



# Triton Knoll Offshore Wind Farm Limited Triton Knoll Electrical System

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**The Applicant's Response to  
Deadline 8**

**Date: 29 February 2016**

**Document Ref: 2505-TKC-CON-  
K-KX-0197**

Triton Knoll Offshore Wind Farm Limited

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Offshore Wind Farm Limited  
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## TABLE OF CONTENTS

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1.	<b>SUMMARY</b>	6
2.	<b>The Applicant’s responses to Rule 17 questions</b>	6
3.	<b>Applicant’s comments on the responses of Interested Parties (IPs) to the ExA’s third written questions</b>	7
4.	<b>The Applicant’s comments on information received at Deadline 6</b>	7
5.	<b>The Applicant’s comments on information received at Deadline 7</b>	7
6.	<b>Applicant’s final draft DCO</b>	7
7.	<b>Update on the status of Statements of Common Ground (SoCG)</b>	8
8.	<b>•Additional information requested by the ExA</b>	9
	Updated Schedule of Compulsory Acquisition	9
	Book of Reference	9
	Negotiations with Highways England Historical Railways Estate (HEHRE) and The Crown Estate Commissioners	9
	Statutory Undertakers	10
	<b>Part 1 The Applicant’s responses to the ExA’s Rule 17 questions</b>	<b>11</b>
	<b>Part 2 The Applicant’s comments on responses from IPs to the ExA’s third written questions</b>	<b>29</b>
	<b>Part 3 The Applicant’s comments on information received at Deadline 6</b>	<b>92</b>
	1. <b>Burgh le Marsh Town Council</b>	<b>92</b>
	2. <b>Mr J Carroll</b>	<b>92</b>

---

<b>3. Mr G Hand</b>	<b>94</b>
<b>4. Lincolnshire County Council</b>	<b>94</b>
<b>5. Lincolnshire Wildlife Trust</b>	<b>94</b>
<b>Part 4 The Applicant's comments on information received at Deadline 7</b>	<b>96</b>
<b>1. Boston Borough Council</b>	<b>96</b>
<b>2. East Lindsey District Council</b>	<b>96</b>
<b>3. Internal Drainage Boards</b>	<b>96</b>
<b>4. Witham Fourth District Internal Drainage Board</b>	<b>97</b>
<b>5. Natural England</b>	<b>97</b>
<b>6. National Grid</b>	<b>97</b>

Appendix Number	Document Title
1	Schedule of DCO Amendments for Deadline 8 - Explanatory Document
2	Updated Schedule of Compulsory Acquisition
3	Crown Estate Commissioners and HEHRE 'Non-impediment' letters relating to land acquisition
4	The Applicant's response to Lincolnshire County Council's response to Deadline 6
5	Response to Mr Hand's Submission for Deadline 6
6	Written Representation Response to Burgh le Marsh Town Council
7	Statements of Common Ground Summary and Index
8	Statement of Common Ground between Triton Knoll Offshore Wind Farm Limited and Black Sluice Internal Drainage Board, Lindsey Marsh Drainage Board and Witham Fourth District Internal Drainage Board
9	Joint Statement between Triton Knoll Offshore Windfarm Limited and Canal and River Trust
10	Joint Statement from Triton Knoll Offshore Windfarm and Network Rail
11	Statement of Common Ground between Triton Knoll Offshore Windfarm Limited and Lincolnshire County Council
12	Response to Lincolnshire County Council Matters Not Agreed
13	Joint Statement from Triton Knoll Offshore Windfarm and National Grid
14	CA 4.1 Letters to landowners
15	LCGM Site E / Field 6 Mitigation Update Note
16	Figure 1 of the Applicant's Response to the Land Interest Group's Response to Deadline 6

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## 1. SUMMARY

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1.1 In response to the Examining Authority's (ExA) letter of 23<sup>rd</sup> February 2016 (the Rule 17/Rule 8(3) Letter), which set out a new deadline in the procedural timetable for the examination of the Triton Knoll Electrical System Application (Application Reference EN020019) ('the proposed development'), Triton Knoll Offshore Wind Farm Limited (The Applicant) has prepared the following:

- The Applicant's responses to Rule 17 questions;
- The Applicant's comments on the responses of Interested Parties (IPs) to the ExA's third written questions;
- The Applicant's comments on information received at Deadline 6;
- The Applicant's comments on information received at Deadline 7;
- The Applicant's comments and updates to the final draft Development Consent Order (DCO) arising from the Rule 17 response;
- Update on the status of Statements of Common Ground (SoCG); and
- Additional information requested by the ExA.

1.2 These documents (collectively 'the Response') are submitted for the deadline of 29<sup>th</sup> February 2016 specified in the Rule 17/Rule 8(3) Letter (Deadline 8) and are discussed in more detail below.

## 2. The Applicant's responses to Rule 17 questions

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2.1 The ExA's letter of the 23<sup>rd</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 23<sup>rd</sup> February has been maintained in the Response.

2.2 The responses to the Rule 17 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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### **3. Applicant's comments on the responses of Interested Parties (IPs) to the ExA's third written questions**

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3.1 The Applicant has provided comment on each of the Interested Parties' responses to the third written questions submitted at Deadline 6 on 17<sup>th</sup> February 2016. The Applicant's responses are set out in Part 2 of the Response and adopt the chronology of the ExA's third written questions. In each case the question is included, followed by the Applicant's comments. Again, where additional material has been submitted to aid the response, this has been included in the form of an Appendix.

### **4. The Applicant's comments on information received at Deadline 6**

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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 6. The responses are set out in Part 3 of the Response and, where indicated, within the Appendices to the Response.

### **5. The Applicant's comments on information received at Deadline 7**

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5.1 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 7. The responses are set out in Part 4 of the Response and, where indicated, within the Appendices to the Response

### **6. Applicant's final draft DCO**

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6.1 As requested by the ExA in its third questions, specifically DCO 3.5, the Applicant submitted its final draft DCO (Revision G) in word and pdf format at Appendices 8 and 9 of its response to Deadline 7.

6.2 The Applicant has provided a table at Appendix 1 of this Response in relation to the final draft DCO as following review and preparation of responses to the ExA's Rule 17 Letter, a further suggested change to the draft DCO has been made. The table provided identifies this change, together with a minor error highlighted in the SI Validation Report for the final draft DCO. Due to the minor nature of these changes, it was not considered necessary to issue an amended final draft DCO.

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## 7. Update on the status of Statements of Common Ground (SoCG)

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7.1 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 noted in the Applicant's response to Deadline 7, several SoCGs were still to be finalised at that stage and subsequently the Applicant has provided a further and final update on all remaining SoCGs at Appendix 7 of the Response. A summary of these is presented below to assist the ExA.

### Internal Drainage Boards

7.2 The Applicant can report to the ExA that the parties have agreed a final SoCG, submitted at Appendix 8 to the Response. The SoCG sets out agreement on all matters and notes ongoing engagement between the parties regarding the proposed development.

### Canal and Rivers Trust

7.3 A final SoCG between the Applicant and The Canal and River Trust has been submitted as Appendix 9 of the Response.

7.4 The SoCG sets out agreement on Protective Provisions and notes that property documents are substantially agreed and that the Canal and River Trust sees no impediments to concluding agreements and removing its objection, and will update the Secretary of State to that effect at the appropriate time.

### Network Rail

7.5 The Applicant and Network Rail have agreed a joint statement, submitted at Appendix 10 of the Response. The joint statement sets out agreement on Protective Provisions, and notes that whilst the parties have not reached completion of land agreements and the overarching Deed of Undertaking Network Rail does not consider there are any impediments to doing so.

### Lincolnshire County Council

7.6 The Applicant issued an updated SoCG (version 8) to LCC on the 16th February 2016 and received comments on the 23rd February 2016. Further iterations of the SoCG were provided by the Applicant and LCC on 23rd, 24th and 29th February resulting in the final agreed SoCG being submitted at Appendix 11 of the Response.

### National Grid

7.7 NGET and NGG (together "National Grid") and the Applicant submitted a joint statement at Appendix 13 of the Response.

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7.8 The joint statement sets out agreement on all matters but notes that National Grid reserves its right to submit further written representations to the Examining Authority should land documents have not been concluded by the completion of the Examination.

### **EDF Renewables**

7.9 The Applicant has engaged in consultation with EDF, with discussions held on the matters raised in their relevant representation and a possible SoCG.

7.10 The Applicant has provided a draft Good Neighbour Agreement to EDF for comment, held a call to discuss matters on 19 February 2016.

7.11 The Applicant and EDF are working towards submitting a SoCG commenting on these matters at prior to the completion of the Examination.

7.12 The Applicant reserves its right to submit a statement setting out its position should a joint statement not be agreed.

## **8. Additional information requested by the ExA**

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### **Updated Schedule of Compulsory Acquisition**

8.1 The Applicant provided an update as to the status of the schedule of compulsory acquisition in its responses to each Deadline throughout the Examination of the proposed development. As requested in the ExA's third written questions, specifically in response to question CA 3.3, the Applicant provided an update at Appendix 18 [REP7-026] of the Applicant's response to Deadline 7 and provides a further update at Appendix 2 to this Response.

### **Book of Reference**

8.2 In response to the ExA's question CA 4.1, the Applicant has provided copies of letters to additional Affected Persons at Appendix 13 of the Response.

### **Negotiations with Highways England Historical Railways Estate (HEHRE) and The Crown Estate Commissioners**

8.3 By way of update and reporting on status with respect to HEHRE and The Crown Estate Commissioners, the Applicant refers the ExA to Appendix 3 of the Response, Crown Estate Commissioners and HEHRE 'Non-impediment' letters relating to land acquisition.

## Statutory Undertakers

- 8.4 The Applicant will confirm the final position as regards negotiations with statutory undertakers, and withdrawal of objections made under section 127 of the Planning Act 2008, on the 3<sup>rd</sup> of March. The Applicant's refers the ExA to Appendices 10 and 13, which confirm the current position between the Applicant and Network Rail and National Grid respectively.

## Part 1 The Applicant's responses to the ExA's Rule 17 questions

Question Number	Topic Heading/ Respondent	Question
Gen 4.1	<b>Interested Parties, Affected Persons and Other Persons</b>	Provide comment on matters raised in the Deadline 6 responses and the material that was provided for Deadline 6 as well as that due to be submitted for Deadline 7, 24 February 2016

### Gen 4.1

1. The Applicant has provided comment on information provided to the Examination at Deadline 6 and Deadline 7 as well as providing responses to matters raised by IPs. The Applicant's responses and comments are provided in relation to each question, response or representation from IPs throughout this Response and, where relevant, supporting Appendices.

Question Number	Topic Heading/ Respondent	Question
DCO 4.1	<b>Article 12 The Applicant Anglian Water</b>	<p>The SoCG [REP6-022] between the Applicant and Anglian Water states that:</p> <p><i>‘the parties do not expect their positions in respect of the drafting of Article 12 to change during the examination.’</i></p> <p>The ExA note that Article 12 in the draft Development Consent Order (DCO) draws upon Article 14 in The Infrastructure Planning (Model Provisions (England and Wales) Order 2009.</p> <p>a) State whether discussions are continuing on this issue and, if so, comment on the prospect of any agreement before the close of the Examination on 3 March 2016;</p> <p>b) The ExA invites both parties to make any final submissions on the reasoning behind their respective positions on this Article</p>

### DCO 4.1

1. The Applicant refers to its comments on Anglian Water Services Limited’s (AWS) response to DCO 3.1. The Applicant understands that AWS intends to remove its ‘in principle’ objection to the drafting of Article 12 as set out in Revision G of the draft DCO [REP7-018] at Deadline 8.
2. The Applicant considers the wording of Article 12, paragraph 8 to be appropriate and in accordance with both the model provisions and recently granted DCOs, including most recently Dogger Bank Teesside. The Applicant therefore welcomes the anticipated removal of AWS’ objection to Article 12.

Question Number	Topic Heading/ Respondent	Question
DCO 4.2	<b>The Applicant</b>	<p>The ExA consider that the Applicant has failed to explain why it is necessary or permissible to permit the transfer without consent of the offshore works and the Deemed Marine Licences (DMLs) to any person after the time limits for compensation claims have passed.</p> <p>The ExA recognise that onshore this is required because after the liability for compensation has ceased there is no need for the Secretary of State (SoS) to be satisfied that the transferee has the requisite financial standing to pay the claims.</p> <p>Given this, the ExA consider it would be possible to limit the power to transfer without consent in 5(7)(b) to works to which compulsory acquisition applies.</p> <p>If the applicant does not agree, explain why this provision should apply to transfer of offshore works and DMLs which are not subject to compulsory acquisition.</p>

## DCO 4.2

1. The Applicant accepts that article 5(6)(b) is not relevant to the offshore works or deemed Marine Licence. The Applicant therefore proposes to limit article 5(6)(b) to the exercise of powers in the Order in connection with onshore works landward of Mean High Water Springs only, noting that the MMO has jurisdiction up to Mean High Water Springs.
2. The Applicant proposes the following amendments to Article 5(6)(b) (new text in red) to achieve this:

*'(6) The consent of the Secretary of State is not required for a transfer or grant of the benefit of any of the provisions (and any statutory rights) where-*

- 
- (a) *the transfer or grant is to another body licenced under Section 6 of the 1989 Act; or*
- (b) *the provisions (and any statutory rights) being transferred relate only to onshore works landward of MHWS, and the time limits for claims for compensation in respect of the acquisition of land or effects on land under this Order have elapsed and either no such claim has been made or, if such a claim has been made-*
- (i) the claim has been comprised or withdrawn;*
  - (ii) compensation has been paid in final settlement of the claim;*
  - (iii) payment of compensation into court has taken place in lieu of settlement if the claim; or*
  - (iv) a tribunal or court of competent jurisdiction has determined that no compensation is payable in respect of the claim’.*
3. As the Applicant’s final version of the draft DCO) was submitted in accordance with the ExA’s timetable at Deadline 7, the Applicant requests that the ExA makes this change to the DCO it includes in its report to the Secretary of State.
4. For ease of reference, the Applicant has provided this suggested change to the draft DCO in a table at Appendix 1 of this Response.

