responses to the ExA’s third written questions</b>	<b>10</b>
<b>Part 2 The Applicant’s comments on information received at Deadline 5</b>	<b>82</b>
<b>1. Bicker Parish Council</b>	<b>82</b>
<b>2. Mr D J Bowler</b>	<b>84</b>
<b>3. Environment Agency</b>	<b>86</b>
<b>4. Lincolnshire County Council</b>	<b>88</b>
<b>5. Mr S Lunn</b>	<b>89</b>
<b>6. Mr J Mowbray</b>	<b>89</b>
<b>7. Natural England</b>	<b>91</b>

<b>8. The National Farmers' Union and the Lincolnshire Association of Agricultural Valuers</b>	<b>92</b>
<b>9. Mr J Spence</b>	<b>92</b>
<b>10. The Triton Knoll Cable Group</b>	<b>92</b>
<b>11. Western Power Distribution</b>	<b>93</b>
<b>Part 3 Updates to Management Plans submitted at Deadline 6</b>	<b>94</b>

Appendix Number	Document Title
1	Applicant's comments on the ExA consultation draft DCO
2	Updated Schedule of Compulsory Acquisition
3	Book of Reference (BoR) – Revision B
4	Book of Reference (BoR) – Revision B Comparison document
5	Statements of Common Ground Summary and Index
6	Statement of Common Ground between Triton Knoll Offshore Wind Farm Limited and Anglian Water Services Limited
7	Update of progress for Protective Provisions
8	Outline Construction Method Statement (Revision D)
9	Comparison Outline Construction Method Statement (Revision A - Revision D)
10	Outline Soil Management Plan (Revision D)
11	Comparison Outline Soil Management Plan (Revision A - Revision D)
12	Outline Access Management Plan (Revision B)
13	Comparison Outline Access Management Plan (Revision A - Revision B)
14	Outline Traffic Management Plan (Revision B)
15	Comparison Outline Traffic Management Plan (Revision A - Revision B) Final
16	Outline Landscape Strategy and Ecological Management Plan (Revision C)

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17	Comparison Outline Landscape Strategy and Ecological Management Plan (Revision A - Revision C)
18	Joint statement between The Applicant and the LIG
19	The Applicants response to Lincolnshire County Councils response to Deadline 5
20	The Applicant's Response to NFU and LAAV Representations to Deadline 5 (Hearing Summary – Compulsory Acquisition)
21	The Applicant's Response to NFU and LAAV Representations to Deadline 5 (Hearing Summary – Local Impacts)
22	The Applicant's response to Andrew Spence's response to Deadline 5

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## 1. SUMMARY

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- 1.1 In response to the Examining Authority's (ExA) letter of 11<sup>th</sup> September 2015 (the Rule 8 Letter), which set out the procedural timetable for the examination of the Triton Knoll Electrical System Application (Application Reference EN020019) ('the proposed development') and its subsequent letter of the 10<sup>th</sup> February, Triton Knoll Offshore Wind Farm Limited (The Applicant) has prepared the following:
- The Applicant's comments on the ExA's consultation draft Development Consent Order (DCO);
  - The Applicant's responses to the ExA's third written questions;
  - The Applicant's comments on information received at Deadline 5; and
  - Additional information requested by the ExA.
- 1.2 These documents (collectively 'the Response') are submitted for the deadline of 17<sup>th</sup> February 2016 specified in the Rule 8 Letter (Deadline 6) and are discussed in more detail below.

## 2. Applicant's comments on ExA's consultation draft DCO

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- 2.1 The Applicant has prepared a schedule of comments on the ExA's consultation draft version of the DCO at Appendix 1 of this Response. An updated version of the draft DCO will be provided at Deadline 7, together with an Explanatory Memorandum updating that which accompanied the initial draft DCO (document reference 3.2) made at Application. Comparison versions of the draft DCO together with a schedule of changes will also be provided at Deadline 7.

## 3. Applicant's responses to the ExA's third written questions

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- 3.1 The ExA's letter of the 10<sup>th</sup> February 2016 contained specific questions from the ExA directed at the Applicant and other Interested Parties (IPs). The Applicant has addressed the questions addressed directly to it as well as providing comment, where relevant, on questions directed at other IPs where this was considered to be useful to the ExA. To assist the ExA, the chronology of the questions given in the letter of the 10<sup>th</sup> February has been maintained in the Response.
- 3.2 The responses to the third written questions are presented in Part 1 of the Response. Where additional material has been submitted to aid the response, this has been included in the form of an Appendix.

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## 4. The Applicant's comments on information received at Deadline 5

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- 4.1 The Applicant has also provided comment and response to further written submissions from Interested Parties (IPs) received by the ExA in respect of the proposed development at Deadline 5. The responses are set out in Part 2 of the Response and, where indicated, within the Appendices to the Response.

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## 5. Additional information requested by the ExA

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### Updated Schedule of Compulsory Acquisition

- 5.1 The Applicant provided an update as to the status of the schedule of compulsory acquisition in its responses to Deadlines 1, 2, 3, 4 and 5. As requested in the ExA's third written questions, specifically in response to question CA 3.3, the Applicant has provided a further update at Appendix 2 to this Response.
- 5.2 Additionally, the Applicant has provided an updated Book of Reference, as requested in the ExA's question CA 3.5 at Appendix 3 of this Response, with an accompanying comparison document to illustrate changes made between the updated version (Revision B) and that submitted at Application at Appendix 4.

### Statements of Common Ground

- 5.3 The Applicant has provided an update on the status of Statements of Common Ground (SoCGs) at each Deadline and submitted signed documents, as well as unsigned drafts (where these were considered helpful to the ExA) between the Applicant and a number of Interested Parties through the Examination to date. As requested in the ExA's third written questions, specifically question DCO 3.3, the Applicant has provided a further update in this Response at Appendix 5.
- 5.4 The Applicant is continuing to seek to progress and finalise all SoCGs ahead of Deadline 7, however the ExA's attention is drawn to the finalised SoCG with Anglian Water Services, submitted at Appendix 6 to this Response.

### Protective Provisions

- 5.5 As requested in the ExA's third written questions, specifically CA 3.2, the Applicant has provided an update of progress on protective provisions at Appendix 7 to this Response.

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## Other documents

5.6 The Applicant has also produced other documents, including updates to several management plans, in response to issues raised in the ExA's third written questions and highlighted during ongoing discussions with IPs. These documents, provided as Appendices to this Response, comprise the following:

- Updated Outline Construction Method Statement at Appendix 8 and comparison document at Appendix 9;
- Updated Outline Soil Management Plan at Appendix 10 and comparison document at Appendix 11;
- Updated Outline Access Management Plan at Appendix 12 and comparison document at Appendix 13;
- Updated Outline Traffic Management Plan at Appendix 14 and comparison document at Appendix 15;
- Updated Outline Landscape Strategy and Ecological Management Plan at Appendix 16 and comparison document at Appendix 17; and
- The agreed minutes of a meeting held with the Land Interest Group (LIG)<sup>1</sup> on 4<sup>th</sup> February 2016, presented as a joint statement between the parties, at Appendix 18.

5.7 A schedule of changes to management plans identified in the list above has been produced to aid the ExA. This is presented, in tabular form, in Part 3 of this Response.

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<sup>1</sup> The Land Interest Group (LIG) is a working party formed from representatives of the National Farmers' Union, the Lincolnshire Association of Agricultural Valuers and the Country Land and Business Association.

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## Part 1 The Applicant's responses to the ExA's third written questions

Question Number	Topic Heading/ Respondent	Question
DCO 3.1	<b>All Parties</b>	<p>The ExA have issued their recommended draft Development Consent Order (DCO) in the form of a <i>Schedule of ExA's recommended amendments to the Applicant's draft DCO version F</i>.</p> <p>a) All parties are requested to provide comments and, if relevant, suggestions for amendments to the entirety of the ExA's recommended draft DCO.</p> <p>b) In particular, all parties are requested to provide comments and, if relevant, suggestions for amendments to wording to the ExA's recommended additional wording, including a recommended new Requirement on local employment.</p> <p>c) All parties are also requested to check the <i>Schedule of ExA's recommended amendments to the Applicant's draft DCO version F</i> taken with the Applicant's Revised draft DCO [REP5-035] and inform the ExA if they consider that any matters that they have raised in respect to the draft DCO during the course of the Examination have not been dealt with.</p>

### DCO 3.1

1. The Applicant notes the question from the ExA and in response has provided comment on each of the ExA's suggested revisions to the draft DCO at Appendix 1 of this Response. The Appendix adopts the table format used by the ExA to ensure clarity.

Question Number	Topic Heading/ Respondent	Question
DCO 3.2	<b>All Parties</b>	<p>The Applicant’s Revised draft DCO [REP5-035] included an amended version of the Restrictive Covenant at Schedule 5. This is included unchanged in the ExA’s recommended draft DCO at this stage.</p> <p>The ExA requests that all parties including, in particular, affected landowners and tenants provide comments and, if relevant, suggestions for amendments to wording to the draft Restrictive Covenant.</p>

### DCO 3.2

1. At a meeting held on the 4<sup>th</sup> of February between the Applicant and the Land Interest Group, the Land Interest Group requested that a couple of minor amendments be made to the revised form of restrictive covenant agreed with the Environment Agency and Internal Drainage Boards, and included in the draft Development Consent Order (Revision F) submitted at Deadline 5 [REP5-035].
2. The two minor amendments requested by, and agreed with, the Land Interest Group are:
  - i. Deletion of the words “*or the mudding out of dykes (i.e. the removal of silt sediment)*” from paragraph (c)(i) of the restrictive covenant; and
  - ii. Replacement of the phrase “*active cultivation*” with “*acts of cultivation*” in paragraph (c) (iv).
3. The changes to the paragraph (c) are shown below (deleted words are shown struck through; new words are shown coloured red):

(c) *prevent:*

*(i) mole draining ~~or the mudding out of dykes (i.e. the removal of silt sediment)~~; or*

*(ii) anything to be done by way of excavation of any kind or agricultural practices exceeding 0.6 metres in depth from:*

- (a) the surface of the land*
- (b) the hard bed level of the open drain, ditch, watercourse or river; or*

*(iii) any activities which increase or decrease ground cover or soil levels or change the composition of the land in any manner whatsoever,*

*without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed activity would not cause damage to the relevant part of the authorised project nor make it materially more difficult to access or maintain the authorised project, with such consent being subject to such reasonable conditions as the undertaker may require)*  
**PROVIDED THAT:**

- (iv) **active** of cultivation including soil preparation, ploughing and sub-soiling not exceeding 0.6 metres in depth from the surface of the land shall not require the consent of the undertaker;*
- (v) flushing of land drainage systems, maintenance of outfalls and culverts of land drainage systems, clearance of vegetation (by use of machinery or by hand), and the operation of existing land drainage systems shall not require the consent of the undertaker.*

4. The Environment Agency and Internal Drainage Boards have confirmed that they are happy with these changes. The Applicant therefore intends to include revised paragraph (c) in Schedule 5 of the Applicant's final draft DCO to be submitted for Deadline 7 (24<sup>th</sup> February).
5. The Applicant and the LIG continue to discuss a request by the LIG for a specific timeframe on the provision of consent for mole draining.

Question Number	Topic Heading/ Respondent	Question
DCO 3.3	<b>The Applicant</b>	<p>Provide an updated schedule of progress with Statements of Common Ground following from your update for Deadline 5 [REP5-041].</p> <p>In addition, provide a further update for Deadline 7 (24 February 2016).</p>

### DCO 3.3

1. The Applicant has submitted a Statement of Common Ground Summary and Index at Appendix 5 of the Applicant's response to Deadline 6. The Applicant confirms that a further update will be submitted at Deadline 7 as requested by the ExA.

Question Number	Topic Heading/ Respondent	Question
DCO 3.4	<b>The Applicant</b>	<p>Confirm that all co-ordinates within the draft DCO, Deemed Marine Licences and plans are consistent and correct.</p> <p>It would assist the ExA if this could be clarified through mapping of co-ordinates or in a written confirmation. This is important to ensure that, particularly offshore, the SoS can be clear in the area in which consent is being sought.</p>

### DCO 3.4

1. The Applicant refers the ExA to sheet 1a of the Order Limits Plans (application document 2.1) [APP-122] which maps the co-ordinates for the order limits seaward of Mean High Water Springs (MHWS), as tabulated in Schedule 1, Part 1 of Revision F of the draft DCO [REP5-035]. The Applicant can confirm that the order limits seaward of MHWS have not changed since the application for the proposed development was submitted in April 2015, and that the co-ordinates in Schedule 1, Part 1, remain correct.
2. The Applicant advises the ExAs that it will be submitting, at Deadline 7, revised versions of the Order Limits Plans, Works Plans, Land Plans and Crown Land Plans, Access to Work and Streets Plans, Hedgerow Plans, Public Rights of Way Plans and the Crossing Schedule, which will incorporate the amendments to the order limits and works set out in REP4-069 (Consequential Changes to the Order Limit Plans and Development Boundary Comparison Plan related to the Bicker Fen Change Request) and REP3-052 (Order Limits Reduction Request). Any consequential amendments to co-ordinates set out in Schedule 2 *Streets subject to street works*, Schedule 3 *Streets to be temporarily stopped up* and Schedule 4 *Access to works* will be included in the draft DCO Revision G, to be submitted at Deadline 7.

Question Number	Topic Heading/ Respondent	Question
DCO 3.6	Article 2 <b>The Applicant</b>	<p>Article 2 - Interpretation excludes 'the removal of hedgerows' from the definition of commence. Requirement 13(3) states that:</p> <p><i>"Any hedgerow removal must be carried out in accordance with the details set out in the outline landscape strategy and ecological management plan."</i></p> <p>However, Paragraph 6.18 of the Outline Landscape and Ecological Management Plan states that:</p> <p><i>"Hedgerows which will have been removed during the construction period will be replanted, including on the cable route" (ExA's own underlining).</i></p> <p>a) Does this, in effect, mean that this commitment to replanting in the Outline Landscape and Ecological Management Plan does not apply to those hedgerows removed pre-commencement?</p> <p>b) If so, should the words "during the construction period" be removed from paragraph 6.18 of the Outline Landscape and Ecological Management Plan?</p> <p>In putting these questions, the ExA is aware of the Applicant's statements at paragraphs 1.3 and 1.4 of the Applicant's Written Summary of the oral case put at the DCO Hearing on 22 January 2016 [REP5-016]."</p>

### DCO 3.6

#### a)

1. In order to clarify the Applicant's intention, paragraph 6.18 of the Outline Landscape Strategy and Ecological Management Plan (Revision C) submitted as Appendix 16 of the Applicant's Response to Deadline 6 has been updated as follows:

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*“Hedgerows which ~~will have been removed during the construction period~~ will be replanted, including on the cable route. With the exception of the very short section of 400 kV circuits to the south of the existing National Grid Substation at Bicker Fen, trees will not be planted on or within 6 m of the edge of the cable trench to avoid the risk of damage to the cable by tree roots. However, the route has sought to avoid groups of trees where possible with only limited losses likely.”*

2. The Applicant can therefore confirm that the commitment to replant hedgerows applies to all hedgerows removed pre-commencement and equally to those hedgerows removed during construction.

**b)**

3. The Applicant can confirm that the words “during the construction period” are now removed from paragraph 6.18 of the Outline Landscape Strategy and Ecological Management Plan (Revision C).
4. The Applicant would also refer to its response to DCO 3.1 which addresses the ExA’s proposed amendment to requirement 13 of the draft DCO and the additional changes that are proposed to the Outline Landscape Strategy and Ecological Management Plan in relation to the timing of hedgerow replacement.

Question Number	Topic Heading/ Respondent	Question
DCO 3.7	<b>The Applicant</b>	<p>Article 2 – Interpretation provides a definition for “mean high water springs” and for “mean low water”.</p> <p>Explain why high water is tied to spring tides and low water is not.</p>

### DCO 3.7

1. High water is tied to spring tides whilst low water is not, reflecting the specific jurisdiction of the Marine Management Organisation (MMO) under the Marine and Coastal Access Act 2009 and East Lindsay District Council (ELDC) under the Town and Country Planning Act 1990, in particular with respect to the inter-tidal area. The MMO’s jurisdiction extends to mean high water springs, whilst ELDC’s jurisdiction as the local planning authority extends to mean low water. There is a cross-over of jurisdiction and responsibility between the MMO and ELDC with regards to the inter-tidal area. Both terms are defined to ensure that the correct reference point is used and applied to define the extent of each body's jurisdiction.