Question Number	Topic Heading/ Respondent	Question
DCO 4.3	<b>Article 5 The Marine Management Organisation</b>	<p>Your response [REP6-009] to ExA's question DCO 3.9 states that:</p> <p>'Due to amending of other parts of Article 5 which ensures that Art 5(4) applies to all transfers it was agreed that the additional wording referenced in DCO 3.9 was not required.'</p> <p>Should the reference to Art 5(4) be a reference to Art 5(7)?</p>

**DCO 4.3**

1. The Applicant notes that the Marine Management Organisation's response to this question in its response to the ExA's Fourth Round of Questions [REP7-004] clarifies the position. The Applicant has no further comment.

Question Number	Topic Heading/ Respondent	Question
DCO 4.4	<b>The Applicant</b>	<p>Article 5(6) of the Applicant’s revised draft DCO (Revision F) [REP5-035] states that:</p> <p><i>‘(6) The consent of the Secretary of State is not required for a transfer or grant of the benefit of any of the provisions (and any statutory rights) where-</i></p> <ul style="list-style-type: none"> <li><i>(c) the transfer or grant is to another body licenced under Section 6 of the 1989 Act; or</i></li> <li><i>(d) the time limits for claims for compensation in respect of the acquisition of land or effects on land under this Order have elapsed and either no such claim has been made or, if such a claim has been made-</i></li> <li><i>(v) the claim has been comprised or withdrawn;</i></li> <li><i>(vi) compensation has been paid in final settlement of the claim;</i></li> <li><i>(vii) payment of compensation into court has taken place in lieu of settlement if the claim; or</i></li> <li><i>(viii) a tribunal or court of competent jurisdiction has determined that no compensation is payable in respect of the claim’.</i> <p>The ExA consider that the use of ‘or’ at the end of Article 5(6)(a) allows the transfer of benefit to another body which is not licenced under section 6 of the 1989 Act should the provisions in Article 5(6)(b) apply.</p> <p>a) Comment on this interpretation and, for the Marine Management Organisation (MMO), signify the acceptability or otherwise of this Article should this interpretation be correct.</p> </li></ul>

#### DCO 4.4

1. The Applicant considers the ExA’s interpretation of paragraph (6) of Article 5 to be correct, in that it allows the transfer of the benefit of the Order without the consent

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- of the Secretary of State to a body that is not licensed under Section 6 of the 1989 Act, provided that any compensation liabilities have been satisfied.
2. As noted in the Applicant's response to written question DCO 3.8 (included in [REP6-016]), equivalent provisions were included in the *Dogger Bank Creyke Beck Offshore Wind Farm Order 2015* (article 8(4)(b)) and the Applicant similarly seeks flexibility to transfer the benefit of the Order to non-licence holders, subject to the prior consent of the Secretary of State. The primary consideration for the Secretary of State in those circumstances is likely to be related to the transfer of benefit of compulsory acquisition powers, as this gives rise to compensation liability, and whether the proposed transfer is to a body of sufficient financial standing to meet those liabilities. In circumstances where there is no such further compensation liability, there is, in the Applicant's submission, no reason to require the Secretary of State's prior consent to such a transfer.
  3. As explained in the Applicant's response to written question DCO 3.10 (included in [REP6-016]), 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, because in the MMO's view, 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. Additional agreed wording has been included as article 5(7) in the Applicant's final draft DCO (Rev G) to provide for notification to the MMO at least 28 days in advance of a transfer that does not require the consent of the Secretary of State.
  4. However, as explained in the response to DCO 4.2 above, the Applicant accepts that Article 5(6)(b) is not relevant to the offshore works or Deemed Marine Licence. The Applicant has therefore proposed revised drafting which limits article 5(6)(b) to the exercise of powers in the Order in connection with onshore works landward of Mean High Water Springs only.

Question Number	Topic Heading/ Respondent	Question
CA 4.1	<b>The Applicant</b>	<p>The Book of Reference (BoR) – Revision B Comparison document (Appendix 4) provided for Deadline 6 [REP6-020] shows a number of changes to details of Affected Persons. It appears to include a number of additional persons, including, for example, John Holden's Charity Church Farm, Michael Bennett and Robert Collin Limited. The ExA notes that none of the above Affected Persons are listed in the Updated Schedule of Compulsory Acquisition (Appendix 2) [REP6-019].</p> <p>For each of the additional Affected Persons listed in the Book of Reference (BoR) – Revision B:</p> <p>a) State the reasons for the introduction of additional persons in the BoR.</p> <p>b) State when these Affected Persons were i) identified and ii) contacted.</p> <p>c) State the current position in negotiations with such additional persons using the framework provided in the Updated Schedule of Compulsory Acquisition [REP6-019].</p> <p>d) Provide copies of any letters to additional Affected Persons which state the nature of the Application, how they may be affected by it, the stage reached in the Examination, how they can get involved and how they can request status in the Examination under s102A of the 2008 Planning Act.</p> <p>If no letters have been sent according to d) above, then the ExA requests that the Applicant do so and the Applicant is requested to provide proof that such a letter has been sent.</p>

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## CA 4.1

1. The Book of Reference (BoR) – Revision B Comparison document (Appendix 4 of the Applicant’s response to Deadline 6 [REP6-020] shows a number of apparent new parties that have an interest in the Order land. These have been revealed through discussions with landowners and Land Agents when negotiating Heads of Terms (HoTS) for private agreements since the first version of the BoR was submitted as part of the application documents in April 2015.
2. The additional parties have been noted for a number of reasons, including; clarification on names through discussion with either the person affected or the representing Land Agent (these are not new parties they are name clarifications), new landowners who had not previously been revealed to the Applicant through the diligent enquiry process undertaken and new tenant/occupier names.
3. The additional parties are set out in the following table along with the details requested including; reasoning for their inclusion, when they were identified, how contact has been made, position on negotiations (where the party is a landowner), together with details of any correspondence relating to the Triton Knoll Electrical System application.
4. As noted in the final column of the table below, a letter has been sent to each of the additional parties, enclosing a copy of this response for their information, and reminding them where the application documents can be viewed, and how representations can be made (“Letter”).
5. Those new parties who are landowners and The Applicant is seeking a private agreement with have been added to the updated CA Schedule as submitted at Deadline 7. The Applicant has agreed HoTs with all the new parties that are landowners. These include GH Caudwell Limited, Michael Bennett and John Holden Charities Limited.

New Name in BoR [REP6-020]	Reason for inclusion, when identified and contacted.	Current negotiation position (where party is landowner)	Correspondence required?
Philip and Ken Grantham	New tenant details revealed by Land Agent in July 2015. Tenant submitted representation into PINS.	Tenant – N/A	Made rep [RR-154]; Copy Letter appended to the Applicant's Deadline 8 response.
Sheila and Tom Ward	Land unregistered. Names added through discussion with Land Owner for clarification on interested parties in July 2015. Parties contacted as LH Ward and Son.	<b>Landowner has agreed HoTs.</b> Listed as LH Ward and Son in the CA schedule.	Originally consulted under the name LH Ward and Son at the same address. Copy Letter appended to the Applicant's Deadline 8 response.
John Holden's Charity	Land Unregistered. Landowner details revealed through discussion with James Boulton (Land Agent) in February 2016 on their behalf.	<b>Landowner has agreed HoTs.</b> Landowner listed in the updated CA schedule.	New party, who, having instructed an agent and signed heads of terms is aware of the project/examination. Copy Letter appended to the Applicant's Deadline 8 response.
J E Spence & Son Limited	Land unregistered. Names added through discussion with James Boulton (Land Agent) in February 2016 for clarification on interested parties. Landowner submitted a representation [RR-147].	<b>Landowner has agreed HoTs.</b> Listed as Andrew Spence and Tracey Spence in the CA schedule.	Name clarification. Originally consulted through Andrew Spence and Tracey Spence and submitted a representation [RR-147]. Copy Letter appended to the Applicant's Deadline 8 response.
Michael Bennett	Land Unregistered. Landowner details revealed through discussion with James Boulton (Land Agent) in February 2016 on their behalf.	<b>Landowner has agreed HoTs.</b> Landowner listed in the updated CA schedule.	New party, who, having instructed an agent and signed heads of terms is aware of the project/examination. Copy Letter appended to the Applicant's Deadline 8 response.

New Name in BoR [REP6-020]	Reason for inclusion, when identified and contacted.	Current negotiation position (where party is landowner)	Correspondence required?
David Schofield	Name added as a clarification of ownership once the land was registered.	<b>Landowner has agreed HoTs.</b> Previously Listed as M&D Schofield in the CA schedule. Name now changed to David Schofield.	Not a new party, name clarification. Both David Schofield and M&D Schofield were consulted. Copy Letter appended to the Applicant's Deadline 8 response.
Robert Collin Limited	Tenant of land owned by Lincolnshire County Council. Party wrote to the Applicant to introduce himself at the end of November 2015. The Applicant responded at the start of December with information.	Tenant – N/A	New party, correspondence enclosed, letter from and letter to Robert Collin Ltd. Copy Letter appended to the Applicant's Deadline 8 response.
Simon Moore	Clarification on tenant name from discussion with his Land Agent who represents both landlord and the Moore Family as tenants in February 2016.	The Landowner of this land has agreed HoTs.	Consulted with Josephine and Robert Moore. He has instructed an agent so is aware of the proposed development/examination. Copy Letter appended to the Applicant's Deadline 8 response.
GH Caudwell Limited	Unregistered land. Landowner was revealed through discussions with a neighbour in late October 2015. Letter issued early November 2015 to inform about the project.	<b>Landowner has agreed HoTs.</b>	New party, correspondence enclosed, letter to GH Caudwell Limited in November 2015 as listed in the negotiation schedule. HoTs have been signed and a land agent is instructed. Copy Letter appended to the Applicant's Deadline 8 response.

New Name in BoR [REP6-020]	Reason for inclusion, when identified and contacted.	Current negotiation position (where party is landowner)	Correspondence required?
Evelyn Hall	Unregistered land. Landowner name clarification was revealed through discussions with their Land Agent in February 2016.	<b>Landowner has agreed HoTs.</b> Previously Listed in CA Schedule as Nicholas Hall, Angela Hall and Ben Hall now listed as Nicholas Hall, Angela Hall, Evelyn Hall and Ben Hall in the CA schedule.	New party, who, having instructed an agent and signed heads of terms is aware of the project/examination. Nicholas, Angela and Ben Hall previously consulted. Copy Letter appended to the Applicant's Deadline 8 response.
J&R Emerson Limited	Unregistered land. Made aware of ownership clarification in February 2016 through discussion with Land Agent. Half the land is owned under Richard Emerson half under J&R Emerson Limited.	<b>Landowner has agreed HoTs.</b> Updated CA Schedule shows split of ownership.	Not a new party, name clarification. J&R Emerson Limited was consulted as a separate entity to Richard Emerson. The book of reference previously listed just Richard Emerson, however the land ownership has been clarified and both parties have an interest. Both interests have signed HoTs. Copy Letter appended to the Applicant's Deadline 8 response.

Question Number	Topic Heading/ Respondent	Question
CA 4.2	<b>The Applicant</b>	Justify the change for Plot 45/15 from 'All interests in' to 'New rights over' as shown in <i>The Book of Reference (BoR)- Revision B Comparison document</i> (Appendix 4) provided for Deadline 6 [REP6-020].

#### CA 4.2

1. The Applicant refers the ExA to paragraph 2.4 of the *Order Limits Reduction Request* [REP3-052] ("the Reduction Request"), which explains that following discussions with the landowner, Mr Bramall, the Applicant agreed to reduce the widths (area) of plots 44/02 and 45/12 (permanent access road- Work No. 48). The original widths of these plots incorporated a 'slither' of land which the landowner had requested be acquired on the basis it would be sterilised following construction of the permanent access road. However, the landowner subsequently requested that the extra 'slither' of land be removed from the Order land. To accommodate the landowner's request the Applicant agreed to reduce the area of plots 44/02 and 45/12 and only to acquire rights over plot 45/15 as opposed to the freehold of the land.
2. The consequential and necessary amendments to the BoR, including the amendments to the description of Plot 45/15, are shown marked in purple on the extract of the BoR which comprises Appendix 3 of the Reduction Request.

Question Number	Topic Heading/ Respondent	Question
CA 4.3	<b>The Applicant</b>	<p>The representation from Mr Graham Hand on behalf of Hand Bros. [REP6-005] sets out a suggestion for re-routing the cable over a section of his land.</p> <p>a) State whether the re-routing suggested would fall within the Order Limits;</p> <p>b) Set out your position on such a re-routing;</p> <p>c) State whether this position has been communicated to Mr Hand and if so the outcome of such communication.</p>

### CA 4.3

#### a)

1. The Applicant has discussed the suggested alternative route with Mr Hand and can confirm that the alternative route is outside of the Order Limits.

#### b)

2. The Applicant remains of the position that it is not appropriate to amend the cable route to the alternative proposed by Mr Hand as it has selected the appropriate route for the cable corridor in this area, having due regard to relevant constraints.
3. Paragraphs 2.20 – 2.23 of the Written Summary of Oral Case, submitted as Appendix 1 of the Applicant’s response to Deadline 5 [REP5-014], sets out the Applicant’s case presented at the January 2016 hearings as set out below:

*“Request to amend the cable route during the pre-application stages of the project development were considered fully, and previous changes are captured on Sheet 9 of Figure 6-4 and Table 6.3 in the Site Selection and Design Report [APP-117].*

4. The Applicant’s land agent wrote to Mr Hand on 09 January 2015 and explained:

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*“Your request to amend the cable route has been considered against all the relevant constraints. The proposed cable route has previously been aligned to follow field boundaries as far as reasonably practicable. Implementing your suggestions would have impacts on a number of other smaller fields. In assessing our cable route options, we have to assume that proposals which are significantly far advanced through the planning process will go ahead and plan accordingly.”*

5. The Orby Wind Farm the subject of a planning appeal at the time of the original route change request. The proposed route amendment would pass through the red line site of the Orby Wind Farm. The latest appeal for the Orby Wind Farm was dismissed. However, since the planning application for the wind farm has been re-submitted a number of times since 2002 it is the Applicant’s position that this remains a relevant constraint for the siting of the cable route. This is because there is a reasonable chance that a planning application for wind turbines on that site may be made again in the future.
  6. The Applicant’s position on the proposed alternative route remains unchanged.
- c)**
7. The Applicant has set out its position with respect to the alternative route outside of the Order Limits which Mr Hand has proposed several times pre-application and throughout the examination. The Applicant acknowledges that further discussion has taken place with Mr Hand in relation to the proposed alternative route (both at the site visit to his property, and at the landowner drop in sessions held on 17 December 2015 and 07 January 2016) during the examination.
  8. Further discussion on the matter was held during the Local Impacts Issue Specific hearing on 19th January 2016, where the Applicant re-confirmed that it was confident it had identified the most suitable route at Mr Hand’s land holding and that realignment was not appropriate.
  9. The Applicant has provided further formal response to Mr Hand’s submission to Deadline 6 on this matter as Appendix 5 of the Applicant’s response to Deadline 8.
  10. For avoidance of doubt the Applicant has contacted Mr Hand to re-confirm its position with respect to his proposed alternative alignment.
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Question Number	Topic Heading/ Respondent	Question
CA 4.4	<b>The Applicant and Witham Fourth District Internal Drainage Board</b>	<p>The representation from Witham Fourth District Internal Drainage Board [REP-013] (The Applicant to note the spelling of 'Fourth' in respect of the BoR) states that:</p> <p>'the Book of Reference incorrectly identified 4 parcels of land (or parts thereof) that belong to [the] Board as belonging to other parties (Number on Plan 26/09, 30/15, 32/03, 32/09). The Board is endeavouring to resolve these discrepancies but is unlikely to have all issues resolved by Deadline 7 due to the complexities of working with the other parties and Land Registry.'</p> <p>The ExA notes that Witham Fourth District Internal Drainage Board has been added to the identified parties with a Category 1 interest in respect of plots 26/09, 30/15, 32/03 [and] 32/09.</p> <p>a) Is this action sufficient to satisfy Witham fourth District Internal Drainage Board?</p> <p>If not, what is the expected timescale for resolving this issue?</p>

#### CA 4.4

1. The Applicant refers the ExA to its response to written question CA 3.8.
2. The Applicant notes that Witham Fourth District Internal Drainage Board ("Witham IDB") confirmed its satisfaction with the addition of Witham Fourth District Internal Drainage Board to the identified parties with a Category 1 interest in respect of plots 26/09, 30/15, 32/03 and 32/09, in its early response to written question CA 4.4, submitted to the ExA via e-mail on the 24th of February 2016.
3. As explained in paragraphs 4.8 to 4.10 of the Applicant's Response to Deadline 7, an updated version of the Book of Reference (Revision C) has been submitted at

Deadline 7, together with a comparison between the previous version (Revision B) [REP6-019] and current (Revision C).

4. As requested by Witham IDB in its early response to written question CA 4.4, the Book of Reference was amended at Deadline 7 to correct a spelling mistake; “Forth”, being corrected to “Fourth” in “Witham Fourth District Internal Drainage Board” throughout. Witham Fourth’s interest in plots 26/06, 30/18, 33/14, 33/15 and 36/06 was also noted. Witham IDB confirmed its satisfaction with these amendments in its *Update to Board’s response to request for further information CA 4.4*, submitted to the ExA via e-mail on the 26<sup>th</sup> of February 2016.

Question Number	Topic Heading/ Respondent	Question
SE 4.1	<b>National Farmers Union and Lincolnshire Association of Agricultural Valuers</b>	<p>In your response to question SE 3.1 [REP6-010] on crop loss, you make reference to two examples with figures.</p> <p>Provide the two examples with figures and an explanation of how they are arrived at.</p>

**SE 4.1**

1. The Applicant notes that the Land Interest Group will provide a response to this question at Deadline 8. The Applicant highlights to the ExA that it reserves the right to respond to this submission in due course, should it consider it necessary.

## Part 2 The Applicant's comments on responses from IPs 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 Anglian Water Services, Boston Borough Council, East Lindsey District Council, Lincolnshire County Council, the Marine Management Organisation, Natural England and Trinity House have responded to this question.

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### **Anglian Water Services**

2. The Applicant notes Anglian Water Services' response to part a) of DCO 3.1, as set out in [REP6-001], objecting to the inclusion of Article 12 paragraph 8 of the draft DCO Revision F [REP5-035] in so far as it relates to public sewers, lateral drains or drains as primary legislation is already in place to deal with this aspect.
3. The Applicant draws the ExA's attention to paragraph 4.1 of the *SoCG between the Applicant and Anglian Water Services Limited* [REP5-042], and to page 24 of *The Applicant's Responses to Relevant Representations and Additional Submissions* [REP1-045] which sets out the Applicant's position regarding this matter.
4. The Applicant confirms that this matter has been discussed with AWS and understands that AWS intends to remove its 'in principle' objection to the drafting of Article 12, as set out in Revision G of the draft DCO [REP7-018], at Deadline 8.
5. The Applicant understands that AWS' in principle objection to the inclusion of paragraph 8 is an objection which AWS has raised in respect of other consented DCOs but is an objection which the Secretary of State has not upheld. The Applicant considers the wording of Article 12, paragraph 8 to be appropriate and in accordance with both the model provisions and recently granted DCOs, including most recently Dogger Bank Teesside. The Applicant therefore welcomes the anticipated removal of AWS' objection to Article 12.

### **Boston Borough Council**

6. The Applicant notes BBC's comments relating to the description of Work Nos 50 and 50A. The Applicant explains that Work Nos 9 and 50 are drafted such that these are the overarching Work Numbers, which have multiple components comprising the enabling works, the respective compound for the IEC or substation, landscaping and drainage, utilities connections, access roads, security gate, cabling and ducting. Although they form part of Work Nos 9 and 50, the IEC and substation compounds are also listed separately as Works Nos 9A and 50A respectively to allow for sign-off of requirements which specifically relate to the compounds including elements of the detailed design in Requirement 5 and provision of landscaping in Requirement 6.
  7. The Applicant confirms that Work No 50A is the substation compound as defined in Article 2. The phrase '*for the connection of electrical circuits*' refers to the purpose or function of the substation compound.
  8. The Applicant confirms that the second reference to '*substation enabling works*' in Work No 50 is in error and this has been deleted. Draft DCO Rev G, Appendix 9
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[REP7-018] of the Applicant's response to Deadline 7, has been amended to reflect this change.

9. The Applicant notes BBC's support for the removal of '*where relevant*' from the relevant requirements. The Applicant refers to its response to DCO 3.1 and Appendix 1 of the Applicant's response to Deadline to 6 [REP6-016 and 017]. The Applicant explained that the phrase where relevant is intended to indicate the relevant outline plan must cover those matters that are relevant to that specific stage of the authorised development. The Applicant has proposed the drafting is amended to "*where relevant to that stage*" to clarify and to remove any potential for a broad or lax interpretation of the phrase '*where relevant*'.

#### **East Lindsey District Council**

10. The Applicant notes East Lindsey District Council (ELDC) has responded to this question in its response to the Examining Authority's Third Written Questions [REP6-004]. ELDC have asserted that the ExA's suggested revisions satisfy all matters raised by them. In responding to this assertion, the Applicant refers the ExA to its response to the ExA's question DCO 3.1 and Appendix 1 of its response to Deadline 6. For the reasons set out in Appendix 1, the Applicant does not consider that all the ExA's suggested revisions to the draft DCO are required or appropriate. Furthermore, the Applicant would highlight that whilst ELDC confirm that '*all matters raised by them during the Inquiry have been satisfactorily addressed in the Panels amendments*', the ExA's suggested revisions do not relate to matters specifically raised by ELDC either in consultation or during the course of the examination.

#### **Lincolnshire County Council**

11. The Applicant notes Lincolnshire County Council's (LCC) response to this question and refers to its own response to DCO 3.1 and Appendix 1 of the Applicant's Response to Deadline to 6. For the reasons set out in Appendix 1, the Applicant does not consider that a Local Employment Requirement is required or appropriate. The Applicant would highlight that even in the event that the ExA considers that such a requirement is necessary, the Applicant's current proposed wording makes provision for consultation with the Local Enterprise Partnership.

#### **Marine Management Organisation**

12. The Applicant notes the response from the Marine Management Organisation (MMO) to DCO 3.1, as set out in [REP6-009] and agrees with the MMO in drawing the ExA's attention to Appendix B of the SoCG between the Applicant and the Marine Management Organisation [REP5-045] which sets out the parties respective positions on Article 5 *Transfer of the Benefit of the Order*.
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**Natural England**

13. The Applicant notes and welcomes Natural England's response to DCO 3.1, as set out in REP6-011 stating that it considers all matters it has raised in relation to the draft DCO during the Examination have been addressed.

**Trinity House**

14. The Applicant notes and welcomes Trinity House's response to DCO 3.1, as set out in REP6-012 stating that it has no comments on the ExA's recommended draft DCO.

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. The Applicant notes the Land Interest Group, Lincolnshire County Council, East Lindsey District Council, Natural England and Trinity House have responded to this question.

#### **Land Interest Group**

2. At a meeting held on the 4<sup>th</sup> of February between the Applicant and the Land Interest Group (LIG), the LIG 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].
3. The two minor amendments requested by, and agreed with, the Land Interest Group comprise:
  - 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).

4. 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.*

5. The Environment Agency and Internal Drainage Boards have confirmed that they are content with these changes. The Applicant therefore included revised paragraph (c) in Schedule 5 of the Applicant's final draft DCO submitted for Deadline 7 (Revision G) [REP7-018].
6. The Applicant also refers the ExA to the Applicant's comments on the National Farmers Union's response to Eon 3.3, and Lincolnshire County Council's response to CA 3.2 (included in the Applicant's response for Deadline 8).

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- Lincolnshire County Council**
7. The Applicant notes that Lincolnshire County Council (LCC) has responded to this question in its response to the Examining Authority's Third Written Questions [REP6-007]. The Applicant notes LCC's comments with regards to the Restrictive Covenant. The Applicant highlights that further amendments to the Restrictive Covenant were detailed in Appendix 1 of the Applicant's Response to Deadline 6. The Applicant confirms that the Restrictive Covenant has been updated and Schedule 5 of the draft DCO Rev G has been amended to reflect these changes as noted above.
- East Lindsey District Council**
8. The Applicant notes that East Lindsey District Council has responded to this question in its response to the Examining Authority's Third Written Questions [REP6-004]. The Applicant has no further comment
- Natural England**
9. The Applicant notes and welcomes Natural England's response to DCO 3.2, as set out in its response the ExA's third written questions [REP6-011] stating that it has no comments on the Restrictive Covenant within REP5-035 as it falls outside Natural England's remit.
- Trinity House**
10. The Applicant notes and welcomes Trinity House's response to DCO 3.2, as set out in REP6-012 stating that it has no comments on the Restrictive Covenant within REP5-035.
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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

1. The Applicant notes and welcomes Boston Borough Council's response to DCO 3.6 [REP6-002]. The Applicant has no further comment.

Question Number	Topic Heading/ Respondent	Question
DCO 3.9	<b>The Marine Management Organisation (MMO)</b>	<p><b>Article 5 - Transfer of benefit of Order</b></p> <p>The version of the Revised Draft DCO (version F) submitted for Deadline 5 removes the words:</p> <p><i>“save that, at least 28 days prior to any partial transfer or grant of the deemed marine licence under this paragraph, the undertaker must consult the MMO on the restrictions, liabilities and obligations that will apply to the person exercising the powers transferred or granted”</i></p> <p>The Applicant’s Written Summary of the oral case put at the DCO Hearing on 22 January 2016 [REP5-016] (paragraph 1.10) states that:</p> <p>“Following discussions between the Applicant and the MMO after the DCO hearing on 22 January 2016, it has been agreed that this wording is not required and it has therefore been deleted.”</p> <p>State whether, in light of your concern that there is no requirement for consultation prior to grant or transfer in the joint position statement, you agree that the wording above is not required.</p>

### DCO 3.9

1. The Applicant notes that the Marine Management Organisation has responded to this question.
2. The Applicant notes the MMO’s comments in respect of the ExA’s question DCO 3.9, as set out in their response [REP6-009]. Whilst the MMO’s response to DCO 3.9 states that due to the amending of other parts of Article 5, which ensures that Art 5(4) applies to all transfers, it was agreed that the additional wording referenced in DCO 3.9 was not required, the Applicant and the MMO have subsequently

agreed to revise the wording to a 28 day notification prior to transfer where the Secretary of State's consent to a transfer is not required.