Question Number	Topic Heading/ Respondent	Question
DCO 3.8	<b>The Applicant</b>	<p>Article 5 - Transfer of benefit of Order</p> <p>a) Explain why it is necessary and justified for the transfer of offshore works and the DMLs to be permitted without consent to any person after the expiration of time limits for claims for compensation in accordance with 5(6)(b).</p> <p>b) Should the power to transfer without consent to a s.6 licence holder be limited to the works that will be transferred to an OFTO?</p>

### DCO 3.8

#### a)

1. Article 5(6) of the draft DCO Revision F [REP5-035] provides for deemed consent to transfer the benefit of the Order in two circumstances:
  - (a) where the transferee is a licence holder pursuant to schedule 6 of the Electricity Act 1989; or
  - (b) where (in summary) there are no outstanding unpaid or unresolved compulsory purchase compensation claims.
2. Although the Marine Management Organisation (MMO) is the only party to have raised questions regarding the transfer of benefit provisions, the deemed transfer provisions do not only apply to the offshore works and deemed marine licence with which the MMO might be concerned. Rather, Article 5(6) applies to any powers conferred by the Order, including powers of compulsory purchase, and for which a relevant consideration to such a transfer would be whether there is any outstanding compensation liability. In the circumstances where such liability has been met, or ceases, there would not be a need for the Secretary of State to be satisfied with, and have to approve, the identity of the transferee. The Applicant notes that there is an equivalent provision in the Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (article 8(4)(b)).

**b)**

3. Section 6 of the Electricity Act 1989 makes provision for the grant of generation, distribution, and supply licences, as well as transmission licences. The reference to a licence holder under section 6 is deliberate and intended to capture each of these. The Applicant does not therefore consider it necessary or appropriate to limit the power to transfer without consent to the works that will be transferred to an OFTO. Whilst the Triton Knoll Electrical System will have to be transferred to an OFTO in due course, there could also be a transfer to another generation licence holder and this should not be unnecessarily restricted. Furthermore, the current drafting is standard wording which is consistent with other consented development consent orders such as the Hornsea One Offshore Wind Farm Order, the Dogger Bank Creyke Beck Offshore Wind Farm Order and the Dogger Bank Teesside A and B Offshore Wind Farm.

Question Number	Topic Heading/ Respondent	Question
DCO 3.10	<p><i>Article 5 - Transfer of benefit of Order The MMO</i></p> <p><b>The Marine Management Organisation</b></p> <p><b>The Applicant</b></p>	<p>In the event that the transfer without consent provisions in 5(6) are included in the DCO, would the MMO welcome the inclusion of this provision? “The undertaker must consult the MMO at least 28 days before the transfer of relevant provisions pursuant to an agreement under paragraph (1) in a case where the Secretary of State’s consent to such a transfer is not required (because paragraph (6) applies).”</p> <p>The Applicant Comment on the suggested wording above.</p>

### DCO 3.10

1. The Applicant does not consider that the inclusion of the ExA’s suggested provision is required. The Applicant deleted the previous wording securing consultation with the MMO in respect of transfers without the consent of the Secretary of State under article 5(6) in DCO Rev F [REP5- 035] at the specific request of the MMO. The MMO’s view was that the wording effectively only served to act as notification as there was no requirement for the views of the MMO to be considered or acted upon prior to the transfer being enacted and as such it was not required.
2. If however, the MMO confirms that the wording as proposed by the ExA would be helpful and wish to see it included, the Applicant has no objection and will include it in the final draft DCO submitted for Deadline 7.

Question Number	Topic Heading/ Respondent	Question
DCO 3.11	<p><i>Article 13 – Authority to survey and investigate the land</i></p> <p><b>The Applicant</b></p>	<p>Plots 03/07, 05/34, 07/07, 11/14, 12/19, 12/23, 15/14, 33/08 and 33/09, coloured green ('Environmental Survey Access') on the Land Plans is land which, according to the Book of Reference [APP-130] (paragraph 1.11) will only be subject to the Article 13 survey power.</p> <p>Article 13 grants a power to enter on land to survey or investigate and related actions.</p> <p>a) Is the Applicant content that Article 13 grants the undertaker a right of access over land where this is required to reach the land on which they need to undertake the environmental surveys?</p> <p>b) If not provide suggested wording to amend the DCO as appropriate to secure rights of access where required.</p> <p>The Applicant should note that there are questions related to these plots at ExA's questions CA 3.5 and CA 3.6, below.</p>

### DCO 3.11

#### a)

1. The Applicant may only exercise such powers in respect of the land shown coloured green on the Land Plans as are within the scope of Article 13 of the Draft Order. In response to questions from the Examining Authority, the Applicant has sought to make it clear in the Book of Reference entries for those land parcels that the powers which the Applicant may exercise are limited to the ability to access land so as to undertake surveys as permitted by Article 13. The Applicant acknowledges that Article 13 confers a right to "enter" rather than a right of "access". Whilst the Applicant does not consider that there is material difference between the effect of this wording, it has altered the descriptions in the Book of Reference (at Appendix 3 to this Response) so as to accord with the powers

conferred by Article 13, which, for the avoidance of doubt, permits the entry onto all or any part of the land shaded green on the Land Plans so as to carry out any of the activities of survey and investigation referred to in Article 13(1)(a)-(d).

**b)**

2. The Applicant has therefore updated the references in the Book of Reference as follows:

*“New rights (pursuant to Article 13) to survey and investigate, and to take **entry** for that purpose, over...”* (emphasis added)

Question Number	Topic Heading/ Respondent	Question
DCO 3.12	<p><b>Lincolnshire County Council (LCC)</b></p> <p><b>The Applicant</b></p>	<p><b>Requirement 8</b></p> <p>Paragraph 5.3 of the Statement of Common Ground between Triton Knoll Offshore Wind Farm Limited and Lincolnshire County Council dated 1 February 2016 [REP5-053] states:</p> <p>“It is not yet agreed that the wording of Requirement 8 of the draft DCO (document reference 3.1) ensures that any highways works are appropriately signed off and adequately secures an Access Management Plan (AMP), which accords with the principles set out in the Outline AMP (document reference 8.13).”</p> <p><b>LCC</b></p> <p>a) Explain the nature of your concerns;</p> <p>b) If relevant, suggest wording that would be acceptable to you;</p> <p>c) Indicate the likelihood of reaching agreement on this matter on, or before, Deadline 7 (24 February 2016).</p> <p><b>The Applicant</b></p> <p>Comment on LCC’s concerns in this respect and indicate the likelihood of reaching agreement on this matter on, or before, Deadline 7 (24 February 2016).</p>

### DCO 3.12

1. The Applicant is aware of the outstanding issues which have been raised by LCC in relation to traffic and access. These were raised at the Local Impacts Hearing held on 19 January 2016, as summarised in Appendix 1 of the Applicant’s response to Deadline 5 [REP5-014]. Subsequently the Applicant and LCC made submissions at Deadline 5 in relation to the points raised.
2. The Applicant notes the statements made by LCC in paragraphs 23 – 25 (including 1.1 – 1.5, 2.1 – 2.8, 3.1 – 3.5, 4.1 – 4.4) of LCC’s submission to

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Deadline 5 [REP5-005]. These statements reflect those provided in Appendix 1 of Appendix 9 of the Applicant's response to Deadline 5 in hand written form [REP5-022]. As such the ExA is referred to the Applicant's response to LCC's outstanding matters relating to traffic and access in the body of Appendix 9 of the Applicant's response to Deadline 5.

3. The Applicant has also responded in full to LCC's Deadline 5 submission; this response has been submitted as Appendix 19 of the Applicant's response to Deadline 6.
4. The Applicant met with LCC on Friday 12 February 2016 in order to discuss all outstanding matters and to work towards concluding the SoCG between the parties. The meeting was attended by LCC representatives, including Andy Ratcliffe from the Highways Authority. It was a constructive meeting during which the remaining concerns of LCC were discussed. The Applicant and LCC reviewed the Outline Access Management Plan (AMP) [APP-113] and Outline Traffic Management Plan (TMP) [APP-110] in detail on screen and were able to agree amendments which resolved LCC and the Highway Authority's concerns.
5. These amendments are captured in the updated Outline AMP (Revision B) submitted as Appendix 12 of the Applicant's response to Deadline 6, and the updated Outline TMP (Revision B) submitted as Appendix 14 of the Applicant's response to Deadline 6. The comparison versions of these documents have also been submitted at Appendix 13 and Appendix 15 of the Applicant's response to Deadline 6 respectively.
6. The ExA is asked to note that a number of the indicative access layout drawings have been updated as part of the AMP (Revision B) submitted as Appendix 12 of the Applicant's response to Deadline 6.
7. The Applicant revised the SoCG and issued to LCC for comment on 16 February 2016 and is awaiting confirmation that matters relating to traffic and access are now resolved and further that LCC are therefore in agreement with the drafting of Requirement 8 *Highway accesses and improvements* of the draft DCO.

Question Number	Topic Heading/ Respondent	Question
DCO 3.13	<b>Lincolnshire County Council (LCC)</b> <b>The Applicant</b>	<p><b>Requirement 16</b></p> <p>Paragraph 5.4 of the Statement of Common Ground between Triton Knoll Offshore Wind Farm Limited and Lincolnshire County Council dated 1 February 2016 [REP5-053] states:</p> <p>“It is not yet agreed that the wording of Requirement 16 of the draft DCO (document reference 3.1) adequately secures appropriate restrictions to the working hours permitted under the Order.”</p> <p><b>LCC</b></p> <p>a) Explain the nature of your concerns;</p> <p>b) If relevant, suggest wording that would be acceptable to you;</p> <p>c) Indicate the likelihood of reaching agreement on this matter on, or before, Deadline 7 (24 February 2016).</p> <p><b>The Applicant</b></p> <p>Comment on LCC’s concerns in this respect and indicate the likelihood of reaching agreement on this matter on, or before, Deadline 7 (24 February 2016).</p>

### DCO 3.13

1. The Applicant notes that the Paragraph 5.4 of the Statement of Common Ground between Triton Knoll Offshore Wind Farm Limited and Lincolnshire County Council dated 1 February 2016 [REP5-053] states:
 

*“It is not yet agreed that the wording of Requirement 16 of the draft DCO (document reference 3.1) adequately secures appropriate restrictions to the working hours permitted under the Order.”*
2. The Applicant met with LCC on Friday 12 February 2016 in order to discuss all outstanding matters and to work towards refining the SoCG between the parties.

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The meeting was attended by LCC representatives. It was a constructive meeting during which the remaining concerns of LCC were discussed.

3. The Applicant and LCC discussed the outstanding concern in relation to Requirement 17 *Construction hours* (previously Requirement 16) of the draft DCO (Revision F). LCC noted that it had identified an inconsistency between the drafting of the DCO and the Outline Soil Management Plan (SMP) in relation to working on a bank holiday. The DCO requirement secures that, under normal working hours there will be “*no activity on Sundays or bank holidays*” (emphasis added) whereas the Outline SMP made no reference to bank holidays.
4. The Applicant has subsequently updated the Outline SMP on this point (paragraph 3.5 of Appendix 10 of the Applicants response to Deadline 6) and explained to LCC that the control being secured in the DCO Requirement ensures that these controls on working hours would be adhered to. The Applicant also informed LCC that it would check the other Outline management plans for consistency.
5. No other concerns in relation to working hours were raised by LCC during the meeting held on 12 February 2016.
6. The Applicant revised the SoCG and issued to LCC for comment on 16 February 2016 and is awaiting confirmation that matters relating to the drafting of Requirement 17 (previously 16) are resolved.

Question Number	Topic Heading/ Respondent	Question
DCO 3.14	<p><b>Lincolnshire County Council (LCC)</b> <b>The Applicant</b></p>	<p><b>Requirement 18</b></p> <p>Paragraph 5.5 of the Statement of Common Ground between Triton Knoll Offshore Wind Farm Limited and Lincolnshire County Council dated 1 February 2016 [REP5-053] states:</p> <p>“It is not yet agreed that the wording of Requirement 18 of the draft DCO (document reference 3.1) adequately secures a construction phase Traffic Management Plan (TMP), which accords with the principles set out in the Outline TMP (document reference 8.9) and includes a Contractor Travel Plan (CTP).”</p> <p><b>LCC</b></p> <p>a) Explain the nature of your concerns;</p> <p>b) If relevant, suggest wording that would be acceptable to you;</p> <p>c) Indicate the likelihood of reaching agreement on this matter on, or before, Deadline 7 (24 February 2016).</p> <p><b>The Applicant</b></p> <p>Comment on LCC’s concerns in this respect and indicate the likelihood of reaching agreement on this matter on, or before, Deadline 7 (24 February 2016).</p>

### DCO 3.14

1. The Applicant is aware of the outstanding issues which have been raised by LCC in relation to traffic and access. These were raised at the Local Impacts Hearing held on 19 January 2016, as summarised in Appendix 1 of the Applicant’s response to Deadline 5 [REP5-014]. Subsequently the Applicant and LCC made submissions at Deadline 5 in relation to the points raised.
2. The Applicant notes the statements made by LCC in paragraphs 23 – 25 (including 1.1 – 1.5, 2.1 – 2.8, 3.1 – 3.5, 4.1 – 4.4) of LCC’s submission to

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Deadline 5 [REP5-005]. These statements reflect those provided in Appendix 1 of Appendix 9 of the Applicant's response to Deadline 5 in hand written form [REP5-022]. As such the ExA is referred to the Applicant's response to LCC's outstanding matters relating to traffic and access in the body of Appendix 9 of the Applicant's response to Deadline 5.

3. The Applicant has also responded in full to LCC's Deadline 5 submission; this response has been submitted as Appendix 19 of the Applicant's response to Deadline 6.
4. The Applicant met with LCC on Friday 12 February 2016 in order to discuss all outstanding matters and to work towards concluding the SoCG between the parties. The meeting was attended by LCC representatives, including Andy Ratcliffe from the Highways Authority. It was a constructive meeting during which the remaining concerns of LCC were discussed. The Applicant and LCC reviewed the Outline Access Management Plan (AMP) [APP-113] and Outline Traffic Management Plan (TMP) [APP-110] in detail on screen and were able to agree amendments which resolved LCC and the Highway Authority's concerns.
5. These amendments are captured in the updated Outline AMP (Revision B) submitted as Appendix 12 of the Applicant's response to Deadline 6, and the updated Outline TMP (Revision B) submitted as Appendix 14 of the Applicant's response to Deadline 6. The comparison versions of these documents have also been submitted at Appendix 13 and Appendix 15 of the Applicant's response to Deadline 6 respectively.
6. The Applicant revised the SoCG and issued to LCC for comment on 16 February 2016 and is awaiting confirmation that matters relating to traffic and access are now resolved, and further that LCC are therefore in agreement with the drafting of Requirement 19 *Construction Traffic* (previously 18) of the draft DCO (Revision F).