3. The Applicant refers the ExA to the Applicant's comments on the MMO's submitted response to DCO 3.10, which sets out this revised wording. The wording has been included as article 5(7) in the Applicant's final DCO submitted at Appendix 9 of its response to Deadline 7 [REP7-018].

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><b>The MMO</b> 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><b>The Applicant</b> Comment on the suggested wording above.</p>

### DCO 3.10

1. The Applicant notes the Marine Management’s response to DCO 3.10 that, as set out in its submission at Deadline 6 [REP6-009], the proposed wording in a) effectively only serves as a notification from the Applicant to the MMO regarding the transfer of the benefit of the Order under Article 5(6) of the draft DCO and does not require the Applicant to consider or act upon the views of the MMO. However, the MMO does see a 28 day notification period as being useful in ensuring the MMO is able to effectively communicate that transfer to interested 3<sup>rd</sup> parties.
2. The Applicant has therefore drafted and agreed alternative wording with the MMO, as set out below and included in Article 5(7) of its final draft DCO Revision G [REP7-018] which secures notification to the MMO 28 days prior to transfer, where the Secretary of State’s consent to a transfer is not required.

Article 5

*(7) The undertaker must notify the MMO at least 28 days before any transfer pursuant to 5(1) in a case where the Secretary of State’s consent to such a transfer is not required (because paragraph 5(6) applies).*

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 notes LCC’s response to this question. The Applicant and LCC met on 12th February 2016 in order to discuss all outstanding matters and to work towards concluding the Statement of Common Ground (SoCG) between the parties. The meeting was attended by LCC representatives, including Andy Ratcliffe representing the Highways Authority. It was a constructive meeting during which LCC’s remaining concerns were discussed. The Applicant and LCC reviewed the Outline Access Management Plan (AMP) [APP-113] in detail on

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screen and were able to agree amendments to address all points raised by LCC, as explained below.

2. In response to LCC's concerns relating to the adequacy and compliance of the design and layout of accesses set out in the Outline AMP, the Applicant has updated the Outline AMP; Revision B was submitted as Appendix 12 of the Applicant's response to Deadline 6 [REP6-028].
3. Figures 3.2 to 3.6, 3.8 and 4.1 to 4.2 of the Outline AMP have been updated to make clear that the access designs presented are indicative only (it should, however, be noted that Figures 3.1 and 3.7 show temporary construction compound locations and road crossing locations only, i.e. no designs, and therefore as these are fixed they have not been updated as 'indicative'). Table 1 of the Outline AMP (Revision B) has also been updated to identify that the access layout drawings are indicative.
4. The Applicant would also highlight that an Outline AMP was submitted as part of the TKES application in order to provide the ExA and consultees with the framework and key elements for the final AMP and to facilitate early discussion with respect to the expected content of the final AMP. The Outline AMP clearly sets out at paragraph 2.5 that "*detailed layouts for each TCC would be confirmed by the Principal Contractor and agreed with the Highway Authority*". This is further reinforced by Requirement 8 of the draft DCO (Revision G) which secures that details of the siting, design, layout, sequencing and timing and any access management measures will be submitted to the relevant planning authority following consultation with LCC as the Highways Authority.
5. The Applicant notes LCC's comment in relation to the access being designed in accordance with the Design Manual for Road and Bridgeworks. Paragraph 2.5 of the Outline AMP clearly secures that:

*"The layout for each individual TCC access onto the public highway should be designed for the current level of traffic flows along the TCC frontage, as agreed with the relevant highway authority taking into account traffic flows from the committed developments, and the predicted level of turning movements and sizes of vehicles required to use the TCC during the construction period. **The access design and layout should be produced in accordance with the 'Design Manual for Roads and Bridges' and the Highway Authority's requirements.**"*  
(emphasis added)
6. The Applicant has therefore not updated the Outline AMP to further address this concern as it considers that this has already been adequately dealt with.

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7. The Applicant also notes LCC's comment with reference to taking account of traffic flows and speeds. The Applicant considers that it has used the relevant data in undertaking the Traffic Assessment, which has informed the content and the indicative access designs set out in the Outline AMP and that suitable controls are in place in paragraph 2.5 of the Outline AMP (cited above) to ensure that up to date information is captured and used as appropriate. Paragraph 2.5 ensures that accesses will be designed for the current level of traffic flows i.e. they will account for the traffic flows at the time which the final AMP is developed and submitted for approval as part of the discharge of consent requirements.
  8. The Applicant welcomes LCC's confirmation of acceptance that the layouts are indicative, and that further designs will be produced for the purpose of the final AMP.

#### **Requirement 8**

9. Following the detailed discussion held during the meeting held on 12th January 2016, and the updates which were discussed and agreed to be made to the Outline AMP, the Applicant sought to confirm LCC's acceptance of Requirement 8 of the draft DCO (Revision F).
10. The Applicant reported in its own response to this question at Deadline 6 [REP6-016] that it had issued a revised SoCG to LCC for comment on 16th February 2016 and was awaiting confirmation that matters relating to traffic and access are now resolved, and further that LCC is therefore in agreement with the drafting of Requirement 8 *Highway accesses and improvements* of the draft DCO.
11. The Applicant is disappointed to note that in LCC's response to the ExA question's DCO 3.12, the amendments made to the Outline AMP, which it had understood at the meeting to address LCC's concerns, have not been acknowledged. However, LCC has now agreed in the Statement of Common Ground between LCC and the Applicant, at paragraph 4.140, submitted at Appendix 11 to the Applicant's response at Deadline 8 that:  
  
*"It is agreed that the implementation of an Access Management Plan (AMP) will secure acceptable design and location of accesses to temporary working areas, and the that Outline AMP (document reference 8.13) sets out acceptable proposals for accesses to the site."*
12. The Applicant is also disappointed to note that LCC has stated that it cannot suggest any relevant wording in absence of agreement to Requirement 8; and that *"it is unlikely that agreement will be reached"*.

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13. It is the Applicant's position that Requirement 8 is wholly adequate and appropriate to secure the necessary detail in relation to highways access and improvements for approval by the relevant planning authority and that the appropriate control is in place to ensure the Highways Authority is consulted on the siting, design, layout, sequencing and timing and any access management measures.
14. The adequacy of Requirement 8 has been agreed with both East Lindsey District Council and Boston Borough Council. In paragraph 13.7 of the SoCG between the Applicant and both parties, submitted as Appendices 20 [REP2-036] and 19 [REP2-035] of the Applicant's response to Deadline 2 (respectively), as follows:

*"It is 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)."*

Question Number	Topic Heading/ Respondent	Question
DCO 3.13	<b>Lincolnshire County Council (LCC) 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 Lincolnshire County Council and Boston Borough Council have provided response to this question.

#### **Lincolnshire County Council**

2. The Applicant notes LCC’s response to this question. The Applicant provided its own response at Deadline 6 [REP6-016] detailing the discussions that took place with LCC at the meeting on 12<sup>th</sup> February 2016 and the subsequent updates made by the Applicant with respect to working hours and bank holidays.

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3. 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” 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 31 of the Applicant’s response to Deadline 7 [REP7-039]) and explained to LCC that the control being secured in the DCO Requirement ensures that these controls on working hours would be adhered to.
  5. The Applicant notes the further issues raised by LCC in its response to this question with respect to construction related traffic movements and the regulation of vehicle movements at specific traffic sensitive times.
  6. The Applicant notes that paragraph 9.127 of Volume 3, Chapter 9 *Traffic and Access* of the ES [APP-050] states:

*“Details of the proposed construction hours are set out in Volume 3 Chapter 1, which state that the working hours will be limited to 07:00-19:00. Based on these hours, construction workers will typically arrive before 08:00 and leave after 18:00. Therefore, personnel movements are expected to be limited to being outside of the traditional peak hours of 08:00-09:00 and 17:00-18:00.”*
  7. The Applicant also wishes to highlight that paragraph 4.1 of the Outline Traffic Management Plan (Revision B) (TMP), submitted as Appendix 14 of the Applicant’s response to Deadline 6 [REP6-030], secures that:

*“The routes for HGV construction traffic to construction access points, incorporating any specific routes or locations to avoid and any temporary speed limit orders, will be agreed with the relevant Local Authority and set out in the final TMP.”*
  8. The Applicant has ensured the use of the local road network has been minimised as far as practicable by the use of the temporary haul road; the Applicant has further committed, in paragraph 4.2 of the Outline TMP (Revision B), that HGV traffic will use A roads wherever possible, with B roads and minor roads used primarily to access the TCCs.
  9. With respect to traffic generated by personnel travelling to and from specific locations along the cable route during construction, the TMP must include a Contractor Travel Plan, as secured by Requirement 19 of the draft DCO (Revision G) [REP7-018]. Indicative content of the Travel Plan, to be submitted to and
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approved by the relevant planning authority has been included in Section 5 of the Outline TMP (Revision B).

10. The Applicant is confident that LCC's concerns in relation to the construction traffic and hours of operation have been adequately accounted for through the mitigation measures embedded in the design of the onshore works and the relevant management plans secured through the DCO. At this stage all reasonable commitments have been made to ensure effects on traffic-sensitive areas are minimised. The specific provisions that LCC is seeking, but has not, by the date of Deadline 8, been able to explain in appropriate detail for the Applicant to fully understand and appropriately address its concerns, will be discussed and agreed at the relevant stage of the pre-construction phase when the stage-specific traffic management plans are approved by the relevant local planning authority, following consultation with LCC.
11. The Applicant reiterates the opportunity provided at the meeting held on 12<sup>th</sup> February 2016 to discuss any other outstanding issues with respect to Requirement 16 and working hours; no other matters have been raised with the Applicant.
12. The Applicant notes that LCC has now agreed to the adequacy of Requirement 17 (previously 16) in paragraph 4.152 of the SoCG between the Applicant and LCC, submitted as Appendix 11 of the Applicant's response to Deadline 8 and therefore the Applicant is content that this matter is now resolved.

#### **Boston Borough Council**

13. The Applicant notes that Boston Borough Council has confirmed that it is content with this wording in its response to the Examining Authority's Third Written Questions [REP6-002]. The Applicant has no further comment.

Question Number	Topic Heading/ Respondent	Question
DCO 3.14	<b>Lincolnshire County Council (LCC)</b>  <b>The Applicant</b>	<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 notes that Lincolnshire County Council and Boston Borough Council have provided response to this question.

#### **Lincolnshire County Council**

2. The Applicant notes LCC’s response to this question. The Applicant and LCC met on 12th February 2016 in order to discuss all outstanding matters and to work towards concluding the Statement of Common Ground (SoCG) between the parties. The meeting was attended by LCC representatives, including Andy

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Ratcliffe representing the Highways Authority. It was a constructive meeting during which the remaining concerns of LCC were discussed. The Applicant and LCC reviewed the Outline Traffic Management Plan (TMP) [APP-110] in detail on screen and were able to agree amendments which addressed all of the points raised by LCC. An updated Outline TMP (Revision B) was submitted as Appendix 14 of the Applicant's response to Deadline 6 [REP6-030].

3. The Applicant would highlight that the Outline TMP was submitted as part of the TKES application in order to provide the ExA and consultees with an indicative format for, and key elements of, the final TMP and to facilitate discussion with respect to the expected content of the final TMP.
4. The Applicant notes LCC's concerns in relation to responsibility for rectifying any damage caused to a highway by construction traffic or whether the access route is suitable for the proposed traffic use. The Applicant would highlight that the Outline TMP did include detail about road condition surveys and this matter was discussed between the Applicant and LCC and the following amendments to paragraph 4.8 of the Outline TMP (revision B) were agreed:

*"Prior to the start, and following completion, for each stage of the onshore works of the construction works, road condition surveys for minor roads, B roads and all road crossings will be undertaken and agreed with the Highways Authority. These surveys will inform any works that may be required to prepare road construction in advance of any construction works and to rectify specific damage to the road network as a direct result of construction work."*

5. It is the Applicant's position that paragraph 4.8 of the Outline TMP (cited above) adequately secures that works will be undertaken in order to prepare any roads which are not suitable for the use of construction traffic in their current condition; secures the surveys necessary to assess the road condition, which will be agreed with LCC as the Highway Authority; and ensures that the Applicant will have to rectify specific damage to the road network.
6. The Applicant notes LCC's comments in relation to the details of access to individual temporary construction compounds (TCC); paragraph 4.12 of the Outline TMP states that:

*"Details of temporary and permanent site access, including the location, layout and control measures will be set out in the Access Management Plan (AMP) to be agreed with the relevant Local Authority... The contractors appointed to undertake the TKES works will submit the detailed design and specifications for the site access locations to the relevant authorities prior to works commencing on site as part of a final AMP."*

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7. The Applicant highlights that the final AMP will be developed in consultation with LCC as the Highway Authority, this will include the designs of accesses to the TCCs, as secured through the drafting of the Outline AMP and through Requirement 8 of the draft DCO (Revision G) [REP7-018]. The Applicant therefore considers that LCC will have the opportunity to input to the design of all accesses to the TCCs, as well as other accesses for construction purposes, as part of the consultation on the final AMP. The TMP and AMP are clearly interlinked and therefore will be developed in conjunction with one another.
  8. The Applicant explained to LCC at the meeting on 12th February 2016 that the drafting of the DCO deliberately puts responsibility on the Applicant to consult with the Highway Authority ahead of submitting these plans to the relevant planning authority. The Applicant has a vested interest in submitting plans for approval by the relevant planning authority, which have already been consulted on with the Highway Authority to ensure an efficient and smooth consent discharge process. It is therefore the Applicant's position that LCC can be assured that appropriate consultation will take place with LCC as the Highway Authority with respect to these matters.
  9. The Applicant notes LCC's comments in relation to road crossings and the need for road condition surveys for all road crossings. The Applicant has updated the TMP to include that "*all road crossings*" will be subject to surveys, as detailed in paragraph 6 above in order to address this concern.
  10. LCC has now agreed in the Statement of Common Ground between LCC and the Applicant, at paragraph 4.139, submitted at Appendix 11 to the Applicant's response at Deadline 8 that:

*"It is agreed that the implementation of a Traffic Management Plan (TMP) will secure 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."*
  11. LCC has now agreed in the Statement of Common Ground between LCC and the Applicant, at paragraph 4.140, submitted at Appendix 11 to the Applicant's response at Deadline 8 that:

*"It is agreed that the implementation of an Access Management Plan (AMP) will secure acceptable design and location of accesses to temporary working areas, and that the Outline AMP (document reference 8.13) sets out acceptable proposals for accesses to the site."*
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### **Requirement 19**

12. Following the detailed discussion at the meeting on 12th February 2016, and the updates which were discussed and agreed to be made to the Outline AMP, the Applicant sought to confirm LCC's acceptance of Requirement 19 (previously 18) of the draft DCO (Revision F).
13. The Applicant reported in its own response to this question at Deadline 6 [REP6-016] that it had issued a revised SoCG to LCC for comment on 16th February 2016 and was awaiting confirmation that matters relating to traffic and access were now resolved, and further that LCC are therefore in agreement with the drafting of Requirement 19 of the draft DCO.
14. The Applicant is disappointed to note that LCC has responded that it cannot suggest any relevant wording in absence of agreement to Requirement 19; and that "*it is unlikely that agreement will be reached*".
15. It is the Applicant's position that Requirement 19 is both adequate and appropriate for securing the requirement for a construction traffic management plan to be approved by the relevant planning authority; and that the appropriate control is in place to ensure the Highways Authority are consulted on the content of the TMP.
16. The adequacy of Requirement 19 has been agreed with both East Lindsey District Council and Boston Borough Council. In paragraph 13.17 of the SoCG between the Applicant and both parties, submitted as Appendices 20 [REP2-036] and 19 [REP2-035] of the Applicant's response to Deadline 2 (respectively), as follows:

*"It is agreed that the wording of Requirement 18 [now 19] 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)."*

### **Boston Borough Council**

17. The Applicant notes the response from Boston Borough Council its response to the Examining Authority's Third Written Questions [REP6-002]. The Applicant has no further comment.
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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 Boston Borough Council (BBC) has responded to this question in its response to the Examining Authority's Third Written Questions [REP6-002]. The Applicant notes BBC’s comment that there is no timescale for the submission of details of reinstatement nor for when any approved details should have been implemented by. The Applicant confirms that to address this point Requirement 20 (now 21) has been amended as follows:-

*"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 **within six months of completion of the relevant stage of the onshore works** in accordance with details approved by the relevant planning authority."*

2. The Applicant considers that the inclusion of a timeframe for the completion of restoration will ensure that any scheme is necessarily approved in advance of this. Draft DCO Rev G has been amended to reflect this change.
3. The Applicant acknowledges LCC previous concern about post construction treatment of the surface of various access tracks in the vicinity of the POS and welcomes confirmation that LCC's has no further concerns

Question Number	Topic Heading/ Respondent	Question
CA 2.3	<b>Acquiring land by negotiation</b>  <b>the National Farmers Union and the Lincolnshire Association of Agricultural Valuers</b>	<p>In a number of places in your Written Summary of Oral Submissions Made on Behalf of the National Farmers Union and the Lincolnshire Association of Agricultural Valuers at the Compulsory Acquisition Hearing on 13 November 2015 [REP3-027] you state that Agents felt unable to recommend the Heads of Terms to their clients.</p> <p>Explain why this is so.</p>

### CA 2.3

1. The Applicant notes that the Land Interest Group (LIG) has responded to one of the ExA's second written questions in its submission to Deadline 6, specifically question CA 2.3 (Acquiring land by negotiation).
2. The Applicant understands that this has been submitted in error as it is identical to the LIG submission at Deadline 4. In any event, the Applicant refers the ExA to its comments on LIG's response to CA 2.3 submitted in the Applicant's Response to Deadline 5 [REP5-013].
3. The Applicant is pleased to report that further progress has been made on securing Heads of Terms for private treaty agreements since Deadline 7. Heads of Terms have been agreed with, and signed by 105 landowners at Deadline 8, as shown by the updated Schedule of Compulsory Acquisition, Appendix 2 to this submission

Question Number	Topic Heading/ Respondent	Question
CA 3.4	<p><b>Lincolnshire County Council</b> <b>The Applicant</b></p>	<p>The LCC DL 5 submission states at para 36:“<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> <p><b>Lincolnshire County Council</b></p> <p>a) Provide comments on material relevant to the issue of open space land provided by the Applicant for Deadline 5.</p> <p>b) Paragraph 29 of your Response of the Lincolnshire County Council to Matters Raised at The Second Round of Hearings, Submitted For Deadline 5 [REP5-005] states:“<i>Although there is no public access through the TJB area the site will be visible from two footpath routes and public open space.</i>”</p> <p>Provide authority for your proposition that open space is less advantageous if views out from it are affected?</p> <p>c) Specify what enhanced mitigation you would require to ensure, in your view, no net loss of biodiversity or public enjoyment in the Lincolnshire Coastal Country Park.</p>

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## CA 3.4

### a)

1. The Applicant notes LCC's response to CA 3.4, and as set out in its deadline 6 response [REP6-007] reiterates the points made in relation to the Lincolnshire Coastal County Park in the representation text also included as part of REP6-007. The Applicant has also addressed these points in Section 2 of Appendix 4 of the Applicant's Response to Deadline 8 under the following paragraphs;
  - Consideration of impacts on LCCP – Paragraph 2.1
  - Designation of LCCP – Paragraphs 2.2- 2.3
  - Impact on landscape and visual effects relating to the LCCP – Paragraphs 2.4- 2.12
  - Impacts on green tourism – Paragraphs 2.13- 2.14
  - Impacts on visitor numbers – Paragraphs 2.15- 2.18
  - Impact on funding – Paragraphs 2.19- 2.23

### b)

2. The Applicant provided its detailed response to Lincolnshire County Council's ('LCC's) assertions regarding the effects of the transition joint bays (TJBs) on the assumed area of open space within Plot 01/01 in its Deadline 6 Response to LCC [REP6-007]. As no new matters of substance are raised by LCC in its Deadline 6 submissions, the Applicant has no further comment here.
  3. The Applicant has also clearly set out its position in relation to the Section 132 Planning Act 2008 test, which is to be considered by the Secretary of State; namely whether the use of the land, when burdened with the proposed rights, will be no less advantageous than it was before. LCC draws the ExA's attention to the case of Greenwich LBC v Secretary of State for the Environment [1993] Env. L.R. 344 which concerned a certificate issued by the Secretary of State pursuant to Section 19 of the Acquisition of Land Act 1981 in connection with the giving of land in exchange for the acquisition of open space.
  4. Whilst the Applicant agrees with LCC that each case turns on its own facts and that the task for the decision maker is to reach a judgement taking into account all relevant and material factors, the Applicant does not consider that the facts of the Greenwich case are directly comparable to the matters, which must be considered in respect of the proposed acquisition of rights over Plot 01/01.
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5. In the Greenwich case, it was necessary for the Secretary of State to undertake a comparison of the relevant merits of the public open space that was to be compulsorily acquired and of the land proposed to be given by the acquiring authority in exchange, and to make a judgment as to whether the proposed exchange land was “equally advantageous.” A comparison had to be made between an area of ancient woodland and Site of Special Scientific Interest (SSSI) known as Oxleas Wood, with an area of open farmland proposed in exchange, known as Woodlands Farm. Significant modifications were proposed to be made to Woodlands Farm to make it as near as possible a real replacement for the woodland. Factors such as the comparative scale and location of the two land parcels, access to and across the land, their special character and the nature of the recreational use of the land were material considerations in that particular case. It was also relevant in that case to take into account the future benefits of Woodlands Farm that would arise, not at the date of exchange, but several years thereafter once the modifications and planting had been undertaken.
  6. The Greenwich case should not, however, be taken as a proxy for the matters which must be considered in respect of the proposed acquisition of rights over the land at Plot 01/01, for which it is necessary to consider the public’s existing enjoyment of the land and whether, once burdened with the new rights, that enjoyment of the land will be any less advantageous. Clearly, matters such as comparative location, access and special character of the land (as assessed in Greenwich) are not relevant to the assessment of Plot 01/01 as there will be no change to these and no need to consider the qualities of any replacement land. Nor will the recreational use of Plot 01/01 be any less advantageous than it was before because Plot 01/01 will be returned to its previous condition post-construction, with no above ground structures and will be available for the same purposes for which it is currently used. Furthermore, LCC’s suggestion that the Greenwich case provides authority for the proposition that the prospect of development of land in the vicinity of Plot 01/01 be taken into account is misconceived because the issue in that case solely concerned the question of improvements to the exchange land.
  7. The Applicant therefore submits that the Greenwich case has no material bearing on the approach that the Secretary of State should take to the assessment of section 132 of the Planning Act 2008 in connection with the proposed compulsory acquisition of rights over Plot 01/01.
- c)**
8. LCC’s response to CA 3.4 (c) states that if the scheme were to go ahead, a minimum sum of money (identified as £2.3m) would be required from the
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Applicants for habitat creation and improvements within the LCCP. In February 2015 Councillor Davie submitted a response to the Triton Knoll Community Investment Fund Consultation undertaken between January and February 2015. It was this letter from Cllr Davie that requested the £2.3 m in relation to the LCCP.

9. As part of that consultation members of the public were asked a series of questions relating to where and how they would like a one-off fund of up to £500,000 and an annual fund of £40,000, to be spent. The annual fund is aimed specifically at those communities which live near to the proposed above ground infrastructure. Triton Knoll Offshore Wind Farm Limited will continue to engage with the local communities as well as the relevant local authorities about the Community Investment Fund, although this is not specifically for the LCCP.
  10. It is understood that Lincolnshire's stated aims of tourism in this area of East Lindsey include:
    - Expanding tourist activities beyond the traditional bucket and spade holiday season;
    - Moving into green tourism;
    - Encouraging a healthy economy based on year round tourism; and
    - Developing the Coastal Country Park.
  11. The Applicant's position is set out at paragraph 10 of its Response to the Examining Authority's Questions at Deadline 4 [REP4-027]: "It is the Applicant's position that given the minor significance of effects on tourism during the construction phase and the continued access to the beach in close proximity to the landfall, there would be no significant impacts which would affect the aspirations of the council to expand the tourist season, move to green tourism, encourage a year round tourism or further develop the coastal country park" (emphasis added).
  12. As set out in paragraph 2.15 of the Tourism Clarification Note at Appendix 10 [REP5-023] to the Applicant's submission at Deadline 5, "The Applicant recognises the importance of the tourism offer and the value to nature tourism provided by the LCCP. As set out above, the Applicant's assessment of the impact on the LCCP concluded that there are no predicted residual significant effects and the landscape will be returned to its former condition following completion of construction. Therefore, any impact on the LCCP and its tourism offer is temporary in nature and no long term impacts are expected."
  13. The assessment of the effect of the TKES project on the Lincolnshire Coastal Country Park has concluded that there the effect on recreation and tourism is minor adverse which is Not Significant. As such, it is not considered necessary for
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the Applicants to make such a payment of the level demanded by LCC for habitat creation and improvements.

14. A bi-lateral agreement is being negotiated between the Applicant and the Lincolnshire Wildlife Trust for the payment of £25,000 to be spent on the creation of grazing marsh or grazing marsh restoration projects within the Lincolnshire Coastal Grazing Marsh “target areas”. This sum would be payable if consent is granted on the commencement of construction of the TKES. This is considered to represent a proportionate level of enhancement for local habitat and wildlife within Lincolnshire.

Question Number	Topic Heading/ Respondent	Question
CA 3.6	<p><b>Charles Sharpe</b></p> <p><b>Joyce Blanchard</b></p> <p><b>Brenda Wright</b></p> <p><b>Pridgeon Farms Limited</b></p> <p><b>Richard Yeadon</b></p> <p><b>Nicola Yeadon</b></p> <p><b>Joseph Mackinder</b></p> <p><b>Judith Mackinder</b></p> <p><b>David Simpson</b></p> <p><b>Witham Forth District Internal Drainage Board</b></p> <p><b>Steven Lunn</b></p> <p><b>James Lunn</b></p> <p><b>Western Power Distribution (East Midlands) plc</b></p>	<p>Authority to survey and investigate the land 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>"...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, 33/09 in the Book of Reference [APP-130] 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..."</p> <p>Provide any comments on, and state your satisfaction or otherwise of, this amended wording.</p>

**CA 3.6**

1. The Applicant notes that the Witham Fourth Internal Drainage Board and Western Power Distribution have responded to this question.

**Witham Fourth District Internal Drainage Board**

2. The Applicant notes Witham Fourth IDB's response to this question and welcomes confirmation of no objection to the proposed amended wording. The Applicant confirms that the exercise of these rights will not interfere with the board's normal operations and will be subject to prior notification requirements in accordance with Article 13(3) of the draft DCO (Revision G) [REP7-018]:

*“No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days’ notice has been served on every owner and occupier of the land.”*

3. It should be noted that the Applicant has proposed a change to the description of the survey rights in the Book of Reference, as explained in its responses to DCO 3.11 and CA 3.5 submitted at Deadline 6 [REP6-016].

**Western Power Distribution**

4. The Applicant notes Western Power Distribution's response to CA 3.6 that, as set out in REP6-014, it has no objection to the amended wording proposed by the Applicant with respect to plot 33/08, subject to the agreement on Protective Provisions for the benefit of Western Power Distribution.
5. The Applicant and Western Power Distribution met and discussed Protective Provisions on 18 February 2016 and have agreed Protective Provisions as included in Revision G of the draft DCO [REP7-018] submitted at Deadline 7.

Question Number	Topic Heading/ Respondent	Question
CA 3.8	<b>Statutory Undertakers</b>  <b>Independent Drainage Boards</b>	<p><i>The ExA reminds all Statutory Undertakers and the Independent Drainage Boards that, if and when they reach agreements on matters including land arrangements and protective provisions and are then in a position to withdraw outstanding written objections, then they should do so explicitly in writing to the ExA on or before Deadline 7 (24 February 2016).</i></p>

### CA 3.8

1. The Applicant note Anglian Water Services, Trinity House and the Witham Fourth Internal Drainage Board have responded to this question.

#### **Anglian Water Services**

2. The Applicant notes Anglian Water Services (AWS) Limited's response to CA 3.8, as set out in [REP6-001], and welcomes the removal of its objection on the basis that Protective Provisions for the benefit of AWS have been agreed.
3. The Applicant draws the ExA's attention to the SoCG between The Applicant and AWS [REP6-022], which sets out that agreement, as well as the future engagement between the parties referred to by AWS REP6-001.

#### **Trinity House**

4. The Applicant notes and welcomes Trinity House's response to CA 3.8, as set out in [REP6-012], that it has no outstanding objections to the proposed development.

#### **Witham Fourth Internal Drainage Board**

5. For the avoidance of doubt, the land parcels referred to by Witham Fourth Internal Drainage Board ("the Board") are presently stated within the registered Land Registry titles to be within the ownership of other parties. The Book of Reference (submitted at Appendix 3 to the Applicant's response to Deadline 6 [REP-019]) therefore correctly reflects the current registered titles.

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6. The Applicant notes the Board's response to CA 3.8, as set out in [REP6-013]. The Applicant confirms that it is in liaison with the Board on this matter and the Applicant is pleased that the Board is endeavouring to resolve the title discrepancies to which it refers in a timely manner.
  7. The Applicant is aware that the Board asserts that it is the owner of these land parcels and that it is seeking to rectify the position in consultation with the registered owners and the Land Registry. The Applicant understands that the Board considers that there is an anomaly on the filed plan at the Land Registry in relation to parcel 32/09 which requires rectification. Furthermore, it is understood that the Board has written to the registered owners of parcels 30/15, 26/09, 32/03 and 32/09 to request a transfer of the relevant land to the Board.
  8. As explained in the Applicant's response to CA 4.4, the Board has confirmed its satisfaction with the addition of Witham Fourth District Internal Drainage Board to the identified parties with a Category 1 interest in respect of plots 26/09, 30/15, 32/03 and 32/09, in its early response to written question CA 4.4, submitted to the ExA via e-mail on the 24th of February 2016.
  9. As requested by the Board in its early response to written question CA 4.4, the Book of Reference was amended at Deadline 7 to correct a spelling mistake; "Forth", being corrected to "Fourth" in "Witham Fourth District Internal Drainage Board" throughout. The Board's interest in plots 26/06, 30/18, 33/14, 33/15 and 36/06 was also noted. The Board confirmed its satisfaction with these amendments in its *Update to Board's response to request for further information CA 4.4*, submitted to the ExA via e-mail on the 26<sup>th</sup> of February 2016.
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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 Historic England’s response to this question and refers the ExA to the Applicant’s own response to AH 3.1 provided in its response to Deadline 6. The Applicant has no further comment on this matter.

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 notes that both Natural England and the Marine Management Organisation have responded to this question.

#### **Natural England**

2. The Applicant notes Natural England’s response to EOf 3.1, as set out in its response to Deadline 6 [REP6-011], which notes that they are content that reef surveys will be adequately covered in the Operation and Maintenance Plan as secured by condition 7 of the DML and do not need to be secured separately elsewhere.

3. The Applicant therefore does not intend to make any amendments to the dML or the Offshore Operations and Maintenance Plan regarding this issue.

**Marine Management Organisation**

4. The Applicant notes the MMO's response to EOf 3.1, as set out in its submission to Deadline 6 [REP6-009], that it is content that the drafting of Conditions 7, 12 and 13 of the dML within the draft DCO Revision F [REP5-035] are appropriate to ensure that pre- and post-construction survey commitments are (or will be) detailed enough to provide for the security of any reef/annex 1 habitat. The Applicant notes the comment from the MMO in relation to potential suggestions from Natural England and the desire to ensure that the MMO is included in any discussions on revisions to the current wording.
5. In respect of the latter point, the Applicant draws the ExA's attention to Natural England's response to this question as noted above, confirming reef surveys will be adequately covered in the Operation and Maintenance Plan as secured by condition 7 of the dML.

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 Applicant notes Natural England's response to EOf 3.2, as set out in its response to Deadline 6 [REP6-011], which notes that they do not believe the SoCG requires further revision as the latest SoCG between the parties [REP5-044] refers to Revision F of the draft DCO/DML where amendments to relevant DML Conditions were made from Revision E.
2. The Applicant also draw's the ExA attention to its response to EOf 3.2, submitted at Deadline 6 [REP6-016], which echoes Natural England's position.

Question Number	Topic Heading/ Respondent	Question
EOn 3.2	<b>Land Interest Group</b>	At the Local Impacts Hearing on 19 January 2016 the Applicant stated that it is technically possible to reinstate drainage within the Order Limits. Do you agree with this statement? If not, explain why.

### EOn 3.2

1. The Applicant notes the LIG's comments in relation to consultation with farmers and landowners. The Applicant has set out the extensive consultation undertaken with landowners on numerous occasions during the examination. The ExA is referred to schedule of landowner engagement contact submitted as Appendix 43 of the Applicant's Response to Deadline 4 [REP4-073].
2. The Applicant notes the LIG's comments in relation to design work pre-application. The Applicant's position is that final drainage reinstatement design can only be completed as part of the detailed design process and the Applicant has appropriately considered drainage as part of the site selection design process.
3. The Applicant notes the LIG's comments in relation to the White Rose Carbon Capture Storage scheme and the inclusion of a detailed drainage design report. The Applicant's position, as set out in Appendix 29 to Deadline 4 [REP4-055] is that it is not possible to finalise the design of the proposed development prior to the determination of the DCO and that therefore it is not possible to provide final drainage designs at this stage. Any drainage designs, such as those provided for 14 fields as part of the examination (submitted as Appendix 46 at Deadline 4 [REP4-079]; Appendix 21 at Deadline 6 [REP6-037] and Appendix 42 at Deadline 7 [REP7-050]) are theoretical only. The Applicant is unable to comment on the confidence with which the White Rose project is able to finalise its design at this stage or the status of the detailed drainage report.

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4. The Applicant notes the LIG's comments in relation National Grid's experience of constructing pipelines in the 1960s and 1970s and the resulting standards to which they refer. The Applicant's position is that drainage technology has changed considerably since the 1970s such that there is now high confidence that reconnection of drainage systems across linear infrastructure projects in the appropriate method of reinstatement and that used as a default on modern infrastructure projects such as the recently completed and local Anglian Water pipeline.
  5. The Applicant notes the LIG comments in relation to drainage, particularly:

*"The applicant has insisted that reinstatement of the land drainage involving the reconnection of the land drainage over the cable conduits within the Order limits can be carried out.*

*LIG do not disagree with that on the basis that the cable conduits are laid below the existing operational drainage schemes. However, there are a number of reasons why this method of reinstatement may not be appropriate in every case. These issues were included in the report on the impact on agricultural land drainage prepared by DMJ Drainage dated 5 October 2015 which accompanied the representations submitted by the LIG."*
  6. The Applicant welcomes the LIG's comment that they do not disagree that the reconnection of the land drainage over the cables can be carried out within the Order limits. The Applicant agrees with this statement and also refers the ExA to the commitment to undertake drainage outside of the Order Limits where reasonably requested to do so as set out in paragraph 4.10 of the Outline Soil Management Plan (Revision E) submitted at Appendix 31 to the Applicant's response at Deadline 7 [REP7-039].
  7. The Applicant also refers the ExA to Section 1 of the Agricultural Land Clarification Note (submitted as Appendix 19 of the Applicant's response to Deadline 5 and the update at paragraphs 4.10 – 4.19 of the Applicant response to Deadline 7 [REP7-009]). The documents set out the applicant approach to resolving concerns about drainage reinstatement through detailed engagement with landowners and tenants.
  8. The Applicant considers that it has demonstrated, and continues to demonstrate, that agricultural land drainage can be effectively reinstated within the 60 m Order limits. In addition the Applicant has already committed to carry out works outside of the Order Limits if a reasonable request to do so is received, subject to the agreement of the landowner.
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Question Number	Topic Heading/ Respondent	Question
EOn 3.3	<i>Article 2</i> <b>The Applicant</b> <b>Land Interest</b> <b>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 notes the response from the NFU/LAAV, confirming that agreed minutes of the meeting held on 4<sup>th</sup> February 2016 were submitted as a joint statement at Deadline 6. The Applicant refers the ExA to Appendix 18 [REP6-034] of its response to Deadline 6.
2. The Applicant also notes that the Lig's response to this question sets out a number of comments structured under headings. The Applicant has therefore structured its response under these headings below.

#### **Restrictive Covenant (answer to question DCO 3.2 Restrictive Covenant)**

3. The Applicant notes the comments from the NFU/LAAV. The Applicant's response to this question is included in its response to the Examining Authority's Third Written Questions [REP6-010].
4. The Applicant set out its case for why mole draining requires the consent of the Undertaker at the Local Impacts Issue Specific Hearing held on 19th January 2016 submitted as Appendix 1 of the Applicant Response to Deadline 6 [REP6-017]. It is the Applicant's position that mole draining is the deepest agricultural activity that will be undertaken over the top of the cable corridor and that it will take place on an infrequent basis, i.e. approximately every 5 years over the lifetime of the project. It is this activity which carries the greatest risk to the integrity of the cables and, therefore, it is sensible and appropriate for this activity to require the consent of the Undertaker.

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5. At the Local Impacts Issue Specific Hearing held on 19th January 2016, the Applicant reported that the feedback from other similar projects has generally been positive, and that landowners welcome having clear guidance from a safety perspective on what they can and cannot do around the electrical infrastructure without prior consent from the cable operator before such activities are carried out. The Applicant notes that, through discussion with the LIG, it has removed flailing of dykes as an activity that requires consent as the burial depth under watercourses provides sufficient clearance for these activities.
  6. The Applicant notes that LIG have made a request for a time limit to be set out in the restrictive covenant in relation to mole draining. The Applicant highlights that the restrictive covenant is a negative right, the purpose of which is to prevent interference with and/or damage to, the proposed development, and any associated injury/harm which may be caused to landowners/members of the public. The Order, if made, will be a statutory instrument, with very limited scope for amendment. Article 18 and Schedule 5 to the draft Order will confer powers to compulsorily acquire new rights over the Order Land which are necessarily unilateral in nature. The Applicant does not therefore consider that it is appropriate to include detailed practical arrangements, such as timing, which are bilateral in nature, in the form of restrictive covenant in Schedule 5 to the draft Order.
  7. The Applicant has instead included a commitment to determine consent requests relating to mole draining within 24 hours of receipt (excluding weekend or bank holiday hours) in paragraph 2.8 of the updated Outline Soil Management Plan (Revision E), provided at Appendix 31 to the Applicant's response for Deadline 7 [REP7-039].

#### **Drainage**

8. The LIG raise a concern about the use of a standard form for claims to be made for a loss. It is the Applicant's position that the use of a standard form will expedite the process by ensuring that it is clear to the landowner what information is needed and can therefore provide, up front, all of the information required for the claim to be determined. The Applicant notes that this approach has been suggested by Lincolnshire County Council.
9. The wording of paragraph 4.10 in the Outline SMP (Revision E) (Appendix 31 of the Applicant's Response to Deadline 7), is as follows:

*"4.10 The Applicant will compensate the Occupier on a proven loss basis for any damages or losses caused as a direct result of the use of, or access to or from, the Easement Strip, subject to receipt and business approval of a claim submitted in a standard format as requested by the Applicant."*

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10. The Applicant acknowledges the LIG's comments in relation to drainage as below.

*"2.2 The NFU/LAAV still believe very strongly that for drainage to be successfully reinstated that it will in places along the route be necessary for new drainage reinstatement to take place outside of the order limits."*

11. The Applicant refers the ExA to its response to Deadline 7 on drainage reinstatement in the Applicant Response to Deadline 7 [REP7-009] and also previously, reiterating that drainage can be reinstated within the Order limits. The Applicant also refers the ExA to its response to SE 3.2 below.

12. The Applicant acknowledges the LIG's comments in relation to drainage as below.

*"The NFU/LAAV have requested that were a drainage failure is found and it is a result of the TKES electric scheme then TKES should carry out remedial works."*

13. It is the Applicant's position that existing provision for compensation set out in paragraph 4.10 of the Outline Soil Management Plan (Revision E) submitted as Appendix 31 of the Applicant's Response to Deadline 7, (extracted below) adequately covers the request made by the LIG.

*"The Applicant will compensate the Occupier on a proven loss basis for any damages or losses caused as a direct result of the use of, or access to or from, the Easement Strip, subject to receipt and business approval of a claim submitted in a standard format as requested by the Applicant."*

14. The Applicant notes the LIG comments about the cable burial:

*"It is NFU/LAAV understanding that cables will be buried below field drainage. This was not clarified by TKES at the meeting on 4th February."*

15. The Applicant refers the ExA to Appendix 19 of its response to Deadline 5 [REP5-032], which sets out and explains the changes to the Outline Construction Methods Statement (Revision E) submitted as Appendix 29 of the Applicant Response to Deadline 7.