Question Number	Topic Heading/ Respondent	Question
DCO 3.15	Lincolnshire County Council (LCC) The Applicant	<p><b>Requirement 20</b></p> <p>Paragraph 5.6 of the Statement of Common Ground between Triton Knoll Offshore Wind Farm Limited and Lincolnshire County Council dated 1 February 2016 [REP5-053] states:</p> <p><i>“It is not yet agreed that the wording of Requirement 20 of the draft DCO (document reference 3.1) adequately secures the reinstatement of any land used temporarily for construction of the onshore works.”</i></p> <p><b>LCC</b></p> <p>a) Explain the nature of your concerns;</p> <p>b) If relevant, suggest wording that would be acceptable to you;</p> <p>c) Indicate the likelihood of reaching agreement on this matter on, or before, Deadline 7 (24 February 2016).</p> <p><b>The Applicant</b></p> <p>Comment on LCC’s concerns in this respect and indicate the likelihood of reaching agreement on this matter on, or before, Deadline 7 (24 February 2016).</p>

### DCO 3.15

- The Applicant notes that the Paragraph 5.6 of the ‘Statement of Common Ground’ submitted at Deadline 5 by Lincolnshire County Council dated 1 February 2016 [REP5-053] states:

*“It is not yet agreed that the wording of Requirement 20 [now 21] of the draft DCO (document reference 3.1) adequately secures the reinstatement of any land used temporarily for construction of the onshore works.”*

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2. Requirement 21 in the draft DCO (Revision F) [REP5-035] submitted as Appendix 22 of the Applicant's Response to Deadline 5 states:

*“21. Any land above MHWS which is used temporarily for construction of the onshore works and not ultimately incorporated in permanent works or approved landscaping, must be reinstated in accordance with details approved by the relevant planning authority.”*

3. The Applicant met with LCC on Friday 12<sup>th</sup> February 2016 in order to discuss all outstanding matters and to work towards refining the SoCG between the parties. The meeting was attended by LCC representatives. It was a constructive meeting during which the remaining concerns of LCC were discussed.
4. The Applicant and LCC discussed the outstanding concern in relation to Requirement 21 *Restoration of land used temporarily for construction* (previously Requirement 20) of the draft DCO (Revision F). LCC was unable to confirm the reason why it were not able to agree this point and undertook to review within the team, with specific reference to Jonathan Wood from Savills who is advising LCC on land matters.
5. The Applicant requested further information so that it may respond in full. The Applicant revised the SoCG and issued to LCC for comment on 16<sup>th</sup> February 2016, highlighting this information gap. The Applicant is still awaiting further information in regard to the drafting of Requirement 21 (previously 20) and reserves its position to comment further if any further information is provided by LCC.

Question Number	Topic Heading/ Respondent	Question
CA 3.1	<b>The Applicant</b>	<p>Paragraph 1.81 of the Applicant's Written Summary of the oral case put at the CA Hearing on 20 and 21 January 2016 [REP5-015] states that the number of agreements is eight.</p> <p>Your Schedule of Compulsory Acquisition [REP5-040] still has only one 'Yes' in Column 12 (Reached agreement).</p> <p>Explain this apparent discrepancy.</p>

### CA 3.1

1. The 'Written Summary of The Applicant's Oral Case put at Compulsory Acquisition Hearing on 20<sup>th</sup> and 21<sup>st</sup> February 2016' [REP5-015] gave an up to date account of the status of negotiations as of the date of that hearing.
2. The written summary refers in paragraph 1.81 to a total of 8 'agreements' as being completed. For clarity, this should read a total of 8 land interests have agreed Heads of Terms (HoTs), with one being a completed agreement to secure the necessary rights. The other 7 completed HoTs are in the process of being converted into legal agreements.
3. Column 12 in the Schedule of Compulsory Acquisition refers to completed agreements therefore this column correctly identifies only 1 party, Joyce Blanchard.
4. For ease of reference, the Applicant has added an extra column to the updated Schedule of Compulsory Acquisition which forms Appendix 2 to this Deadline 6 response, entitled 'Agreed HoTs (Yes/No)'. Please refer to the updated Schedule and column 12a for the total number of agreed HoTs.

Question Number	Topic Heading/ Respondent	Question
CA 3.2	<b>The Applicant</b>	Provide an updated Update of Progress for Protective Provisions following from your update for Deadline 5 [REP5-034]. <b>In addition</b> , provide a further update for Deadline 7 (24 February 2016).

### CA 3.2

1. The Applicant has provided an update on progress and status made on Protective Provisions as requested by the ExA at Appendix 7 of this Response. A further update will be submitted for Deadline 7.

Question Number	Topic Heading/ Respondent	Question
CA 3.3	<b>The Applicant</b>	<p>Provide an updated Schedule of Compulsory Acquisition following from your update for Deadline 5 [REP5-040].</p> <p><b>In addition</b>, provide a further update for Deadline 7 (24 February 2016).</p>

### CA 3.3

1. The Applicant has provided an update to the Schedule of Compulsory Acquisition as requested by the ExA at Appendix 2 of this Response. A further update will be submitted for Deadline 7.

Question Number	Topic Heading/ Respondent	Question
CA 3.4	<b>Lincolnshire County Council</b>  <b>The Applicant</b>	<p>The LCC DL 5 submission states at para 36:</p> <p><i>“If the TJB are granted consent in this location the effect on the POS and also the LCCP would be obvious and apparent and would be at odds with the nature of the area to such an extent that it cannot be said that the POS itself would meet the test of being no less advantageous. To conclude that it would be is to limit that test to a simple test of whether the POS could physically be used, which it could physically be, without taking into account the nature and extent of the use, the significance placed upon it and the enjoyment made of it. If the proposals were to proceed then the LCC view would be that enhanced mitigation within the LCCP to ensure that there is no net loss of biodiversity or public enjoyment in the LCCP would be essential.”</i></p> <p><b>The Applicant</b></p> <p>Provide comments on the above statement and other material relevant to the issue of open space land provided by Lincolnshire County Council for Deadline 5.</p>

### CA 3.4

1. It should be noted that the Transition Joint Bays (TJBs) referred to by Lincolnshire County Council in its Deadline 5 response are not located with the area of Public Open Space (POS) and as a result there can be no direct impact on the POS from them. In addition, the extant provisions of the Lindsey County Council (Sandhills) Act 1932 do not apply to the area where the TJBs are located and nor does the section 132(3) test summarised by LCC above. The owner of the TJB land is not therefore restricted in how this land can be used or developed merely by the fact that it is adjacent to the beach and that any works might be seen by someone using the beach for recreation. It is important that the works proposed by the Applicant are considered in this context.

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2. In determining the effect of the proposed development on the POS and “*the nature and extent of the use, the significance placed upon it and the enjoyment made of it*” it is relevant to consider the extent of the impacts on those using the POS. It is assumed that the use by members of the general public are general recreational activities such as walking and dog walking, bird watching and jogging.
  3. In relation to landscape and visual issues, the Applicant notes to LCC and the ExA that the operational phase of the proposed development was scoped out of the LVIA (Volume 3, Chapter 2) as it was not considered by the Secretary of State that the operational phase (including the TJBs), would have the potential to give rise to significant landscape and visual effects. Please see paragraph 3.98 of the Planning Inspectorate’s Scoping Direction (document reference 8.1), which states that;  
  

*“Landscape and visual impacts associated with the operation of the underground cable infrastructure: The SoS agrees that there is unlikely to be any significant effects associated with the operation of the underground cable infrastructure and that this can be scoped out from further assessment.”*
  4. The Applicant’s Landscape and Visual Impact Assessment (Volume 3, Chapter 2) includes a full assessment of the potential temporary landscape and visual effects during the construction of the cable route (paragraphs 2.393 to 2.471). This included the cable route landfall and, of specific relevance to this response, the construction of the TJBs.
  5. Short-term significant landscape and visual effects on those using the beach area were identified during the construction of the landfall, due mainly to the presence of construction compounds and associated activity within the Order Limits at the landfall and the subsequent impact on landscape character and local visual amenity. The presence of construction operations in relation to the TJBs was identified as a contributory factor in the overall identification of significant effects at the landfall point, however this will be a temporary impact and no residual significant landscape and visual effects for users of the beach area have been identified following the completion of construction operations.
  6. Although scoped out from the assessment undertaken, the Applicant would clarify that following construction the TJBs will appear as a low grassed mound, with a maximum height of 1.5 m, from the level of the arable field. The arable field is below the level of the POS, which will avoid any disruption to views inland of the open arable fields. The proposed mitigation, the restoration of the majority of the external surface of the TJBs using an appropriate native wild flower rich grassland
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mix that reflects similar habitats in the surrounds using, where possible, a seed source of local provenance, is appropriate to mitigate any potential landscape and visual effects and is the most sympathetic to the surrounding landscape, which is predominantly open, arable fields. This will ensure that the TJB external surface has a similar appearance to the surrounding land cover and is appropriate in integrating the TJBs into the surrounding landscape. The position of the proposed TJBs (in the corner of an agricultural field (arable), away from the beach) also avoids the loss of any sensitive landscape features and limits effects on visual receptors using the beach area and local landscape character.

7. While it is acknowledged that the TJBs will be visible to receptors using footpaths Hutt/10/4, HUTT/10/05 and Hutt/965/1, the views of the TJBs would be contained to a relatively localised area. The Applicant would also highlight that the proposed location in particular also benefits from the screening effect of the sand dunes directly to the east as well as a block of woodland directly to the south-east. There will therefore be no views of the TJBs from any part of the beach.
8. Views of the proposed TJBs would be possible from footpath Hutt 10/5 as it crosses the sand dunes, however, this refers to a single point on the sand dunes and from this position the TJBs will be set well below the visible horizon and appear well integrated within the surrounding arable fields and appearance of POS around Hutt/10/5. Please refer to Figure 1 of Appendix 19 of this Response, which illustrates a view from the sand dunes on Footpath Hutt/10/5.
9. The Applicant's position on POS is set out in full in its response to Lincolnshire County Council's Deadline 5 submission, which forms Appendix 19 to this response.

Question Number	Topic Heading/ Respondent	Question
CA 3.5	The Applicant	<p>Paragraph 1.120 of the Applicant’s Written Summary of the oral case put at the CA Hearing on 20 and 21 January 2016 [REP5-015] states that:</p> <p><i>“... the Applicant proposes to amend the descriptions of land comprising plots 03/07, 05/34, 07/07, 11/14, 12/19, 12/23, 15/14, 33/08 and 33/09 in the Book of Reference [APP-0130] so that they read as follows (new text in red): “New rights (pursuant to Article 13) to survey and investigate, and to take access for that purpose, over...”.</i></p> <p>Provide a copy of the revised Book of Reference showing this change.</p> <p>In addition, if the Book of Reference is further changes between Deadline 6 and Deadline 7, provide a final version of the Book of Reference at Deadline 7, highlighting any changes or state at Deadline 7 that the version submitted for Deadline 6 remains the Applicant’s final version.</p>

### CA 3.5

1. The revised Book of Reference, which forms Appendix 3 to this Deadline 5 response, has been updated to reflect the Applicant’s response to question DCO 3.11. The descriptions of land comprising plots 03/07, 05/34, 07/07, 11/14, 12/19, 12/23, 15/14, 33/08 and 33/09, which relate to the ponds requiring surveys pre-construction, therefore read as follows:

*“New rights (pursuant to Article 13) to survey and investigate, and to take **entry** for that purpose, over...*

Question Number	Topic Heading/ Respondent	Question
CA 3.7	<b>The Canal and River Trust</b>	<p>The Applicant has recorded its difficulties in obtaining responses from the Canal and River Trust on key issues (see, for example, paragraph 1.14 of Written Summary of the oral case put at the CA Hearing on 20 and 21 January 2016 [REP5-015]) and has stated in the Update of Progress for Protective Provisions [REP5-034] that:</p> <p>“it is possible the Applicant will not have agreed Protective Provisions with CRT by the close of the examination.”</p> <p>The Canal and River Trust is reminded that the ExA cannot report to the Secretary of State on any agreements or other material that is submitted after the close of the Examination.</p> <p>Provide a comprehensive statement on those matters which the Canal and River Trust considers still to be unresolved, including any matters of disagreement and any reasons why agreement on these matters may not be able to be reached by the final deadline for this Examination (Deadline 7 on 24 February 2016).</p>

### CA 3.7

1. The Applicant is not aware of any specific matters that are unresolved with the Canal and River Trust (CRT), nor of any matters of specific disagreement. Rather, despite a number of attempts to engage with the Canal and River Trust, as noted in the Table 1 below, the Applicant has had no response from the Canal and River Trust regarding the Protective Provisions. Whilst the Applicant has had no engagement or comment from CRT in respect of the protective provisions, the drafting that the Applicant has included in the draft DCO is based upon the wording and approach agreed by CRT on other Nationally Significant Infrastructure Projects in particular the wording reflects the wording as agreed in the consented Willington C Gas Pipeline DCO.

**Table 1: Details of contact with Canal and River Trust regarding Protective Provisions.**

*NOTE: This is not an exhaustive list of contact with Canal and River Trust regarding other matters such as land acquisition. Triton Knoll Offshore Wind Farm Limited (TKOWFL), Canal and Rivers Trust (CRT), Ardent Management Limited (AML).*

Date	Contact
01.05.2015	TKOWFL emailed CRT with draft PPs
29.05.2015	TKOWFL emailed CRT requesting engagement on a SoCG
21.07.2015	TKOWFL emailed noting CRTs Relevant Representation and requesting comments on PPs
20.08.2015	TKOWFL emailed CRT requesting response on PPs and including some outline technical detail on crossing
26.08.2016	CRT emailed noting correct contact for engagement on PPs
26.08.2015	TKOWFL emailed to CRT thanking them for a useful update
10.09.2015	TKOWFL emailed CRT requesting response on PPs
21.09.2015	TKOWFL emailed CRT requesting response on PPs
06.10.2015	AML on behalf of TKOWFL emailed CRT regarding land acquisition, noting PP discussions.
26.10.2015	AML on behalf of TKOWFL emailed CRT to request a meeting to discuss PPs and land acquisition.
26.10.2015	TKOWFL emailed to CRT requesting response on PPs and including some outline technical detail on HDD crossings
04.11.2015	TKOWFL spoke with CRT regarding review of PPs- CRT noted they would review and send any comments as needed
05.11.2015	AML on behalf of TKOWFL emailed CRT to request a meeting to discuss PPs and land acquisition.
10.11.2015	AML on behalf of TKOWFL spoke with CRT regarding land acquisition, with mention of PPs.
25.11.2015	AML on behalf of TKOWFL emailed CRT requesting update on PPs
27.11.2016	TKOWFL emailed CRT requesting response on PPs
11.01.2016	TKOWFL emailed CRT requesting response and included draft PPs
21.01.2016	TKOWFL emailed CRT requesting response on PPs
04.02.2016	TKOWFL emailed CRT requesting response and included draft PPs
04.02.2016	AML on behalf of TKOWFL spoke to CRT regarding land acquisition, and any update on review of PPs.

2. In respect of the negotiations for a private treaty agreement with the Canal and River Trust, Heads of Terms (HoTs) have been agreed in principle with the CRT's utilities surveyor. The Applicant understands that these HoTs are currently subject to an internal approval process within the CRT and the Applicant has repeatedly prompted the CRT for the return of signed HoTs. The Applicant is hopeful that it will receive signed copies of the HoTs from CRT in the near future and will be then be able to instruct solicitors to prepare the agreement documentation in conjunction with CRT's solicitors.

Question Number	Topic Heading/ Respondent	Question
CA 3.9	<b>The Applicant</b>	<p>The ExA assumes that Paragraph 3.21 of the <i>Updated Funding Statement</i> [REP-024] should read:</p> <p>“... the compulsory purchase powers in articles 15 to 31 of the Order...”</p> <p>State whether this assumption is correct.</p>

### CA 3.9

1. The Applicant has reviewed paragraph 3.21 of the *Updated Funding Statement* [REP-024] in light of the ExA’s question. This paragraph provides details of the proposed article 38 (Guarantees in respect of payment of compensation) of the draft Order, and it should mirror the final draft of that article.
2. The purpose of Article 38 is to restrict the exercise of compulsory purchase powers, which trigger compensation liability until such time that a guarantee approved by the Secretary of State is in place. The Applicant therefore considers that Article 38 and the cross reference to it in paragraph 3.21 of the Updated Funding Statement should be amended so that they refer only to those articles which confer a power to compulsorily acquire and/or interfere with land and/or interests in land, i.e. Article 15 (Compulsory acquisition of land), Article 16 (Compulsory acquisition of land- incorporation of the mineral code), Article 18 (Compulsory acquisition of rights), Article 19 (Private rights), Article 20 (Power to override easements and other rights), Article 22 (Acquisition of subsoil only), Article 23 (Rights under or over streets), Article 25 (Temporary use of land for carrying out the authorised project), Article 26 (Temporary use of land for maintaining the authorised project), and Article 28 (Statutory undertakers).
3. The other articles in Part 5 of the draft Order do not in themselves confer powers of acquisition or give rise to compensation liability, but either further restrict the operation of a compulsory acquisition power (Article 17- Time limit for exercise of authority to acquire land compulsorily); confirm procedural requirements (Article

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21- Application of the Compulsory Purchase (Vesting Declarations) Act 1981 and Article 24- Acquisition of part of certain properties); and/ or clarify the consequences of the exercise of compulsory acquisition powers (Article 27- Protective provisions for specified undertakers; Article 29- No double recovery; Article 30- Recovery of cost of new connections; and Article 31- Special category land). It is not therefore necessary or appropriate to require that a guarantee is in place for the purposes of these articles.