#### **Depth of Cables**

16. The Applicant notes the LIG suggestion that cables should be buried at a minimum depth of 1.5m. The Applicant notes that the LIG have not provided a rationale for this suggested to which the Applicant can respond.

17. The Applicant considers that the existing provision for cable depth as set out in paragraph 5.5 of the Outline Construction Method Statement (CMS) (Revision E) submitted as Appendix 29 of the Applicant's Response to Deadline 7 [REP7-037],
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is appropriate. The actual burial depth will be determined following detailed design, using information gathered during site investigations and topographical survey.

18. The Applicant also refers the ExA to paragraphs 1.22 – 1.27 of the Applicant’s Response to NFU and LAAV Representations to Deadline 5 (Hearing Summary – Local Impacts) submitted as Appendix 21 of the Applicant’s Response to Deadline 6 [REP6-037].

#### **Easement Width**

19. The Applicant refers the ExA to paragraphs 1.35 – 1.36 of the Applicant’s Response to NFU and LAAV Representations to Deadline 5 (Hearing Summary – Local Impacts) submitted as Appendix 21 of the Applicant’s Response to Deadline 6 [REP6-037].
20. The Applicant notes the LIG comments in relation Requirement 5 (11) of the draft DCO. The Applicant has responded to the ExA’s consultation draft DCO at Appendix 1 of the Applicant’s Response to Deadline 6 [REP6-017]. This response provides full detail on the Applicant’s position in relation to the suggest drafting.
21. The ExA is also referred to Requirement 5(11) of the draft DCO (Revision G) [REP7-018], which sets out the latest form of the drafting proposed by the Applicant.

#### **Link boxes**

22. The Applicant refers the ExA to Figure 1, provided at Appendix 16 to this Response, which is an aerial photograph of the onshore cable route of the Gwynt y Mor project in the first year of operation. The photograph shows four link boxes in two groups and clearly shows the level of interruption to agricultural practice with crops growing up to the edge of the link boxes and minimum disruption.

#### **Soils Aftercare**

23. The ExA is referred to the Applicant’s comments on the LIGs response to LVI 3.3, in paragraphs 1.12 to 1.16 above.

#### **Survey and Investigate Land**

24. The Applicant notes the LIG’s comments in relation to compensation payments for surveys as contained within private treaty agreements:

*“The NFU/LAAV in the last week have been made aware of archaeology digs taking place on another onshore cable development scheme and excessive damage has been created in field and not just crop loss. Due to this it is felt that payments must be made over and above crop loss for any trial or archaeology trenches.”*

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25. The Applicant has acknowledged these concerns and is working with landowners on this matter through negotiations on private treaty agreements.
26. The Applicant notes the previous remarks of the ExA in relation to compensation matters and as such does not consider it appropriate to respond further.

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 refers the ExA to its previous response to Mr Spence's Deadline 5 representation on this matter and directs the ExA to Appendix 22 of the Applicant's Response to Deadline 6 [REP6-038].
2. The Applicant notes the response from Mr Wardle to LVI 3.1 in his Deadline 6 response [REP6-039].
3. In his response, Mr Wardle alludes to perceived criticism from the Applicant in relation to the LCGM Site E / Field 6 construction methodology. The Applicant would like to apologise if this is how its response has been received. It was certainly not the intention.

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4. The Applicant agrees with the final sentence of Mr Wardle's response, "that the site must have a secure seal to prevent horizontal water loss into the channels surrounding the site." This must be the case regardless of the cable construction methodology used. Following the engagement with Mr Wardle and others the Applicant has revised its proposed mitigation, to include using a horizontal directional drill into, through and out of LCGM Site E / Field 6, avoiding the need for any open-cut trenching through the site. The proposed mitigation, although not necessary to ensure no significant impacts, considered along with the £25,000 enhancement mitigation funding is the best package that can be provided, which addresses LWT's, Mr Wardle's and Mr Spence's concerns about open trenching and future grazing marsh creation.
  5. It is the Applicant's position that this mitigation will ensure that the existing conditions at the site boundary and throughout the site itself are not compromised. The Applicant refers the ExA to the updated mitigation set out in the Outline Construction Method Statement (Revision E) submitted as Appendix 29 of the Applicant's Response to Deadline 7 [REP7-037] and in Appendix 15 of the Applicant's Response to Deadline 8.
  6. Mr Wardle also raises a concern relating to "the prevention of vertical water movement, from the upper field layers into the peat and other porous seams of underlying substrate." Mr Wardle is concerned that the excavation of trenches through the impervious clay substrate carries a high risk of water being lost from the field. The Applicant responded to these concerns by including specific mitigation measures to ensure that in-filled material would not become a preferential drainage pathway (i.e. clay stanks, geosynthetic clay liners, plugs in duct ends) which would be specified by a drainage engineer at detailed design phase. This has now been superseded by the updated mitigation set out in the Outline Construction Method Statement (Revision E) submitted as Appendix 29 of the Applicant's Response to Deadline 7 and in Appendix 15 of the Applicant's Response to Deadline 8, which includes a commitment to cross the site with a horizontal directional drill.
  7. The Applicant notes that LWT has responded to LVI 3.1 in its Deadline 6 response [REP6-008].
  8. The Applicant welcomes and agrees with LWT's statement that the Applicant has adopted trenchless crossings of the field boundaries to provide extra comfort that a preferential drainage pathway would not be created.
  9. In addition to the mitigation above relating to the field boundaries, the Applicant asks the ExA to note that in light of the continued concern expressed by local
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stakeholders, the Applicant has provided a further commitment to crossing this site by means of a horizontal directional drill under the entire site rather than open trenching.

10. The Applicant refers the ExA to the updated mitigation set out in the Outline Construction Method Statement (Revision E) and in Appendix 15 of the Applicant's Response to Deadline 8.

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 notes that Mr Wardle has responded to the LVI 3.2 in his Deadline 6 response [REP6-039] in relation to the potential realignment of the cable route closer to the field boundary.
2. The Applicant refers the ExA to its previous response in relation the change of the cable corridor to the road side edge of Site E / Field 6 in Appendix 13 of the Applicant's Response to Deadline 5.
3. Further the Applicant refers the ExA to the updated mitigation set out in the Outline Construction Method Statement (Revision E) submitted at Appendix 29 to the Applicant's Deadline 7 submission [REP7-037] and in Appendix 15 of the Applicant's Response to Deadline 8.
4. The Applicant also notes that LWT has responded to the LVI 3.2 in its Deadline 6 response [REP6-008] in relation to the potential realignment of the cable route closer to the field boundary.
5. The Applicant refers the ExA to its previous response in relation to the change of the cable corridor to the road side edge of Site E / Field 6 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

1. The Applicant and the LIG met on 4th February 2016 to discuss the points raised by the LIG in their Deadline 5 response including suggested amendments to the soil aftercare proposals in the Outline Soil Management Plan.
2. The wording suggested by the LIG, as captured in the Joint Statement between the Applicant and LIG (Appendix 18 of the Applicant's Response to Deadline 6 [REP6-034]), is set out below for clarity:

*“A schedule of aftercare maintenance, to include soil testing, appropriate to the target specification for a period of up to five years following the completion of the ~~relevant~~ construction work on their landholding. The target specification will be informed by the pre-construction soil samples and the soils physical characteristics for each farm holding along with information received from the landowners/tenant on cropping yields. If the target specification is met within the 5 years then the aftercare will be completed and signed off by a final report to determine the final handover. Further if the target specification is not met within 5 years a further period will be agreed. The soil sampling and characteristics will highlight what action is needed to be undertaken by the landowner/occupier at the cost of TKES.”*

3. The Applicant undertook to review this drafting. It is the Applicant's position that the drafting above does not appropriately deal with the need for soil aftercare to be a collaborative approach with the objective of mitigating the loss to the landowner or occupier.

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4. The Applicant has therefore suggested alternative wording in the Outline SMP (Revision E) (Appendix 31 of the Applicant's Response to Deadline 7) as follows:

*“5.12 A schedule of aftercare maintenance will be agreed between the undertaker and landowner and (if relevant) the occupier for each landholding. The schedule of aftercare maintenance will define a target specification to include soil condition, soil nutrient levels and organic content. Soil testing, appropriate to the target specification, will be undertaken for a period of up to five years following the completion of the construction work until the target specification is met. The target specification will be informed by the pre-entry record of condition for each farm holding along with information received from the landowners or tenants on cropping yields. If the target specification is met within the 5 years then the aftercare will be completed and signed off by a final report to determine the final handover. If the target specification is not met within 5 years a further period will be agreed. The schedule of aftercare maintenance will highlight what action will be undertaken by the landowner or occupier to mitigate any loss and to improve the soils, at the cost of TKES where appropriate.”*

5. The Applicant considers that this wording secures the approach outlined in the LIG's suggested drafting, whilst also enshrining the important principles of collaboration and mitigation of loss.

Question Number	Topic Heading/ Respondent	Question
SE 3.1	<p><b>National Farmers' Union</b></p> <p><b>Lincolnshire Association of Agricultural Valuers</b></p>	<p>At paragraph 5 of the Applicant's response to our question CA 2.18 [REP4-027] the Applicant estimates crop loss to be approximately £4million, assuming a 3.5 year occupation of the cable easement; with full crop loss for the first year after construction; 50% loss for the second year after construction; and 25% loss for the third year after construction, saying that the figures are a worst case to provide a robust estimation.</p> <p>In paragraph 3.3 of your joint CA submission [REP5-054] you state that TKES has estimated the private loss to be £4M and highlight that "the crop loss is for up to 5 years during construction and for numerous years after reinstatement ... over approximately 360ha (900 acres)".</p> <p>a) How many years is "numerous"?</p> <p>b) Do you agree with the figure of £4M and the underlying assumptions?</p> <p>c) If you do not agree with the figure of £4M and the underlying assumptions, state your assumptions and explain what you think the figure should be.</p>

### SE 3.1

1. The Applicant notes the part complete Deadline 6 response from the LIG and also notes that the ExA has raised a further question on crop loss- SE 4.1, -in its Rule 17 letter dated 23 February 2016. The Applicant will respond in full once it has had the opportunity to review the full response and reserves the right to respond to any submission made at Deadline 8 on this matter.
2. In advance of that, the Applicant refers the ExA to its responses to paragraph 3.7 of Appendix 20: The Applicant's Response to NFU and LAAV Representations to Deadline 5 (Hearing Summary – Compulsory Acquisition) submitted at D6 [REP6-036]; response to CA 2.18 (part of REP4-027); Item 9 of CA Summary [REP5-015].

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

1. The Applicant notes that LIG have provided comment on this question, although not to part a) of the ExA's question, which the Applicant therefore assumes indicates that the wording setting out the ALO team in Section 2 of the Outline Soil Management Plan (Revision's D and E) (submitted as Appendix 31 of the Applicant's Response to Deadline 7 [REP7-039] and also Appendix 10 of the Applicant's Response to Deadline 6 [REP6-026]) is agreed.
2. The Applicant notes the LIG comments that *"the NFU/LAAV would also like to see 'Decommissioning' covered in the SMP."* The Applicant refers the ExA to paragraph 5.11 of the Outline Soil Management Plan (Revision E) submitted as Appendix 31 of the Applicant's Response to Deadline 7 (and also in Revision D submitted as Appendix 10 of the Applicant's Response to Deadline 6 [REP6-026]), which states that:

*"5.11 TKOWFL will remove unless otherwise requested by a landowner any infrastructure located from the surface to a depth of 1.2m below the surface of the Easement area unless statutorily obliged to do otherwise."*
3. This is the wording discussed and agreed with LIG at the meeting on 4th February 2016, as set out in the Joint Statement between the Applicant and LIG submitted as Appendix 18 of the Applicant's Response to Deadline 6 [REP6-034]. The Applicant considers that provides sufficient detail in relation to decommissioning at this stage

of the project, noting that Requirement 22 of the draft DCO (Rev G) also secures an onshore decommissioning plan to be approved by the relevant planning authority in advance of any such works taking place.