4. Article 38(1) of the Applicant's final draft Development Consent Order to be submitted for Deadline 7 will therefore read as follows (amended text in red):

**“Guarantees in respect of payment of compensation**

**38.—(1) *The undertaker must not begin to exercise the powers in articles 15, 16, 18 to 20, 22, 23, 25, 26 and 28 of this Order in relation to any land unless it has first put in place either—*”**

5. The Applicant will submit a further updated Funding Statement for Deadline 7, with paragraph 3.21 amended to read as follows (amended text in red):

*“3.21 TKOWFL therefore proposes that article 38 be included in the Order as a clear commitment on the face to the provision of security for compensation. This has the same effect as a section 106 obligation, and it will ensure:*

- that the compulsory purchase powers in articles 15, 16, 18 to 20, 22, 23, 25, 26 and 28 of the Order cannot be exercised unless a guarantee or other form of security in respect of TKOWFL's liability to pay compensation has first been approved by the Secretary of State;”*

Question Number	Topic Heading/ Respondent	Question
CA 3.10	<b>The Applicant</b>	<p>Paragraph 3.6 of the Updated Funding Statement [REP5-024] states that:</p> <p><i>“TKOWFL is developing a funding strategy that includes active consideration of ‘project finance’ as a likely source of a proportion of the finance required to build the TKES, and therefore fund land assembly requirements.”</i></p> <p>a) State whether this strategy will restrict possible funding sources to commercial banks and multilaterals as stated in paragraph 3.7 or whether other commercial or institutional sources of funding may be considered.</p> <p>b) State the timing for the preparation of this strategy.</p> <p>c) State whether the strategy will be a public document.</p>

**CA 3.10****a)**

1. The Applicant can clarify to the ExA that the strategy will generally not be restrictive at this stage but will currently focus on commercial banks, multilaterals and potentially export credit agencies as the most likely source of project financing.

**b)**

2. The Finance Strategy is currently in a draft form which is being reviewed and discussed amongst the shareholders and advisors. It is expected that the strategy will be considered by the board of the Applicant at the next governance event in May 2016

**c)**

3. The Finance Strategy will not be a public document. The Finance Strategy must remain confidential to protect the Applicant's commercial position in the context of the contract for difference auction and the engagement of financial institutions.

Question Number	Topic Heading/ Respondent	Question
CA 3.11	<b>The Applicant</b>	<p>Appendix 2 of the <i>Updated Funding Statement</i> [REP5-024] sets out the RWE Statement on Restructuring dated 11 December 2015.</p> <p>State whether you consider that the creation of a new subsidiary company through an IPO will affect the ExA's assessment of whether there is a reasonable prospect of the requisite funding for the proposed project and for compulsory acquisition becoming available.</p>

### CA 3.11

1. The Applicant considers that the creation of a new subsidiary and an IPO will improve the prospect of the requisite funding for the proposed project becoming available since it is expected to raise significant new funds for investment into renewables by one of Applicant's ultimate parent companies. Nevertheless, the statement in Appendix 2 sets out the RWE strategic position without certainty as to the exact size and timing of an IPO. The new structure proposed by RWE will in no way prejudice the Finance Strategy and is expected to enhance the ability of the Applicant to draw sufficient financial support for land acquisition and compulsory acquisition from within its existing ownership structure (supplemented by any project financing sought in accordance with the final Finance Strategy).

Question Number	Topic Heading/ Respondent	Question
CA 3.12	<b>The Applicant</b>	<p>Paragraph 3.25 of the <i>Updated Funding Statement</i> [REP5-024] states that:</p> <p><i>“... the shareholders will ensure (through both the contractual arrangements for transfer of shares and the guarantee document itself) that any replacement of guarantees will only be possible in circumstances where the incoming guarantor is of equal or better creditworthiness to the exiting shareholder. Through these provisions, the Secretary of State will be able to legally manage any changes of guarantor and will be able to ensure that an appropriate level of creditworthiness (vis-à-vis outstanding obligations of TKOWFL) is maintained.”</i></p> <p>State whether the contractual arrangements for transfer of shares will be a public document to be made available to the Secretary of State.</p>

**CA 3.12**

1. The contractual documents (likely to be a share purchase agreement and a deed of guarantee) will not be public documents, but (subject to the consent of the relevant counterparties) it may be possible to share relevant sections of the document with the Secretary of State.

Question Number	Topic Heading/ Respondent	Question
CA 3.13	<b>The Applicant</b>	<p>What is the process for landowners and tenants to obtain written permission (from TKES) to undertake works which require consent under the terms of the Restrictive Covenant?</p> <p>Where is this process detailed and secured in the draft DCO?</p>

### CA 3.13

1. During the Local Impacts Hearing held on 19<sup>th</sup> January 2016, the process by which landowners and tenants would contact the Applicant in order to seek consent for activities bound by the Restrictive Covenant set out in Schedule 5, Part 3 of the draft DCO (Revision F) (submitted as Appendix 22 of the Applicant's Response to Deadline 5), was raised in discussion. The Applicant summarised the points raised and the responses given in Appendix 1 of the Applicant's response to Deadline 5 [REP5-014] as follows:

*“The Applicant described the process as being initially contact by phone call from the landowner/farmer/tenant to the cable operator with a follow up of written request for consent of certain activities as necessary. The Applicant referred to National Grid's existing ‘Dial before you dig’ protocols and confirmed that it would update the Outline Soil Management Plan (document reference 8.7.5) to provide further clarity regarding the method for securing consent.”*

2. The Applicant met with the Land Interest Group (LIG) on the 4<sup>th</sup> February 2016 where this matter and relevant updates to the Outline Soil Management Plan (SMP) were discussed (the minutes of this meeting have been submitted as Appendix 18 of the Applicant's response to Deadline 6). Further engagement has since taken place with the LIG on this matter resulting in the following updates to the Outline SMP.

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3. Paragraph 2.8 of the Outline SMP (Revision D), submitted as Appendix 10 to the Applicant's response to Deadline 6, has been updated to state:

*".....Information in relation to the process of management of restrictive covenants will be issued to landowners and occupiers every year. The operational process of the restrictive covenant is as follows:*

- Landowners may request necessary consent for activities captured by the restrictive covenant by telephone, email or in writing;*
  - Consent, including any restrictions on working practices, will be determined by the cable operator in writing as soon as practicable;*
  - Consent requests for mole drainage to be determined within 24 hours not including weekend hours; and*
  - Representatives of the cable operator may need to be present on site to monitor works."*
4. Where written consent from the Applicant is required for activities bound by the Restrictive Covenant, the Applicant will, following a request from the landowner or tenant by telephone, email or in writing as set out above, provide the consent by way of a written letter to the landowner or tenant in accordance with the requirements set out above.
5. The SMP is secured through Requirement 14(2)(e) *Code of construction practice (onshore)* of the draft DCO (Revision F).

Question Number	Topic Heading/ Respondent	Question
CA 3.14	<b>The Applicant</b>	Do you have details of all those, including tenants, who will be affected by the scheme?

### CA 3.14

1. The Applicant used diligent inquiry to identify all interests, including those belonging to tenants, which will be affected by the proposed development. Those interests that had been identified at the date of application are listed in the Book of Reference submitted with the application. An updated version of the Book of Reference has been submitted as part of the Applicant's Deadline 6 response at Appendix 3, as requested by the ExA in question CA 3.5. The updated Book of Reference includes details of interests that have been identified by or provided to the Applicant's land agents (Ardent) through the contact with landowners and land agents since the date of the application.
2. Prior to submission of the application, the Applicant's land agents undertook a robust and diligent enquiry process to identify all the land interests potentially affected by the proposed development. This involved a number of Requests for Information (RFIs) sent directly to landowners; Land Registry searches (including a Property Watch Service prior to application); site visits to speak to landowners and owners of neighbouring properties; the display of site notices; meetings with landowners; and consideration of other relevant sources of information. These steps, which are best practice and undertaken on all schemes of this nature, have ensured that a diligent land referencing process has been completed. (Please see Appendix 42 *Landowner correspondence documents* of the Applicant's response to Deadline 1 [REP1-063]).

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3. The main forms of contact with landowners, including written correspondence and site visits, are detailed in the table in paragraph 3.430 of the response to question CA 1.3 of the ExA's first written questions [REP1- 044]. The process for diligent enquiry is described in paragraphs 7.4 to 7.6 of the Statement of Reasons [REP1 - 061], as follows:
- *Since early 2012 the identification of potentially affected parties has been ongoing. Survey access was required for a large number of option routes throughout 2012 and 2013. Landowners and other interested parties were identified initially through title searches with the Land Registry. Where ownership could not be determined through these means, a number of site visits were conducted which included door knocking and speaking to neighbouring landowners and residents. Contact was also made with landowners via telephone, email and letter.*
  - *Throughout 2014 the preferred route alignment was amended on a number of occasions following a series of informal consultation requests. Where additional land was included in the proposals further Land Registry searches were conducted followed by site visits and door knocking. In July 2014 two landowner specific events were held in Lincolnshire at venues close to the cable route where further land interest details could be confirmed with landowners who attended. In August 2014 formal land referencing questionnaires were issued to all identified affected parties. These were followed up with site visits and speaking with landowners where possible to verify the ownership and interested party information. Where land owners remained unknown or where persons with rights of access over affected access ways were unknown, site notices were erected in a suitable visible location (for example on gateways or nearby telegraph poles).*
  - *The statutory consultation process under sections 42 and 47 of the 2008 Act commenced in October 2014 (refer to the Consultation Report (Application Document 5.1) for details). Where further interested parties were identified they were provided with the same information in CD format as previously-identified parties, and were given an opportunity to put forward comments and requests in relation to the project proposals. Where any significant changes in the routing were made, further statutory consultation letters and accompanying CDs were issued to those landowners whose land had been affected by the changes. In February 2015 a property watch service was conducted with the Land Registry to verify the current registered proprietors and identify any changes in ownership that had occurred to the Land Registry titles affected by the preferred route.*

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4. Where information has been obtained through discussions with those with land interests, or included in returned RFIs, the Applicant has sought to verify the information. Where this has not been possible, the information provided has been relied on as correct.
  5. There are a number of plots included in the Order Limits where it has not been possible to identify the owner or beneficiary of an interest through the diligent enquiry process. These are recorded in the appropriate column in the Book of Reference as 'Unknown'. The large majority of parcels which contain 'Unknown' are in relation to unknown owners of underground mines and minerals interests. There are also a small number of agricultural access tracks where not all the users are known (plots 07/19, 08/02, 08/03, 08/04, 28/12, 41/08) and one small area of arable field where the ownership is unknown (plot 31/09). The owner of plot 31/09 has however since been identified through discussions regarding Heads of Terms with a neighbouring farmer on 29 October 2015 and was subsequently written to on 5 November 2015 regarding the proposed development and the ongoing examination process. The Applicant's land agents are in discussions with this new landowner's land agent with a view to conclude an agreement as soon as possible and discussions are progressing well. The details have been included in the revised version of the Book of Reference at Appendix 3 to this Response.
  6. The Applicant is confident in the robustness of the land referencing process undertaken. However, it is important to recognise that the ownership of land evolves over time. Where changes in land ownership have been brought to the Applicant's attention since the date of application, contact has been made with the new parties and agreements are being sought with the landowner direct, or their land agent where appropriate. The Book of Reference has also been updated to reflect those changes.
  7. The Applicant has undertaken diligent enquiry and used all reasonable and appropriate steps to identify all interests, including those of tenants, that will be affected by the proposed development.

Question Number	Topic Heading/ Respondent	Question
AH 3.1	<b>Historic England</b>	<p>In Question AH 2.8 [PD-014] the ExA asked for confirmation that the Drainage Scoop Wheel and Channel heritage asset had been incorrectly plotted. The response from Historic England [REP4-011] confirmed the incorrect plotting but Historic England stated that “it is for the applicant to demonstrate their case that given the corrected location, harm would not occur due to screening by the intervening private residence (or that any harm would be both temporary and negligible)”.</p> <p>Has the Applicant adequately demonstrated this?</p>

### AH 3.1

1. The Applicant notes that this question is directed to Historic England, however in order to assist the ExA, additional clarification is provided as follows.
2. The Drainage Scoop Wheel and Channel heritage asset is shown as RSK ID 699 (at its correct location) on Map 10, Figure 1-1 of Volume 5, Annex 8.1 *Historic Environment Baseline*. The map shows that a building (Deangate House) lies to the south of the asset which will act as a physical buffer between the asset and the proposed construction activities, which will be undertaken at Temporary Construction Compound (TCC) 21.
3. Paragraph 8.52 of Volume 3, Chapter 8 *Historic Environment* of the ES (document reference 8.2.3.8) notes that the asset has been considered as part of the existing environment identified for the study area:

*“There is a single Grade II Listed Structure within the study area (RSK ID 699 Draining Scoop Wheel and Channel north of Deangate House, located at NGR 523400,345500 list entry number 1062051 and shown on Figure 1-1, Map 10 of the Baseline Study (Annex 8.1 Volume 5). This asset is located outside of the Proposed Development Boundary and will not be impacted by the scheme.”*

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4. Paragraph 8.102 of Volume 3, Chapter 8 of the ES considers the potential for the asset to be impacted, with the finding that:

*“There are no predicted direct physical impacts on the one designated heritage asset (RSK ID 699) in the onshore study area (which is located outside of the Proposed Development Boundary).”*

5. The Applicant refers the ExA to its response to AH 1.10 of the ExA’s first written questions [REP1-044] where it is confirmed that there would be no risk of accidental damage to the asset during the construction use of and dismantling of the TCC; this is due to the physical separation afforded by Deangate House.
6. The Applicant is therefore confident that it has fully considered and demonstrated that no physical harm will come to this heritage asset from the construction of the proposed development.
7. In terms of impacts on the setting of above ground heritage assets, the Applicant has set out in paragraph 8.103 of Volume 3, Chapter 8 of the ES:

*“Given the temporary nature of construction activities, indirect effects on the settings of above ground designated heritage assets are not considered to be significant; as such assessment of indirect effects on above ground designated heritage assets during the construction phase is not considered in the EIA”.*

8. In this instance this is considered to be an appropriate approach to the assessment of impacts on the setting of the heritage asset as the physical separation afforded by Deangate House would further provide screening from any potential negative effects on the setting of the Drainage Scoop Wheel and Channel.
9. The Applicant has discussed this matter with Historic England and confirmed to them that, as set out in Appendix 1 of the Applicant’s response to Deadline 5 (Local Impacts Hearing Summary) *“all TCCs may be scaled down as necessary once stages of the works are complete and will be ultimately demobilised in their entirety and the land reinstated to its original condition once they are no longer needed”*, thereby keeping the construction activities in close proximity to the Drainage Scoop Wheel and Channel heritage asset as short as possible within the duration of the construction programme.
10. The Applicant is therefore confident that it has fully considered and demonstrated that there will be no harm to the setting of the heritage asset from the construction of the proposed development.
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Question Number	Topic Heading/ Respondent	Question
EOf 3.1	<p><b>The Applicant</b></p> <p><b>Natural England</b></p>	<p>Condition 12 of the <i>draft Deemed Marine Licence</i> [REP5-035] requires pre-construction monitoring and surveys to be undertaken. Condition 13 requires post construction surveys.</p> <p>However the ExA is concerned that neither of these makes adequate provision for reef survey work to be undertaken prior to any maintenance activities; that Condition 13 seeks to determine the effects of construction activity only.</p> <p>Notwithstanding the Statement of Common Ground between the Applicant and Natural England [REP5-044] which states that the <i>Outline Offshore Operations and Maintenance Plan</i> [APP-114] (O&amp;M Plan) “<i>is appropriate and reasonable to inform the final O&amp;M plan</i>”, the ExA is concerned that the O&amp;M plan is not particularly detailed in regard to the requirements for cable and reef surveys, and the ExA notes that reef surveys prior to maintenance activities are not secured in the draft Deemed Marine Licence.</p> <p>Comment and explain whether the O&amp;M Plan and the draft DML need to be updated in this respect.</p>

**EOf 3.1**

1. The Applicant has discussed this matter with both the Marine Management Organisation and Natural England, and confirmed with both parties that, as set out in their respective SoCGs, they are content with the drafting of the draft dML with respect to Conditions 7(i), 12 and 13 (see paragraphs 4.162, 4.169 and 4.170-4.171 of the SoCG with the Marine Management Organisation [REP5-045] and paragraphs 4.271, 4.273 and 4.274-4.275 of the SoCG with Natural England [REP5-044], and with the drafting of the Outline Offshore Operations and Maintenance Plan [APP-114] (see paragraph 4.163 of REP5-045 and paragraph 4.243 of REP5-044).

2. The Applicant will discuss survey requirements for operational work with both Natural England and the Marine Management Organisation as part of the discharge process for the Offshore Operations and Maintenance Plan, as well as during reviews of the Offshore Operations and Maintenance Plan, as set out in paragraph 1.8 of APP-114.

Question Number	Topic Heading/ Respondent	Question
EOf 3.2	<b>The Applicant</b>  <b>Natural England</b>	<p>Does the Statement of Common Ground between the Applicant and Natural England [REP5-044] need to be updated to reflect the most up-to-date draft DCO and draft DML [Revision F REP5-035], as there are references notably at Paragraphs 4.253 and 4.254 to the agreement of the wording and measures as set out in Schedule 9 Part 2 of the dDCO and dDML Version E [REP4-042]?</p>

### EOf 3.2

1. The SoCG between the Applicant and Natural England refers to Revision F of the draft DCO/dML [REP5-035] where amendments to relevant draft dML Conditions were made from Revision E [REP4-042], as noted in paragraph 4.275. The Applicant does not believe that any further changes will be made to the dML conditions referenced in the SoCG and therefore does not believe the SoCG needs to be updated.
2. The Applicant has discussed this matter with Natural England and understands Natural England agrees with this.

Question Number	Topic Heading/ Respondent	Question
EOn 3.1	<i>Environmental Issues: Onshore</i> <b>The Applicant</b>	<p>In paragraphs 6.7 to 6.11 of its marked up version of its Statement of Common Ground submitted at Deadline 5 [REP5-053], Lincolnshire County Council appears to be pointing out errors within the Environmental Statement.</p> <p>a) Do you agree that these are errors?</p> <p>b) If so, do they have any bearing on, or fundamentally alter any findings in the Environmental Statement?</p> <p>Provide an errata sheet clearly identifying all corrections made to the Environmental Statement during the Examination by Deadline 7</p>

### EOn 3.1

- Lincolnshire County Council (LCC) raise a number of issues regarding terrestrial ecology in Section 6 of the updated Statement of Common Ground submitted at Deadline 5 (REP5-053). As the ExA is aware, this document was submitted by LCC without any previous discussion with the Applicant. This is therefore the first time the Applicant has been made aware of the points raised with regard to the assessment presented within the ES. Those points are addressed in turn below, following the issues raised by LCC, and where appropriate the issues raised have been grouped:

#### **Paragraphs 6.7 – 6.9**

*“6.7 LCC considers that paragraph 4.52 of Volume 3 Chapter 4 of the ES needs to be updated as there are 4 non- statutory designated Local Wildlife Sites and not 3 as stated.”*

*“6.8 LCC considers that paragraph 4.53 of Volume 3 Chapter 4 of the ES needs to be updated to include Huttoft Bank to Anderby Creek Dunes Local Wildlife Site.”*

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*“6.9 LCC considers that Table 4.9 of of Volume 3 Chapter 4 of the ES needs to be updated as the designated sites within the proposed development boundary needs to include Marsh Yard to Anderby Creek Dunes Local Wildlife Site and Figure 4.2a amended accordingly.”*

2. The Assessment of Local Wildlife Sites (LWS) presented within the ES Volume 3, Chapter 4 is based on desk study information supplied by Greater Lincolnshire Nature Partnership (GLNP) in 2014. At the time the Application was submitted the information contained in paragraph 4.52 of ES Volume 3, Chapter 4 was current and correct. This position was assumed to be current until the publication of LCC’s response to Examining Authority Question TT 2.3 at Deadline 4, as changes to LWS were not flagged by LCC or East Lindsey District Council prior to this (including during consideration of Preliminary Environmental Information, LCCs Written Representation or during the first round of Issue Specific Hearings).
3. The Applicant acknowledges that paragraph 4.52 of ES Volume 3, Chapter 4 *Terrestrial Ecology* could be revised to note that four Local Wildlife Sites (LWS) are crossed by the cable route (with the addition of Marsh Yard to Anderby Creek Dunes LWS). The Applicant would highlight, however, that the area within the Marsh Yard to Anderby Creek Dunes LWS, whilst overlapping with the Order Limits, is the same as that occupied by Huttoft Bank Dunes LWS. This LWS (note it is referred to as an LWS as opposed to an SNCI following advice from LCC received on 18<sup>th</sup> November 2014 – see Table 4-2 of ES Volume 3, Chapter 4 *Terrestrial Ecology*) is considered within the assessment. Both of the designations are aimed at providing protection to the dune system that separates the beach from the arable fields. A trenchless crossing technique will be used to cross the dune system and therefore this will preclude any damage to this feature. An area of arable land (plus access track) lies within both designations, and this is where construction activity associated with the project will cause loss of habitat. This loss of habitat is considered within the ES, and this assessment remains current for both designations (i.e. the impacts are the same). On this basis the Applicant does not consider it necessary to update paragraph 4.52 of ES Volume 3, Chapter 4.

### **Paragraph 6.10**

*“6.10 LCC considers that Figure 4.1a of Volume 3 Chapter 4 of the ES needs to be amended to include within the Designated Sites the on the map and insert the boundary of the following sites;*

- *Sandilands Golf Course and Dunes LWS*
- *Huttoft Bank Dunes (part) SNCI*
- *Marsh Yard to Anderby Creek Dunes LWS*
- *Wolla Bank South LWS*

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- *Chapel Six Marshes LWS*
  - *Chapel Point Dunes (north)."*
4. In response to this statement from LCC, the Applicant would highlight to the ExA that a number of the LWSs suggested (3 of 6) for inclusion on an updated figure 4.1a of ES Volume 3, Chapter 4 are outside of the 2 km desk-study search area specified within the desk-study methodology (see Section 2.2 of the Terrestrial Ecology Baseline Report (Document Reference 6.2.5.4.1)). Therefore, even if the updated non-statutory designation information had been available at the time when the desk-study was undertaken, these sites would not have been included within the data provided by GLNP as the agreed search criteria used would have excluded them.
  5. Of the remaining three sites, Huttoft Bank Dunes (part) is shown on figure 4.1a; Marsh Yard to Anderby Creek Dunes LWS overlaps Huttoft Bank Dunes (part) and is concurrent with that site (and is within the Order Limits) and therefore the level of impact predicted would remain unchanged; and Wolla Bank LWS lies approximately 1.8 km from the Order Limits, to the south of Anderby Creek, and is therefore separate from the proposed development and would not be impacted by it.
  6. The Applicant does not consider it necessary to update figure 4.1a as the new information does not alter the assessment (i.e. non-statutorily designated land within and immediately adjacent to the Order Limits is already shown).

### **Paragraph 6.11**

*"6.11 LCC considers that table 4.29 does not include local coastal grazing marsh and that the cable route identified will prevent the creation of new grazing marsh habitat. Further additional mitigation measures are required."*

7. The Applicant would highlight to the ExA that Lincolnshire Coastal Grazing Marsh is included within Table 4.29 of ES Volume 3, Chapter 4 of the ES. Information regarding the potential for creation of new grazing marsh within arable fields crossed by the cable route has been provided to the Examining Authority in Section 3 of Appendix 6 of the Applicant's Response to Deadline 2 [REP2-013]. It should be noted that the Applicant has reached agreement with Natural England that the development will have no impact on future Lincolnshire Coastal Grazing Marsh habitat creation (paragraphs 4.87 and 4.88 of Appendix 31 of the Applicant's Response to Deadline 5).
8. In conclusion the Applicant considers that there are no errors in the ES and that none of the points raised by LCC alter the outcome of the assessment of potential impacts on terrestrial ecology as described within the ES; therefore no updates are

required. This precludes the need for an errata sheet to be submitted at Deadline 7.

Question Number	Topic Heading/ Respondent	Question
EOn 3.3	<i>Article 2</i> <b>The Applicant Land Interest Group</b>	Provide a joint statement on your meeting held on 4 February 2016, detailing matters discussed, matters now agreed and outstanding matters of disagreement.

### EOn 3.3

1. The Applicant and the Land Interest Group met on the 4<sup>th</sup> of February 2016 to discuss outstanding matters and to run through the points raised by the LIG in their Deadline 5 response.
2. A joint statement with the LIG has been prepared, including the agreed minutes of the meeting, and is submitted as Appendix 18 of the Applicant's Response to Deadline 6.
3. The Applicant and the LIG will continue to work on the few remaining items under discussion, as highlighted in the minutes, and will update the ExA at Deadline 7.

Question Number	Topic Heading/ Respondent	Question
EOn 3.4	<b>The Applicant</b>	Update the Soil Management Plan, the Construction Method Statement and any other relevant plans to reflect the outcome of discussions at your meeting of 4 February 2016 with the Land Interest Group.

### EOn 3.4

1. The Applicant has updated the Outline Soil Management Plan and Outline Construction Method Statement following discussions with the Land Interest Group (LIG) and others.
2. These amendments are captured in the updated Outline Soil Management Plan (Revision D) submitted as Appendix 10 of the Applicant's Response to Deadline 6 and Outline Construction Method Statement (Revision D) submitted as Appendix 8 of the Applicant's Response to Deadline 6. Comparison versions of these documents against Revision A are also submitted at Appendix 11 and Appendix 9 of the Applicant's Response to Deadline 6 respectively.
3. For clarity, the Applicant can confirm that it has also updated the Outline Access Management Plan (Revision B) submitted as Appendix 12 of the Applicant's Response to Deadline 6, the Outline Traffic Management Plan (Revision B) submitted as Appendix 14 of the Applicant's Response to Deadline 6 and outline Landscape Strategy and Ecological Management Plan (Revision C) submitted as Appendix 16 of the Applicant's Response to Deadline 6. The comparison versions of these documents against Revision A are also submitted at Appendix 13, Appendix 15 and Appendix 17 of the Applicant's Response to Deadline 6 respectively.

Question Number	Topic Heading/ Respondent	Question
EOn 3.5	<b>The Applicant</b>	<p>a) Confirm that annual inspections of the buried cable and associated infrastructure will be undertaken by the operator and that such cable and associated infrastructure will be reburied where it poses a risk to agricultural operations.</p> <p>b) Explain how and where this obligation is secured in the DCO.</p>

### EOn 3.5

#### a)

1. The Applicant considers that annual inspections of installed cables are not deemed to be required, as set out below.
2. Paragraph 5.5 of the Construction Method Statement (Rev D), submitted at Appendix 8 to the Applicant's Deadline 6 submission, commits the Applicant to a minimal burial depth of the cable circuits to 1.2 m below the surface of agricultural land.
3. Paragraph 1.100 of the *Onshore Project Description*, at Chapter 1, Volume 3 of the ES (application document 6.2.1.1 [APP-020]) states that:

*"Each circuit will consist of three onshore power cables (one power core for each phase) – each approximately 150 mm in diameter – and will include up to three fibre optic cables. The power cables will be installed in individual lengths varying from c.600 m to c.1000 m and then jointed. The fibre optic cables may be installed in longer sections. The entire cable system will be installed underground. Each circuit will typically have three main ducts – one for each electrical cable - and two smaller ducts for fibre optic cables. Each electrical cable duct will be made of plastic and be approximately 375 mm in diameter (Figure 1-11)."* (emphasis added)

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4. These ducts will be laid in a flat or trefoil arrangement as shown in Figure 1-11 of Chapter 1 and a “protective board” is laid immediately above the plastic ducts (paragraph 1.131). Further, as set out in paragraph 1.33 a warning tape is laid around 100 mm above the protective board. Therefore, in the event of activities above the circuits being undertaken too close, it will be warning tape that is disturbed first, alerting the farmer/landowner that electrical cables are buried immediately below.
  5. All landowners will be bound by the terms of the restrictive covenants which prohibit specific agricultural activities being undertaken below 0.6 m below the ground level without the express consent of the cable operator, such consent not to be unreasonably withheld. The restrictive covenants are imposed immediately above the cable circuits and within a safety zone that is imposed either side that is determined by the burial depth.
  6. Once a request has been received from a landowner to undertake works which require consent, in accordance with standard procedure the cable operator will check at the physical location at which a landowner wishes to undertake intrusive works above the cable circuit, the cable operator will ensure that that the cable circuit burial depth is correct against the “as laid” records. Where there is any indication that the burial depth of a cable has changed, remedial action will always be undertaken to re-bury where necessary.
  7. Further, as set out in paragraph 2.50 of the Applicant’s Written Summary of The Applicant’s Oral Case put at Local Impacts Issue Specific Hearing on 19 January 2016, submitted at Appendix 1 of the Applicants Deadline 5 submission [REP5-014], *“The Applicant further confirmed that annual inspections would be carried out at the cable route link boxes throughout the lifetime of the operational project”*.
  8. The link boxes (one for each cable circuit) will be located between 600 m to 1 km apart along the length of the onshore cable corridor and so regular annual visits will be made to the cable corridor.
  9. Owing to the protection afforded to the cable circuits by:
    - a. their burial at a minimum of 1.2 m below the surface of the ground inside ducts;
    - b. protective boards;
    - c. warning tape laid 100 mm above the protective boards;
    - d. the restrictive covenants restricting certain activities above the cables and within a safety zone either side;
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- e. annual checks undertaken by the cable operator of the link boxes that will be present every 600 m – 1 km along the cable route; and
  - f. the physical check undertaken by the cable operator that the actual burial depth matches the “as laid” records once a request has been made by the land owners to undertake an activity that is prohibited by the restrictive covenants without prior consent of the cable operator where the activity could have the potential to affect the integrity of the cables;

it is considered that the cables are afforded sufficient protection to avoid incidents where the cables could be hit. On this basis, annual inspections of buried cables would not appear to be reasonable or appropriate.

**b)**

10. Operators of electrical cables are obligated under Electricity Safety, Quality and Continuity Regulations Part IV, Section 14 to ensure are cable are sufficiently protected and identified. This states:

*“Excavations and depth of underground cables*

*14.—(1) Every underground cable shall be kept at such depth or be otherwise protected so as to avoid, so far as is reasonably practicable, any damage or danger by reason of such uses of the land which can be reasonably expected.*

*(2) In addition to satisfying the requirements of paragraph (1), an underground cable containing conductors not connected with earth shall be protected, marked or otherwise indicated so as to ensure, so far as is reasonably practicable, that any person excavating the land above the cable will be given sufficient warning of its presence.*

*(3) The protection, marking or indication required by paragraph (2) shall be made by placing the cable in a pipe or duct or by overlaying the cable at a suitable distance with protective tiles or warning tape or by the provision of such other protective or warning device, mark or indication, or by a suitable combination of such measures, as will be likely to provide an appropriate warning.”*

11. As such, the Applicant does not consider it necessary for a duplicate obligation to be imposed within the TKES DCO.

Question Number	Topic Heading/ Respondent	Question
LVI 3.1	<p><b><i>The Applicant Mr Spence Lincolnshire Wildlife Trust (Mr Wardle)</i></b></p>	<p>The ExA notes the comments from the Applicant in section 2 of Appendix 13 [REP5-026] relating to the dispute between the Applicant and Mr Spence in respect to how the habitat was created. The Applicant said this was achieved by impeding the flow of water (entering as rainfall) into the drainage ditches that surround the site through the compaction of soil around the field's perimeter and the breaking of the existing drainage infrastructure; Mr Spence stating it was achieved differently.</p> <p>Can the Applicant and Mr Spence establish the correct method of drainage?</p> <p>If the Applicant concedes that Mr Spence is correct, does this affect how construction techniques would be deployed at the site, particularly as Appendix 1 of the Construction Method Statement [REP4-048] says that trenchless techniques would be used at the site's boundaries?</p>

### LVI 3.1

1. The Applicant has set out in its LCGM – Field 6 / Site E Clarification Note (Appendix 13 of the Applicant's Response to Deadline 5) [REP5-026] at paragraph 2.4, as follows:

*“It became clear at the Onshore Impacts – Issue Specific Hearing that the land owner (Mr Spence) had used a different technique to raise the water table level in the field. Mr Spence (who undertook the habitat creation works directly) is now known to have installed a water control mechanism in the adjacent ditch system allowing the water to be impounded, thereby providing the ability to prevent or slow down water loss from the adjacent field. In addition the field drains that had been operational when the field was in arable production were removed or broken.”*

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2. The Applicant made contact with Mr Spence on 10<sup>th</sup> February 2016 to continue discussion following the second round of hearings. The Applicant and Mr Spence had a preliminary discussion and agreed to seek to meet on site once availability allowed. This meeting has not yet taken place but the Applicant can confirm that it accepts that the construction methods as outlined by Mr Spence are correct.
  3. The mitigation measures as set out in Appendix 1 of the Outline Construction Method Statement (Revision D) (Appendix 8 of the Applicant's Response to Deadline 6) do not need to be altered in response to the new information that has been provided about the grazing marsh construction methodologies.
  4. In reference to the ExA question about the use of trenchless techniques to enter and exit the site at the field boundaries, the Applicant refers the ExA to the agreed mitigation extracted from the Outline Construction Method Statement (Revision D) below:

*“Drains bordering the field (reference numbers DK\_179, DK\_181 and DK\_183) will be crossed trenchlessly. The trenchless crossing launch and exit pits will be situated at least 10m away from the ditch bank. This will ensure that measures taken by the LCGM project to raise water table levels will not be compromised by the installation of cable ducts”*
  5. The Applicant's previous assumption was that water within Site E/Field 6 is impounded by impermeable soil at the field boundary just inside the water courses. Mr Spence has clarified, and the Applicant now agrees, that the bunding of the field boundary watercourses is the feature that impounds water in the field. Either way the adopted trenchless techniques will ensure that the works impounding the water within the site are not in any way affected by the construction of the proposed development.

Question Number	Topic Heading/ Respondent	Question
LVI 3.2	<p><b><i>The Applicant</i></b>  <b><i>Mr Spence</i></b>  <b><i>Lincolnshire Wildlife Trust</i></b>  <b><i>(Mr Wardle)</i></b></p>	<p>Provide comments on the statement made by the Applicant in Section 4 and Appendix 1 of Appendix 13 Lincolnshire Coastal Grazing Marsh - Field 6 Site E Clarification Note [REP5-026] in respect of the disadvantages and potential other issues from realigning the cable route closer to the boundaries of the site.</p>

### LVI 3.2

1. The Applicant has set out its position in relation to Mr Spence's request to align the route along the roadside boundary in paragraphs 4.7 – 4.9 and Figure 1 in Appendix 13 of the Applicant's Response to Deadline 5 [REP5-026].
2. Mr Spence questions the Applicant's use of a 10 m stand-off distance "rule" from a watercourse. The Applicant notes that the EA guidance stand-off was not quoted as a "rule" rather as best practice. It is entirely possible to work within this 10 m. However, it is the Applicant's position that to do so would materially increase the risk of polluting the watercourse for very limited gain. The Applicant suggests that the 2 m stand-off suggested by Mr Spence is entirely inadequate. Significant loss of fine material into the channel from stock piled soil would be inevitable during any rain event as the gap is also too small an area to implement appropriate siltation controls. It is also inadequate to prevent losses of pollutants (e.g. diesel) into the ditch should machinery malfunction when undertaking activities such as moving the soil or installing fence posts.
3. Mr Spence suggests that the risk of pollution "should not be a problem on a well-run site" and that "the ditch could be bunded at each end if this was deemed to be a problem." The Applicant does not agree with this position. Given that Mr Spence has confirmed that the wetland habitat is created by permanently bunding water in the ditches already, any pollution entering the field boundary watercourses would have a serious effect on the ecological integrity of the site. It is the Applicant's

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position that the appropriate way in which to manage potential environmental effects is to adopt best practice a standoff distance in line with Environment Agency guidance.

4. Mr Spence also calculates the temporary habitat loss from a 40 m wider corridor located at the field boundary. The Applicant remains of the position that this would result in a larger habitat loss than going through the middle of the field with the same corridor width. However the Applicant notes that the mitigation (as detailed below and set out in Appendix 1 of the Outline Construction Method Statement (Revision D) (Appendix [ ] of the Applicant's Response to Deadline 6)) refers to a 40m width only when crossing the foot drains.

*“Working width to be narrowed to 40m when crossing the foot drains located within the field”*

5. As such, Mr Spence’s suggestion that 40 m is adequate for the whole field is misguided and does not take into account the need for other activities such as construction soil storage areas.
6. The Applicant’s position in relation to the suggested route realignment remains as set out in Appendix 13 of the Applicant's Response to Deadline 5 [REP5-026].

Question Number	Topic Heading/ Respondent	Question
LVI 3.3	<b>The Applicant</b>	<p>The NFU/LAAV have in their response to Deadline 5 [REP5-007] requested a number of changes to the Soil Management Plan [REP4-050] in respect, amongst other things, of soil shrinkage and soil aftercare. Do you consent to these changes?</p> <p>a) Will you be updating the Soil Management Plan accordingly?</p> <p>b) Are there any implications for the draft DCO?</p>

### LVI 3.3

#### a)

1. The Applicant and the Land Interest Group met on 4<sup>th</sup> February 2016 to run through the points raised by the LIG in their Deadline 5 response including suggested amendments covering cable depth (soil shrinkage) and soil aftercare. The Applicant is still in discussion with the LIG on the wording for soil aftercare.
2. The Applicant has updated the Outline Soil Management Plan and Outline Construction Method Statement following discussions with the LIG and others. These amendments are captured in the updated Outline Soil Management Plan (Revision D) and the Outline Construction Method Statement (Revision D) submitted as Appendices 10 and 8 of the Applicant's response to Deadline 6 respectively. The comparison versions of these documents to Revision A are also submitted at Appendix 11 and Appendix 9 of this response, respectively.

#### b)

3. The Applicant can confirm that following discussion with LIG on 4<sup>th</sup> February it was agreed that the Outline Construction Method Statement is the correct document to deal with cable installation depth matters and as such, minor amendments were made to clarify this section. As such, the Applicant can confirm that there are no implications for the draft DCO.

Question Number	Topic Heading/ Respondent	Question
SE 3.2	<b>The Applicant</b>	<p>Section 2 of Revision C of the outline Soil Management Plan (SMP) [REP5-027] makes reference both to the Agricultural Liaison Officer (ALO) and to the ALO team. Given the size and complexity of the scheme and the number of farms affected:</p> <p>a) Confirm that the ALO is an ALO team, i.e. several people rather than a single person, and amend the outline SMP to make this clear; and</p> <p>b) Make it clear in the outline SMP what will happen at decommissioning.</p>

### SE 3.2

#### a)

1. The Applicant confirms that the roles and responsibilities of the “ALO” function will be fulfilled by an ALO team as appropriate. The amendments made to the Outline SMP (Revision C) [REP5-027] set out as clearly as possible at this stage how the ALO responsibilities will be resourced; paragraph 2.1 states:

*“Engagement with landowners and occupiers of agricultural land is an important part of the management of the construction and operation of the proposed development. Engagement requirements will vary over the life of the project but will be provided by **at least one** suitably qualified Agricultural Liaison Officer (ALO), **more will be appointed if required, working together in a team managed by the Applicant.**” (emphasis added)*

2. It is not possible or appropriate at this stage to identify the precise number of personnel fulfilling the ALO responsibilities for the duration of the project; nor does the Applicant deem it necessary to commit to more than a single person for the entire duration of the role as, in reality, the resource requirements for the role will be determined by the programme for pre-construction, construction and operational engagement and works (some pre-construction engagement activities for one aspect such as soils, may run in parallel with survey work for other aspects such as drainage; therefore the resource capacity available within the “ALO team”

would be greater than if those activities were undertaken sequentially). Until a detailed programme of works, including engagement activities, is developed the resource necessary for the ALO role cannot be confirmed. Further there will be points in time when the ALO role equates to less than a full time role for a single individual (for example during the operational phase when all reinstatement activities are complete), hence the Applicant's position with respect to not committing to an "ALO team" for the duration.

3. The Applicant has had detailed discussions with the Land Interest Group (LIG) in relation to the drafting of the ALO section in the Outline SMP and has significantly increased the level of detail included (this is shown in the comparison document of the Outline SMP Revision A to Revision D, Appendix 10 of the Applicant's response to Deadline 6). At the meeting held on 4<sup>th</sup> February 2016 (minutes for which have been submitted as Appendix 18 of the Applicant's response to Deadline 6) it was agreed that the following amendments would be made to paragraph 2.7 of the Outline SMP:

*"A member of the ALO team will be available ~~at all times during working hours or as appropriate, depending on program activities, such as during 24 hours during the construction phase activities,~~ to give advice to landowners, occupiers (and their agents) the Applicant's project team manager and surveyors should they require it. **This resource will not be limited, and may be contracted to a group or company to achieve continuity throughout.**" (emphasis added)*

4. The Applicant has therefore addressed concerns in relation to the resourcing and the availability of the ALO, or ALO team, as necessary.
5. The Applicant is confident that the drafting set out in the Outline SMP (Revision D) secures an appropriate commitment to adequately resourcing the ALO responsibilities.

**b)**

6. The Applicant discussed decommissioning with the LIG at the meeting held on 4<sup>th</sup> February 2016 (minutes for which have been submitted as Appendix 18 of the Applicant's response to Deadline 6). It was agreed that the following addition would be made to Section 5 of the Outline SMP as follows:

*"TKOWFL will remove unless otherwise requested by a landowner all infrastructure located from the surface to a depth of 1.2m below the surface of the Easement area unless statutorily obliged to do otherwise."*

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7. The amendment has been included at paragraph 5.11 of the Outline SMP (Revision D), submitted as Appendix 10 of the Applicant's response to Deadline 6.
  8. Further, the Applicant has amended Requirement 22 *Onshore Decommissioning* of the draft DCO (Revision F) [REP5-035] to include consultation with landowners in relation to decommissioning of the onshore works, and the development of the onshore decommissioning plan, as follows:

*"22. Within six months of the cessation of commercial operation of the onshore works, and after consultation with landowners in relation to their landholding, an onshore decommissioning plan shall be submitted to the relevant planning authority for approval."*
  9. The Applicant does therefore not think it is necessary to make further amendments to the Outline SMP, as additional drafting relating to consultation with landowners would unnecessarily duplicate the commitment secured in the DCO itself.
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Question Number	Topic Heading/ Respondent	Question
SE 3.3	<i>Socio Economic</i> <b>Lincolnshire County Council (LCC)</b>	i) Paragraph 20 of your Deadline 5 submission [REP5-005] says in respect of impact on tourism that “The County has ... provided the relevant information in respect of tourism to enable the proper judgment (sic) about the effects of it (sic) to be made”. Explain how the figures you have introduced into the examination at Deadline 5 [REP5-006] demonstrate to the ExA the expected impact of the project on tourism.

### SE 3.3

1. The Applicant notes that this question is directed to LCC, however in order to assist the ExA it has provided some clarifications as follows.
2. The Applicant highlights that LCC does not (and has not to date) offered any assessment or analysis of the new figures that it presented for Deadline 5 [REP5-005] with respect to the assessment of the TKES. In addition, no evidence has been submitted to suggest that the figures recently provided would change the outcome of the Applicant's assessment of the impacts of the Triton Knoll Electrical System on tourism.
3. The figures recently submitted by LCC do not alter the approach taken by the Applicant in its assessment or the weight given by the Applicant to the importance of tourism in undertaking the socio-economic impact assessment. The Applicant does not anticipate that any of the information submitted by LCC would change the outcome of the assessment that was undertaken as part of the TKES Environmental Impact Assessment (EIA). That assessment concluded that the overall recreation and tourism effect for the landfall, onshore cable route, intermediate electric compound and substation during construction is minor adverse, which is not significant. During operation, the recreation and tourism effect for the landfall, onshore cable route, intermediate electrical compound and substation is negligible, which is not significant. Even with a growth in tourism numbers and revenue, the Applicant believes that its assessment and the conclusions of that assessment would not change, and would remain minor

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adverse/negligible and not significant. LCC has not provided any assessment to question that conclusion.

4. The Applicant has provided a detailed response to the figures and information submitted by LCC in paragraphs 2.32 to 2.43 of Appendix 10 to the Applicant's Response to Deadline 5 [REP5-023].
5. LCC acknowledges at paragraphs 19 and 20 of its response to Deadline 5 [REP5-005] that the agreed approach for the EIA Evidence Plan [APP-132] was that the baseline for tourism would be sought from a wide variety of sources and updated regularly until submission of the application.
6. As set out at paragraph 3.31 of Volume 3, Chapter 3 of the Environmental Statement (ES) [APP-044] the most contemporary data available was used to undertake the assessment. Local and regional planning documents and background studies, findings from appropriate consultation and publicly available data were all used to define the baseline conditions across the study area.
7. The Applicant was only able to consider documents that were publicly available at the time the ES was prepared. Therefore, the submission by LCC that the Applicant should have considered documents which were not then, and are not even now publicly available and have only been very recently provided to the Applicant by LCC, does not accord with the agreed approach.
8. The methodology for the assessment carried out by the Applicant is set out at paragraphs 3.36 to 3.43 of Volume 3, Chapter 3 of the ES [APP-044]. The approach taken to the study methodology for the socio-economic impact assessment was agreed to within the EIA Evidence Plan process and the entire baseline content was reviewed by the 'Human Environment' Review Panel participants, within which socio-economics was considered and agreed to (Appendix I; Annex E3 - APP-132). LCC had a representative on the Review Panel and agreed to the approach that was to be taken for the baseline study. The Applicant also refers the ExA to an email received from the LCC Strategic Planning Manager on 17 April 2015 (Appendix IV – PDF page 144 [APP-132]) confirming that the content of the Evidence Plan, which clearly sets out these aspects, was agreed.
9. In the Statement of Common Ground submitted by LCC for Deadline 5 (REP5-053) (which the Applicant did not agree), LCC stated that it is concerned that outdated information has been used with regard to the volume and value of the visitor economy. The Applicant has addressed this point above and previously, the most contemporary data available at the time the assessment was undertaken

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was used to assess the impact of the project on tourism. This approach, and the EIA Evidence Plan underlying the assessment, was agreed with LCC at the time.

10. LCC also raises concerns in its Statement of Common Ground [REP5-053] submitted for Deadline 5 that Volume 3 of the ES makes no reference to the Greater Lincolnshire Destination Management Plan and Priorities. The Applicant has addressed this point at paragraph 2.40 of Appendix 10 to the Applicant's Response to Deadline 5 [REP5-023]. As stated previously, the Applicant has acknowledged the importance of the tourism industry and visitor economy to Greater Lincolnshire, in accordance with the Destination Management Plan's strategic priorities. The impact of the Applicant's proposal on the visitor economy in Greater Lincolnshire has been taken into account as part of the assessment conducted in the Applicant's ES.
11. LCC also states that the Applicant has not considered the reputational damage that the scheme would have on the tourist industry in Lincolnshire. In addition, they state that there has been no consideration of the nature of Lincolnshire's tourism and the potential impact on visitor numbers and the impact of negative PR.
12. The Applicant has considered a full range of sources of potential effects on socio-economic, tourism and recreation as set out in Volume 3, Chapter 3 of the ES. The assessment considers the direct and indirect effects on tourism receptors such as those using overnight accommodation sites. The assessment concludes that effects on tourism are minor at most. It is the Applicant's position therefore that it is not necessary to consider reputational damage as there are not anticipated to be any significant effects.
13. However, the Applicant has sought, through the provision of measures set out in the Outline Communications Plan (document reference 8.7.10, [APP-108]) to ensure that all aspects of the construction of the proposed development are fully understood (and not misinterpreted) by local residents, business owners and tourists. This approach ensures that information relating to the potential impacts of the proposed development is widely available and that therefore the reputation of the area as a year round tourist attraction and the public relations of the proposed development are accurately reflected in locals' and visitors' perceptions. On this basis there is no scope for impacts derived from reputational or public relations effects to be any greater than impacts from the proposed development itself.
14. The location of the infrastructure at the landfall and the cable route has been carefully sited and designed in order to minimise impacts on the tourist industry. The Applicant has sought to mitigate the effects of the scheme on tourist destinations and is extremely mindful of the importance of tourism and recreation in Lincolnshire. The various mitigation measures that will be employed are set out

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in the Applicant's Mitigation Strategy (updated version submitted by the Applicant at Appendix 17 to its Deadline 5 submission [REP5-030]).

15. LCC also states in its Statement of Common Ground submitted at Deadline 5 [REP5-053] (though this was not agreed with the Applicant) that there is no reference to funding allocations (past and future) which are based upon an increase in tourism and job creation.
16. At paragraph 1.5.34 of Volume 5, Annex 3.1 *Socio-Economic Baseline Study* of the ES [APP-074] the Applicant drew upon information contained within the Strategic Economic Plan, Part 1 prepared by the Greater Lincolnshire LEP (2014). It was recognised that the Plan provided an overview as to existing investment being made to further encourage the tourism sector in the county. It was acknowledged that approximately £20million is being invested in a range of projects within the county. Future funding and investment in the tourism industry was therefore considered as part of the baseline study.
17. In addition, the Applicant considered funding and addressed LCC's concerns in this regard at paragraphs 3.1 to 3.9 of Appendix 10 to the Applicant's response to Deadline 5 [REP5-023].

Question Number	Topic Heading/ Respondent	Question
SE 3.4	<i>Socio Economic</i> <b>Lincolnshire County Council (LCC)</b>	<p>In paragraph 48 of your Deadline 5 submission [REP5-005] you say that “by way of summary the visitor economy of Greater Lincolnshire supports over 39,000 jobs ...”</p> <p>Given that there is no commentary supplied with these figures, explain what impact you expect the proposal to have on the figure you quote, and the reasoning behind how this impact is arrived at.</p>

### SE 3.4

1. The Applicant notes that this question is directed at LCC, however it considers that there is merit in highlighting that it has specifically referenced the statistic that the visitor economy in Lincolnshire supports over 39,000 jobs in Volume 5, Annex 3.1 *Socio-Economic Baseline Study* of the ES [APP-074], as discussed in paragraphs 2.37 – 2.38 of the *Tourism Clarification Note*, submitted at Appendix 10 to the Applicant’s Response to Deadline 5 [REP5-023].
2. The figure provided by LCC formed part of the tourism baseline and was therefore fully considered and assessed as part of the socio-economic impact assessment. The Applicant has recognised the value to the local area of the tourism industry and acknowledges that the visitor economy and the jobs supported by it are extremely important to Greater Lincolnshire.
3. As set out in Chapter 3 of Volume 3 of the ES [APP-044] and paragraph 1.49 of the Applicant’s Response to LCC’s Response to Deadline 3 [REP4-033], the Applicant does not anticipate any significant adverse effects on tourism. The socio-economic assessment concluded that the overall recreation and tourism effect for the landfall, onshore cable route, intermediate electric compound and substation during construction is minor adverse, which is not significant. During operation, the recreation and tourism effect for the landfall, onshore cable route, intermediate electrical compound and substation is negligible, which is not significant. Therefore, the Applicant does not anticipate that there will be any adverse effects on the number of jobs supported by the visitor economy in Lincolnshire as a result of its

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project. In addition, LCC has not produced any evidence to suggest that such an adverse effect is likely.

4. Details of the baseline for employment and economic activity are set out at paragraphs 1.5.13 to 1.5.18 of Volume 5, Annex 3.1 *Socio-Economic Baseline Study* of the ES [APP-074]. It is recognised in that baseline that tourism is an important contributor to the economy, particularly in the East Lindsey district.
5. The Applicant has assessed the impact of its project on employment and economic activity in the area (paragraphs 3.102 to 3.108 of Volume 3, Chapter 3 of the ES [APP-044]).
6. Overall it is anticipated that the construction phase for the proposed development would support an average of over 300 full time equivalent jobs per year in the East Midlands over the construction phase. It is anticipated that around 50 full time equivalent jobs per year will be supported in Lincolnshire over the circa-five year construction phase. This includes around 40 full-time equivalent jobs generated from the direct spending of the wind farm on goods and services, and the lower supply chain spending benefits captured locally, and around 10 full time equivalent jobs supported by the induced spend, arising from additional spend of direct and indirect employees in the local area.
7. The impact of the project on employment and economic activity in the area was assessed as minor positive. No loss of jobs in the visitor economy sector has been predicted as a result of the project.

Question Number	Topic Heading/ Respondent	Question
SE 3.6	<b>The Applicant</b>	With reference to paragraph 2.45 of Appendix 10 to your Deadline 5 submission [REP5-023], provide details of the outcomes of meetings you have held with the Greater Lincolnshire Local Enterprise Partnership.

**SE 3.6**

1. The Applicant held a first meeting with the Greater Lincolnshire Local Enterprise Partnership on 3rd February 2016. In attendance were Ruth Carver – LEP Manager, Justin Brown – Commissioner for Economic Growth (LCC), David Crowther – Triton Knoll Stakeholder Manager and Jon Darling – Triton Knoll Senior Project Manager. The meeting had a wide ranging agenda and the Applicant considers that it was very valuable.
2. The LEP requested that the Applicant shared information on its port requirements. This is currently being prepared and will enable the LEP to consider what support it could provide in helping Applicant make a commercial case for a Humber construction port and operations base. These are critical decisions that will be driven by commercial and technical needs, but the Applicant is very keen to secure regional port facilities in order to maximise regional jobs and skills development opportunities. As discussed with the Greater Lincolnshire LEP (GLLEP), the Applicant has commenced engagement with the Humber LEP to ensure that all opportunities for encouraging local involvement with the wider wind farm project are explored.
3. The Applicant agreed that a project representative should attend a manufacturing supply chain event on 10th March in Gainsborough to observe an example of the GLLEP’s engagement events. At the next meeting between the parties, the Applicant is keen to view and explore all supply chain communications that the

LEP may be able to offer, such that effective plans can be developed for promoting opportunities locally.

4. The Applicant is seeking to complete a Perceptions Audit among a sample of supply chain and skills participants. This will help in the development of engagement strategies. The LEP agreed to comment on the draft questionnaire and target audience. In relation to employment and skills, the Applicant was advised to contact an additional representative at the LEP (Clare Hughes) in order to consider how best it can integrate with any schools, University Technical college (UTC) or University activity that others are planning. An initial conversation has taken place and the Applicant and the LEP plan to meet in March to consider next steps.
5. Community engagement was discussed and the Applicant is seeking advice from the LEP on events (in addition to the Lincolnshire Show) that would be appropriate for the Applicant to attend in order to help communicate with the community and supply chain. Finally, it was agreed that the next meeting should be around 2nd week in April when progress on the initial points would have taken place.

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## Part 2 The Applicant's comments on information received at Deadline 5

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Several IPs presented written submissions to the ExA at Deadline 5, including summaries of oral cases provided at Hearings. Submissions were received from:

1. Bicker Parish Council
2. Mr D J Bowler
3. The Environment Agency
4. Lincolnshire County Council
5. Mr S Lunn
6. Mr J Mowbray
7. Natural England
8. The National Farmers' Union and the Lincolnshire Association of Agricultural Valuers
9. Mr J. Spence (Spence and Sons)
10. The Triton Knoll Cable Group
11. Western Power Distribution

### 1. Bicker Parish Council

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- 1.1 Bicker Parish Council (the Parish Council) submitted a written representation for Deadline 5 (05 February 2016). The representation raised issues regarding the management of construction traffic, specifically in relation to the new substation access road from the A17.
- 1.2 As set out in paragraph 1.44 of Appendix 2 of the Applicant's response to Deadline 4 [REP4-029], the Applicant highlights paragraphs 10.2, 10.5 and 10.9 of the SoCG with BBC (submitted at Appendix 19 to the Applicant's response to Deadline 2 [REP2-035]) which states:

*"It is agreed that Table 9-16 of Volume 3, Chapter 9 Traffic and Access of the ES (document reference 6.2.3.9) describes the mitigation measures that have been embedded into the project design and demonstrate how the design has sought to minimise the impacts on the transport environment."*

*"It is agreed that the inclusion of a permanent access/ haul road to access the Substation is robust embedded mitigation and will eliminate the impacts of and use of local roads in the vicinity of Bicker by all construction traffic associated with the application."*

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*“With respect to mitigation measures it is agreed that in accordance with paragraph 9.189 of Volume 3 Chapter 9 of the ES, given there are no significant adverse effects predicted on traffic and access as a result of the construction, operation and decommissioning of the project, no further specific mitigation is required beyond that which is already embedded into the project design and secured through the management plans that will be secured under the DCO.”*

- 1.3 The Applicant also directs the ExA to paragraphs 3.4 – 3.6 of the Outline Traffic Management Plan (Appendix 14 of the Applicant’s response to Deadline 6) which set out the monitoring which will be undertaken by the Applicant; paragraphs 4.1 – 4.4 which set out the access routes that will be used by HGV traffic and how this will be managed; and paragraphs 4.5 – 4.6 of the Outline Traffic Management Plan and paragraph 2.3 of the Access Management Plan (Appendix 12 of the Applicant’s response to Deadline 6) which set out how signage will be used to identify routes in accordance with Chapter 8 of the Traffic Signs Manual (Traffic Safety Measures and Signs for Road Works and Temporary Situations, Part 1 Design, 2009<sup>2</sup>).

- 1.4 The Applicant highlights that paragraphs 10.6 of the SoCG with BBC (Appendix 19 of the Applicant’s response to Deadline 2 [REP2-035]) states:

*“It is agreed that the implementation of a Traffic Management Plan (TMP) is adequate for securing appropriate routing of construction traffic, and that the approach set out in the Outline TMP (document reference 8.9) is adequate to manage the potential impacts of construction traffic.”*

- 1.5 The production of a Traffic Management Plan, specified at Requirement 19, secures that:

*“Construction and contractor traffic related to the authorised development shall only use Work No 48 or 49 to access Work Nos 50 to 55 inclusive and the timings for the construction of Work Nos 48 and 49 shall be included within the Construction Method Statement approved as part of the relevant Code of Construction Practice.”*

- 1.6 Boston Borough Council has agreed the wording of this requirement as set out in paragraph 1.25 of the Applicant’s summary of the DCO hearing (Appendix 3 of the Applicant’s response to Deadline 5 [REP5-016]). On the basis of the above, the Applicant considers that suitable and appropriate measures are secured through the

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<sup>2</sup> <https://www.gov.uk/government/publications/traffic-signs-manual>

draft DCO to ensure that construction traffic for the Triton Knoll substation will be appropriately managed to minimise impacts on local residents.

## 2. Mr D J Bowler

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2.1 The representation submitted by Mr D J Bowler for Deadline 5 in response to the Applicant's response to Deadline 4 raises a number of specific issues and concerns regarding the potential impacts arising from the proposed development, structured into the following categories:

- a) Consultation;
- b) Cumulative effect and visual impact;
- c) Loss of prime agricultural land;
- d) Electromagnetic fields;
- e) Traffic volumes;
- f) Interface connection; and
- g) Increased flood risk.

2.2 The Applicant notes that Mr D J Bowler has submitted a relevant representation [RR-039]) and three written representations [REP1-010, REP3-006 and REP5-002] to which the Applicant has responded in Appendix 1 of the Applicant's response to Deadline 1 [REP1-045], Appendix 7 of the Applicant's response to Deadline 2 [REP2-014] and Appendix 3 of the Applicant's response to Deadline 4 [REP4-030] respectively.

2.3 The Applicant would highlight to the ExA that the points raised by Mr D J Bowler in the submission at Deadline 5 were also raised in the previous representations noted above and have therefore been addressed in these previous responses. The Applicant also provided response at Deadline 5 to representations made by Mrs Bowler in Part 2 of the Applicant's response to Deadline 5.

### Consultation

2.4 The Applicant refers the ExA to paragraphs 1.4 – 1.8 of Appendix 3 of the Applicant's response to Deadline 4 which sets out the Applicant's case in respect of the consultation undertaken.

- 2.5 The Applicant further highlights Boston Borough Councils (BBC's) Adequacy of Consultation response which states;

*“The applicant’s Consultation Report is a very comprehensive, albeit rather lengthy account of numerous publicity and consultation exercises which, in this authority’s view go well beyond the statutory minimum requirements. The pre-application process with this authority has been timely and all-encompassing and in terms of local community consultation and publicity this authority is satisfied that the applicants have complied with all of their duties under the 2008 Act.”*

### **Cumulative Effect and Visual Impact**

- 2.6 The Applicant refers the ExA to paragraphs 1.9 – 1.17 of Appendix 3 of the Applicant’s response to Deadline 4 [REP4-030], which sets out the Applicant’s case in respect of the cumulative impacts, including landscape and visual, from the proposed development with Heckington Fen Wind Farm, the extension to the National Grid Bicker Fen substation and the Viking Link Interconnector as well as the existing infrastructure. The response sets out how the proposed development is wholly in accordance with relevant policies, including UK Government policy as set out in the National Planning Statements EN-1, EN-3 and EN-5.

### **Loss of prime agricultural land**

- 2.7 The Applicant refers the ExA to paragraphs 1.18 – 1.27 of Appendix 3 of the Applicant’s response to Deadline 4 which sets out the Applicant’s case in respect of the loss of prime agricultural land and drainage.

### **Electromagnetic Fields**

- 2.8 The Applicant refers the ExA to paragraphs 1.28 – 1.33 of Appendix 3 of the Applicant’s response to Deadline 4 which sets out the Applicant’s case in respect of the cumulative impacts of Electromagnetic Fields.

### **Traffic Volumes**

- 2.9 The Applicant refers the ExA to paragraphs 1.34 – 1.35 of Appendix 3 of the Applicant’s response to Deadline 4 which sets out the Applicant’s case in respect of traffic volumes.
- 2.10 The Applicant also directs the ExA to paragraphs 3.4 – 3.6 of the Outline Traffic Management Plan which set out the monitoring which will be undertaken by the Applicant, paragraphs 4.1 – 4.4 which set out the access routes that will be used by HGV traffic and how this will be managed and paragraphs 4.5 – 4.6 which sets out how signage will be used to identify routes.
- 2.11 The Applicant highlights that paragraphs 10.6 of the SoCG with BBC (Appendix 19 of the Applicant’s response to Deadline 2) states;

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*“It is agreed that the implementation of a Traffic Management Plan (TMP) is adequate for securing appropriate routing of construction traffic, and that the approach set out in the Outline TMP (document reference 8.9) is adequate to manage the potential impacts of construction traffic.”*

- 2.12 The production of a Traffic Management Plan is secured by Requirement 19, which also secures that;

*“Construction and contractor traffic related to the authorised development shall only use Work No 48 or 49 to access Work Nos 50 to 55 inclusive and the timings for the construction of Work Nos 48 and 49 shall be included within the Construction Method Statement approved as part of the relevant Code of Construction Practice.”*

### **Interface Connection**

- 2.13 The Applicant refers the ExA to paragraphs 1.36 – 1.47 of Appendix 3 of the Applicant’s response to Deadline 4 which sets out the Applicant’s case in respect of site selection and how brownfield locations were considered in the evaluation of sites.

### **Increased Flood Risk**

- 2.14 The Applicant refers the ExA to paragraphs 1.48 – 1.70 of Appendix 3 of the Applicant’s response to Deadline 4 which sets out the Applicant’s case in respect of flood risk.
- 2.15 In particular the Applicant refers the ExA to paragraph 1.51 which sets out the agreement with the EA on the assessment and significance of flood risk impacts for the project alone and cumulatively.

## **3. Environment Agency**

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- 3.1 The EA submitted a representation for Deadline 5 (1<sup>st</sup> February 2016), which summarised the EA’s oral representations made at the hearings held during January 2016, and provided comments in response to Appendix 32 *Response to Environment Agency representations on form of Restrictive Covenant* of the Applicant’s response to Deadline 4.
- 3.2 The issues raised in the representation relate to the following:
- Statement of Common Ground;
  - Position in respect of Statutory Undertakers;

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- Potential risks or impediments (disapplication of legislation under Section 150 of the Planning Act 2008);
  - Interference with the rights of those with an interest in the land;
  - Definition of “commence”;
  - Possible new requirements: main river crossings; and unexpected contamination; and
  - Rights under the Water Resources Act 1991.

### **Statement of Common Ground**

- 3.3 The Applicant notes the EA’s summary of the position on the Statement of Common Ground (SoCG); an update of the SoCG was submitted as Appendix 30 of the Applicant’s response to Deadline 5 [REP5-043]. Paragraph 5.1 documented that, at the time of agreement, there were outstanding matters remaining in relation to the EA’s land interests and the form of Restrictive Covenant. As detailed in Applicant’s response to DCO 3.2 of the ExA’s third written questions, the form of Restrictive Covenant included has been subject to minor amendments at the request of the Land Interest Group. The EA has been consulted on these amendments and the form of the Restrictive Covenant is now agreed with the EA. The Applicant and the EA have agreed to provide a joint submission to Deadline 7 confirming this.

### **Disapplication of legislation under Section 150 of the Planning Act 2008**

- 3.4 The Applicant notes and welcomes the EA’s confirmation that they are now satisfied with the content of the Protective Provisions and that they will soon be able to consent to the disapplication of legislative provisions set out in Article 6. Paragraph 4.83 of the SoCG between the Applicant and the EA, submitted as Appendix 30 of the Applicant’s response to Deadline 5 [REP5-043] confirms that there is no objection in principle to the disapplication of legislation under the Water Resources Act 1991. The EA has confirmed to the Applicant that it will be submitting a letter which confirms its consent under s150 Planning Act 2008 to the dis-application of the legislation listed in Article 6 of the draft DCO, on or before Deadline 7.

### **Interference with the rights of those with an interest in the land**

- 3.5 The Applicant notes the EA’s comments in relation to its submissions made at the DCO hearing relating to the principle of the Restrictive Covenant. As explained at paragraph 9.3 of the Applicant’s Response to Deadline 5 [REP5-013], to address concerns that the Restrictive Covenant would prevent the exercise of the EA’s statutory functions, a new paragraph (f) has been inserted which makes it clear that nothing in paragraphs (a) to (e) restricts the exercise of any statutory functions, powers, rights, duties, responsibilities or obligations. The Applicant welcomes the EA’s confirmation that
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subject to this concern being addressed, the EA is content with the wording of the Restrictive Covenant. Further, as referenced above, the EA has since been consulted on minor amendments to the form of the Restrictive Covenant and has confirmed that it is satisfied with them. The Applicant and the EA will provide a joint submission to Deadline 7 confirming this.

#### **Definition of “commence”**

- 3.6 The Applicant notes and welcomes the EA’s confirmation in respect of the definition of “commence” set out in Article 2 of the draft DCO (Revision F).

#### **Possible new requirements**

- 3.7 The Applicant notes and welcomes the EA’s confirmation in respect of Requirements 14 and 15 of the draft DCO (Revision F); agreement to the adequacy of these requirements is confirmed in paragraphs 4.79 – 4.81 of the SoCG between the Applicant and the EA, submitted as Appendix 30 of the Applicant’s response to Deadline 5 [REP5-043].

#### **Response to EA’s comments on Appendix 32 of the Applicant’s response to Deadline 5**

- 3.8 The Applicant notes the EA’s clarification as regards the correct interpretation of section 165(6) of the Water Resources Act 1991. The Applicant is of the view that the Restrictive Covenant operates in the same way, regardless of the scope of EA’s statutory powers, i.e. the exercise of statutory functions/powers cannot as a matter of law be limited by the proposed Restrictive Covenant. For the avoidance of doubt this has now been expressly covered in new sub-paragraph (f) of the restrictive covenant.
- 3.9 The Applicant agrees that the ‘injurious affection’ test applies to both sub-paragraph (1)(a) and (1)(b) of paragraph 1, Schedule 22 of the Water Resources Act 1991. It was not the intention of paragraph 4.7 of REP4-062 to limit this only to sub-paragraph (1)(b). This was a formatting error.

## **4. Lincolnshire County Council**

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- 4.1 The Applicant’s response to LCC’s submission at Deadline 5 is included at Appendix 19 of the Response.

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## 5. Mr S Lunn

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- 5.1 Mr S Lunn submitted a Written Representation for Deadline 5 on 5 February 2016 regarding the latest financial offer made by the Applicant in connection with a private treaty agreement.
- 5.2 The Applicant is pleased that Mr Lunn is able to confirm that discussions with his land agent are ongoing. However, the Applicant does not consider it to be appropriate to comment on the financial aspects raised in Mr Lunn's response, particularly given how clear the ExA has been on this aspect throughout the Examination.
- 5.3 The Applicant has made a number commitments to ensure that there are no long term impacts on agricultural production from the proposed development as set out in the Outline Soil Management Plan (Revision D), updated at Appendix 10 of the Applicant's response to Deadline 6).

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## 6. Mr J Mowbray

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- 6.1 Mr Mowbray submitted a Written Representation for Deadline 5 (5th February 2016) regarding the proposed landfall north of Anderby and an alternative route to the south.
- 6.2 Mr Mowbray's Written Representation for Deadline 5 contained similar points to those raised in Mr Mowbray's Written Representation for Deadline 4 to which the Applicant has responded (Appendix 34 of the Applicant's response to Deadline 5 [REP5-047]). The Applicant has set out the reasons why Anderby Creek North was preferred by the Lincolnshire Wildlife Trust in paragraphs 1.10 – 1.11 of Appendix 34 of the Applicant's response to Deadline 5 [REP5-047] which refers to paragraph 2.37 of the Local Impacts Issue Specific Hearing (Appendix 1 of the Applicant's response to Deadline 5 [REP5-014]) which states;
- “The LWT confirmed that they were not supportive of the southern route because the location of the transition joint bays (TJBs) would have inhibited the ability to develop the wetland creation at the site.”*
- 6.3 In response to Mr Mowbray's comments that temporary disruption would not be detrimental to the area to the south of Anderby Creek, the Applicant highlights that as set out in paragraphs 4.3.14 – 4.3.15 of the Site Selection and Design Report [APP-117, APP-118 and APP-119]:

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*“Anderby Creek South is adjacent to both geological and ecological SSSIs (100 m to the south) sited for reed bed growth. These SSSIs are related to (historic) clay workings that over time have established ecological quality and hence designation. A little further to the south (300 m) a further SSSI (Chapel Point to Wolla Bank) associated with “earth heritage” is present.*

*Ecological data from surveys at Anderby Creek South revealed the presence of a pair of breeding marsh harriers that nest in the centre of the coastal strip. Marsh Harriers are an Annex 1 species and are therefore highly protected, especially during the breeding season. Avoiding impacts on these birds would require significant restrictions during the optimal construction periods. In addition, there are barn owl and Cetti’s Warbler, both of which are also Schedule 1 species, and a high level of bat activity including two rare species. As a result of this ecological interest, development at Anderby Creek South would need to be restricted to certain times to avoid impacts on these species. This would significantly extend the overall construction period.”*

- 6.4 In response to Mr Mowbray’s comments on the length of a trenchless crossing (HDD) at the landfall the Applicant would draw the ExA’s attention to paragraph 4.3.16 of Chapter 4 of the Site Selection and Design Report [APP-117, APP-118 and APP-119] which notes that a landfall at Anderby Creek South would necessitate a very long HDD, of several hundred metres, as the Transition Joint Bays (TJBs) would need to be located to the west of the public road Roman Bank if this landfall was chosen.
- 6.5 Mr Mowbray notes that this length of drill is feasibly within the capabilities of drilling equipment, and is of the same order of length as some of the longest drills on the cable route. The Applicant would note that a drill of this length would be likely to be the longest (or close to the longest) on the whole cable route and significantly longer than the drill required at Anderby Creek North, therefore significantly increasing construction duration, cost and risk of the landfall works. The Applicant also advises that landfall drills are inherently more complex than drills along the cable route, as the depth of the drill may need to be deeper than along the cable route, as would likely be the case at Anderby Creek South due to the possible presence of piled seawall foundations (see paragraph 4.3.18 of the Site Selection and Design Report [APP-117, APP-118 and APP-119]). The Applicant also notes that as it is *offshore* HVAC cables that are pulled through the landfall drills, as opposed to the *onshore* HVAC cables (which are pulled through onshore drills); the increased weight and size of the offshore cable increases the complexity of long landfall drills in comparison with long drills along the onshore cable route.
- 6.6 As noted above, and in paragraph 4.3.18 of the Site Selection and Design Report [APP-117, APP-118 and APP-119], preliminary investigations of the Anderby Creek South landfall identified the possible presence of piled foundations. It is the presence of these foundations and the inherent need to drill deeper to avoid them, coupled with the
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long drill required at Anderby Creek South as compared to the drill at Anderby Creek North, that means the thermal rating of the cable may have to be down-rated at Anderby Creek South, potentially reducing the carrying capacity of the cables. Whilst along the cable route it is possible to overcome the thermal effects of deep drills by increasing the diameter of the cables for the section of the route containing the deep drill, this is not possible at the landfall, where it is the offshore cable being pulled through the drill. Paragraphs 1.13 – 1.15 of Appendix 34 of the Applicant’s response to Deadline 5 [REP5-047] sets out the Applicant’s response regarding the crossing of Anderby Drain.

- 6.7 In conclusion the Applicant highlights to the ExA that it has carried out a comprehensive investigation of the landfall options, as set out in Chapter 4 of the Site Selection and Design Report [APP-117, APP-118 and APP-119], concluding that Anderby North was the optimal location for the landfall as set out in paragraph 4.3.32:

*“Anderby Creek North has potentially the shortest trenchless crossing length of the landfall options; and access to both the drill site and the beach at Anderby Creek North is relatively simple. Ecologically this option is preferable, and any impacts on residents and on beach users would be minimal and temporary. An offshore cable alignment and burial study and an offshore geophysical survey confirmed that a route to Anderby Creek North would be preferred as it avoids an area with two dangerous wrecks.”*

## 7. Natural England

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- 7.1 The Applicant welcomes Natural England’s confirmation on the removal of hedgerows prior to commencement in line with the outline Landscape and Ecological Plan.
- 7.2 The Applicant also welcomes Natural England’s post hearing note, confirming that no changes are required to the draft DCO or underlying management plans with respect to the approval of landfall works.
- 7.3 As discussed between the Applicant, Natural England and East Lindsey District Council, all Requirements onshore are to be discharged by the relevant Local Authority, with pre-submission consultation being undertaken with the relevant stakeholder by the Applicant and formal consultation being undertaken by the Local Authority as part of the discharge of the Requirement. The Applicant would note that there are a significant number of Requirements and Conditions that Natural England will need to be consulted upon during the proposed development and that any informal consultations for such (post-consent) will be carried out under the Discretionary Advice Service. Therefore, it is likely that a Service Level Agreement or similar will be put in place between the Applicant and Natural England to govern the service offered under

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the DAS, which will specify the time periods for consultation and the provision of consultation advice. The Applicant will discuss this agreement with Natural England at the appropriate time.

- 7.4 The Applicant welcomes Natural England's agreement on the wording of Condition 13 of Schedule 9 (dML) of the draft DCO [REP5-035] and would draw the ExA's attention to paragraphs 4.274-4.275 of the SoCG with Natural England [REP5-044].

## **8. The National Farmers' Union and the Lincolnshire Association of Agricultural Valuers**

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- 8.1 The Applicant's response to the two summary of oral case made at Hearings documents submitted by the National Farmers' Union and the Lincolnshire Association of Agricultural Valuers at Deadline 5 are included at Appendices 20 and 21 of this Response. Appendix 20 provides the Applicant's response to the summary from the Compulsory Acquisition Hearing, with Appendix 21 responding to points made at the Local Impacts hearing.

## **9. Mr J Spence**

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- 9.1 The Applicant's response to Mr J Spence's submission at Deadline 5 is included at Appendix 22 of this Response.

## **10. The Triton Knoll Cable Group**

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- 10.1 In response to the comments made in the representation made by the Triton Knoll Cable Group at Deadline 5 on construction and operations access to the Triton Knoll substation, The Applicant would draw the ExA's attention to Requirement 19(2) of the draft Development Consent Order [REP5-035], which requires construction and contractor traffic related to the Triton Knoll substation, Triton Knoll's works at the National Grid Bicker Fen substation and cable route sections south of the South Forty Foot Drain (works 50-55 inclusive) to use the new temporary or permanent access roads to be built from the A17 (works 48 and 49).
- 10.2 The Applicant would also draw the ExA's attention to Requirement 19(1), requiring a traffic management plan, in accordance with the outline traffic management plan, for each stage of the works, and to paragraphs 4.1 of the Outline Traffic Management Plan [APP-110] which note that HGV routes to construction access points will be controlled through the final Traffic Management Plans.
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## 11. Western Power Distribution

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11.1 With regards to the submission from Western Power Distribution (WPD) at Deadline 5, the Applicant notes to the ExA that discussion are continuing between the parties on Protective Provisions. The Applicant is currently awaiting further comments from WPD ahead of a meeting arranged for the 18 February.

## Part 3 Updates to Management Plans submitted at Deadline 6

- Following further consultation with several interested parties, including the Land Interest Group (LIG) and Lincolnshire County Council (LCC) and in response to the ExA's third written questions and comments on the draft DCO, the Applicant has made further amendments to the outline management plans.
- The following table sets out those management plans updated and submitted as Appendices to this Response, highlighting the paragraphs where changes have been made. Note, this is completed below only for the versions submitted to Deadline 6. It should be noted some of amendments overwrite amendments made in previously revised versions. A comparison version of each outline management plan showing all changes has been submitted to Deadline 6, as detailed below, for ease of reference.

Document	Revision and Deadline submission reference	Updated section/paragraph reference
Outline Construction Method Statement (CMS) [APP-198]	Revision D Appendix 8 (Appendix 9 – comparison)	Paragraphs 1.5, 1.7, 3.4, 5.5, 5.9, Appendix A (Field 6)
Outline Soil Management Plan (SMP) [APP-103]	Revision D Appendix 10 (Appendix 11 – comparison)	Paragraphs 2.5, 2.7, 2.8, 2.18, 2.24, 3.4, 3.5, 3.7, 4.2, 4.5, 4.6, 4.8, 4.10, 4.11, 5.11, 5.12
Outline Landscape Strategy and Ecological Management Plan (LSEMP) [APP-109]	Revision C Appendix 16 (Appendix 17 – comparison)	Paragraphs 2.5, 2.8, 6.18, 6.26

Document	Revision and Deadline submission reference	Updated section/paragraph reference
Outline Traffic Management Plan (TMP) [APP-110]	Revision B Appendix 14 (Appendix 15 – comparison)	Paragraphs 2.5, 2.12, 4.2, 4.8, 4.14, 4.17, 4.18, 4.19, 4.21, 4.22
Outline Access Management Plan (AMP) [APP-113]	Revision B Appendix 12 (Appendix 13 – comparison)	Paragraphs 1.5, 2.3, Figure 3.2, Figure 3.3, Figure 3.4, Figure 3.5, Figure 3.6, Figure 3.8, Figure 4.1, Figure 4.2

3. The Applicant has also noted, in response to EOn 3.4 of the ExA's third written questions, the outline management plans which have been submitted to Deadline 6, as set out above.
4. The Applicant submitted an Application Documents Schedule of Amendments as Appendix 20 of the Applicant's response to Deadline 4, which set out all proposed amendments to the Outline management plans (as far as had been discussed and agreed at that point in time) regardless of whether the amended Outline plan had been submitted or not. The Applicant will submit all remaining Outline management plans, which have not yet been submitted but have been updated since the Application submission version, at Deadline 7.