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. LCC’s Response to ExA Question SE 3.3 states that “*the decision maker has to rely on the exercise of a judgement in relation to the information provided*”. However, the Applicant would suggest that it is not for the ExA to surmise the case that could be made from submitted material. LCC is experienced in planning and development matters and has both the resource and the capability to present its own case. So far it has singularly failed to do so.
2. In addition, no evidence has been submitted by LCC to suggest that the information they have provided would change the outcome of the Applicant’s assessment of the impacts of the Triton Knoll Electrical System on tourism.
3. In the Applicant’s Response to Deadline 6 [REP6-016] in response to the ExA’s Question SE 3.3, the Applicant has set out its methodology and data sources underlying the impact assessment recorded in the ES (paragraphs 6 to 9). As previously stated and evidenced, the EIA Evidence Plan underlying the assessment was agreed with LCC at the time.
4. The Applicant has continued to recognise the value to the local area of the tourism industry and acknowledges that the visitor economy is extremely important to Greater Lincolnshire. Paragraph 3.73 of Volume 3, Chapter 3 of the ES [APP-044] included reference to the increase in visitor numbers between 2011 and 2012 and the “*drive towards the improvement of recreational and tourism amenities with the*

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*aim of attracting higher numbers of visitors and increased revenue from the visitor economy”.*

5. Volume 5, Annex 3.1 Socio-Economic Baseline Study of the ES [APP-074] also recognises that *“the coast is dominated by tourism, and strong employment growth has been witnessed over recent years...”*.
6. The Applicant has therefore considered the continuous growth, the importance of tourism to the Lincolnshire economy and the investment into the tourism product when carrying out its impact assessment of the likely effects of the project.
7. The Applicant is extremely mindful of the importance of tourism and recreation in Lincolnshire. Embedded mitigation measures will be put in place, as set out in the Applicant’s Mitigation Strategy (updated version submitted by the Applicant at Appendix 17 to its Deadline 5 submission [REP5-030]), including:
  - Careful routing of the cable route to avoid areas of built environment, including sport, leisure and recreational facilities;
  - Use of HDD techniques at all road crossings and main watercourses;
  - On-going liaison with statutory and non-statutory consultees, stakeholders and the general public;
  - Burial of the onshore cable under the sand dunes using trenchless techniques;
  - With the exception of Hutt/10/4, all PROWs will be kept open or diverted to minimise impact on users;
  - Use of artificial light will be minimised to that required for safe working; and
  - Nearby Caravan Parks, chalet sites will be informed of all construction activities which may affect their usual operations and activities.
8. LCC states in its response to SE3.3 that *“any works that impact on the ability of visitors to access the area would have a significant impact on the visitor numbers to East Lindsey, and further Greater Lincolnshire”*. The Applicant’s position on this is set out at paragraphs 4.14 to 4.16 of Appendix 19 of the Applicant’s Response to Deadline 6 [REP6-035]:

*“4.14. The Applicant’s Socio-economic, Tourism and Recreation Impact Assessment (Volume 3, Chapter 3) includes a full assessment of potential effects during the temporary construction of the landfall (paragraphs 3.144 to 3.154). The assessment sets out the impacts from the temporary works on the beach, including the maximum periods of works taking place, the extent of the works spatially, noting that “the majority of the beach within the Proposed Development*

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Boundary and the access to this area will not be closed off and will be publicly accessible throughout. During the construction phase, the installation of each cable circuit within the intertidal zone will be completed within a single tidal cycle, i.e. a period of up to 12 hours and occur within a very limited section of the beach, i.e. an area of the beach, approximately 10 m wide, around these operations. Only a very limited area will be closed off to the public for the duration of this activity”.

4.15. The assessment notes that “The maximum period of closure of the limited section of the beach by method is 0.25 months for HDD, and 4.5 months each for micro boring or pipejacking operation. However alternative access arrangements will be made to enable beachgoers to make passage along the beach at all times.”

4.16. The overall recreation and tourism effect for the landfall during construction is minor adverse, which is Not Significant. This assessment supports the Applicants’ conclusion that the public open space will be no less advantageous to members of the public who use it for tourism and recreation.”

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 LCC's response to the ExA's Question SE 3.4 is dependent on “*the location, scale and time of proposed works...there is a much greater risk to jobs if work is undertaken on a main arterial road during peak holiday time.*”
2. LCC gives the foot and mouth epidemic during 2000 as an example of a situation that highlights the far reaching nature of the tourist industry in Lincolnshire. LCC states that, during the time of the epidemic, a clear message was sent out by the County not to visit until it was over. The Applicant suggests that the example given by LCC is not at all comparable to any impact resulting from the proposed development as during that time whole areas of the countryside were closed off to contain the spread of an infectious disease that resulted in the destruction of livestock and ruined many farmers' businesses.
3. As set out in paragraphs 12 to 13 of the Applicant's Response to Deadline 6 [REP6-016] in response to the ExA's Question SE 3.3, the Applicant's position is that it is not necessary to consider reputational damage which the proposal may cause as there are not anticipated to be any significant effects on tourism. Paragraph 13 highlights the approach taken by the Applicant, through the measures set out in the Outline Communications Plan [APP-108] to ensure 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.

4. In the Applicant's Response to Deadline 6 [REP6-016] in response to the ExA's Question SE 3.4, the Applicant set out that it 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 project, rather the Applicant's assessment on employment and economy anticipates that additional jobs will be created.

Question Number	Topic Heading/ Respondent	Question
SE 3.5	<b>Lincolnshire CC</b>	<p>Section 11 of the Greater Lincolnshire Destination Management Plan 2013-2020 [REP5-005] quotes impacts of £1.115bn and 17,796 jobs in 2012 and says with reference to the STEAM model used to produce the figures that “alternatives are available and different methodologies will give different results.”</p> <p>Bearing in mind the figure quoted in SE 3.4, above:</p> <p>a) Which figure is correct? and</p> <p>b) Have any sensitivity tests been done, or any other models been used either to calibrate or to validate the figures, so as to give confidence that they are accurate?</p>

### SE 3.5

1. The Applicant notes that LCC has provided a response to this question.
2. The Applicant would suggest that, whichever figure is correct, the Applicant specifically referenced the higher figure of 39,000 in Volume 5, Annex 3.1 Socio-Economic Baseline Study of the ES [APP-074] and so the Applicant does not anticipate that the adoption of a different (lower) figure would change the outcome of its socio-economic impact assessment.
3. The Applicant notes that LCC has not answered the ExA’s question in terms of whether the figures have been validated as to their accuracy. The Applicant acknowledges that the STEAM model is widely used to produce tourism-related economic activity data and, as stated above, the Applicant based its socio-economic impact assessment on the 39,000 figure. This information was the best available data at the time the ES was prepared.

Question Number	Topic Heading/ Respondent	Question
SE 3.7	<b>Land Interest Group</b>	Provide evidence of instances where buried infrastructure has moved significantly post-installation so as to pose a risk to agricultural operations.

### SE 3.7

1. The Applicant notes the LIG's comments in response to this question, but highlights to the ExA that no evidence has been provided to substantiate the LIG's representations at the Issue Specific Hearings, nor to confirm or refute the Applicant's understanding of the case, which is set out in Section 2 and paragraph 2.9 – 2.114 of its Agricultural Land Clarification Note (Appendix 19 of the Applicant's Response to Deadline 5 [REP5-032]). In this response the Applicant states that:

*“2.10 Reference was made to a gas pipeline becoming exposed by the LIG at the Local Impacts Issue Specific hearing on 19th January 2016. The Applicant has requested, but has not yet received information about this. The Applicant has undertaken its own investigations and believes this is likely to be when a farmworker operating a tractor and subsoiler struck and fractured a gas pipeline on a farm near Fillingham, as reported in the Farmers Weekly publication.*

*2.11 The Applicant has consulted its drainage and agricultural advisors and can confirm that no examples of electricity cables rising to the surface or being exposed close to the surface are known to them”*

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2. The Applicant does note, from information that is currently publically available<sup>1</sup>, that the pipeline referred to by the LIG was buried at a depth of c 0.4 m. The Applicant would note the inherent differences between a shallow buried pipeline and deeper buried cables, in particular in areas of high water table such as Lincolnshire, though without more detailed information on the installation methods and construction of the pipeline the Applicant is unable to comment further.
  3. The Applicant has contacted National Grid regarding this but National Grid have advised that any issues regarding a particular gas pipeline is a matter between the landowner and National Grid, and that there is no further information that can be put into the public domain. As such, the Applicant is unable to comment on this specific case without the detail.
  4. The Applicant also notes the LIG's comment in relation to EOn 3.5. The Applicant refers the ExA to its response to EOn 3.5 at Deadline 6. As set out in detail in that response, the Applicant considers that the cables are afforded sufficient protection over the entire operational period to avoid incidents where the cables could be hit. Paragraph 9 of this response states:

*“Protection is 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;*
- 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.”*

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<sup>1</sup> <http://www.fwi.co.uk/news/farm-fined-22k-after-worker-ruptures-gas-pipe.htm>

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5. On this basis, annual inspections of buried cables are not considered to be reasonable or appropriate. Furthermore, existing obligations under Electricity Safety, Quality and Continuity Regulations Part IV, Section 14 ensure are cable are sufficiently protected and identified. The Applicant does not consider it necessary for a duplicate obligation to be imposed within the TKES DCO.

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## Part 3 The Applicant's comments on information received at Deadline 6

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In addition to responses to the ExA's third written questions, several IPs presented written submissions to the ExA at Deadline 6. Submissions where the Applicant has provided further comment or response comprise the following:

1. Burgh le Marsh Town Council
2. Mr J Carroll
3. Mr G Hand
4. Lincolnshire County Council
5. Lincolnshire Wildlife Trust

### 1. Burgh le Marsh Town Council

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- 1.1 The Applicant's response to the submission from Burgh le Marsh Town Council at Deadline 6 is included at Appendix 6 of the Response.

### 2. Mr J Carroll

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- 2.1 Mr Carroll submitted a representation on 23rd February 2016 regarding the use of HVDC technology in the Triton Knoll Array Application and the use of HVAC technology in the Triton Knoll Electrical System (TKES) Application and querying compatibility between the two components of the overall development.
- 2.2 The Applicant would highlight to the ExA that the Triton Knoll Offshore Wind Farm Array (TKOWF) Development Consent Order retains the ability to use either HVAC or HVDC technology and thus is wholly compatible with the proposed TKES development.
- 2.3 For the avoidance of doubt, the Applicant refers the ExA to paragraph 6.93 of Volume 1, Chapter 3 *Outline Project Description* of the TKOWF Array Application<sup>2</sup> which states (emphasis added);

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<sup>2</sup><http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010005/2.%20Post-Submission/Application%20Documents/Environmental%20Statement/0501%2001%20ES%20V1%20C6%20Project%20description.pdf>

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*“The TKOWF will incorporate up to four offshore HVAC (high voltage alternating current) collector substations, plus up to a further four substations to accommodate HVDC (high voltage direct current) equipment **in the event that HVDC transmission is used to convey the power output of the offshore turbines to shore.**” (emphasis added).*

- 2.4 The defined terms of the TKOWF Array DCO are also of relevance. Part 1 *Authorised Development* of the TKOWF Array DCO<sup>3</sup> refers to Work No. 1 as;

*“an offshore wind turbine generating station with a gross electrical output capacity of up to 1200 MW comprising up to 288 wind turbine generators each fixed to the seabed by one of five foundation types (namely, monopile, jacket, tripod, suction bucket monopod or gravity base foundation), fitted with rotating blades and situated within the coordinates for the Order limits shown on the Works plan and specified below, and including the further works comprising (a) to (c) below;*

*(a) up to 4 collector substations fixed to the seabed by jacket or monopile foundations within the Order limits;*

*(b) up to 4 meteorological stations fixed to the seabed by monopile, jacket, tripod, suction bucket monopod or gravity base foundations within the Order limits;*

*(c) a network of cables laid underground within the Order limits between the wind turbine generators, the meteorological stations, any collector substation and Work No. 2, for the transmission of electricity and electronic communications between these different structures, including one or more cable crossings;”*

- 2.5 Part 1 *Authorised Development* of the TKOWF Array DCO refers to Work No. 2 as;

*“up to 4 HVDC substations or up to 2 large HVDC substations fixed to the seabed by gravity, jacket or monopile foundations, within the Order limits”*

- 2.6 The collector station definition (shown below) in the TKOWF Array DCO allows either HVAC or HVDC to be used;

*“a platform (either singly or as part of a combined substation) with one or more decks or housing or incorporating high voltage alternating current electrical switchgear and/or electrical transformers and other equipment to enable power from multiple WTGs to be*

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<sup>3</sup><http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010005/3.%20Post%20Decision%20Information/Decision/Secretary%20of%20State%20final%20Development%20Consent%20Order.pdf>

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*collected and electrically converted for transmission including permanent accommodation for operations and maintenance staff, helicopter landing facilities, craneage, access equipment, J-tubes, marking and lighting, and other associated equipment and facilities”.*

- 2.7 HVAC substations are authorised by Work No 1. Work No 2 would only have been needed if a HVDC export system was used should it have been proven to be the most economic and efficient option for transmitting the power generated by the turbines.

### **3. Mr G Hand**

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- 3.1 The Applicant’s response to the submission from Mr G Hand at Deadline 6 is included at Appendix 5 of the Response.

### **4. Lincolnshire County Council**

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- 4.1 The Applicant’s response to LCC’s submission at Deadline 6 is included at Appendix 4 of the Response.

### **5. Lincolnshire Wildlife Trust**

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- 5.1 The Applicant notes that LWT has made additional representations in relation to the Applicant’s LCGM Field 6 / Site E Clarification Note submitted as Appendix 13 of the Applicant’s Response to Deadline 5 [REP5-026].
- 5.2 The Applicant notes the LWT comments in relation to actual temporary habitat loss, however the Applicant highlights to the ExA that this will no longer be an issue as the field will be crossed using a horizontal directional drill. The Applicant refers the ExA to the updated mitigation set out in the Outline Construction Method Statement (Revision E) submitted at Appendix 29 to the Applicant’s Deadline 7 submission [REP7-037] and in Appendix 15 of the Applicant’s Response to Deadline 8.
- 5.3 The Applicant refers the ExA to its previous response in relation the request to amend the alignment of the cable corridor to the road side edge of Site E / Field 6 in Appendix 13 of the Applicant’s Response to Deadline 5 [REP5-026].
- 5.4 The Applicant notes the LWT comments in relation to the £25,000 funding to support biodiversity supporting enhancement. The Applicant has set out why this sum is appropriate in its LCGM – Field 6 Site E Clarification Note submitted as Appendix 13 of
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the Applicant's Response to Deadline 5 [REP5-026]. The Applicant is in discussions with LWT in relation to agreeing a bilateral funding agreement on this matter.

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## Part 4 The Applicant's comments on information received at Deadline 7

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Several IPs provided additional written submissions to the ExA at Deadline 7. Submissions where the Applicant has provided further comment or response comprise the following:

1. Boston Borough Council
2. East Lindsey District Council
3. IDBs
4. Witham Fourth District IDB
5. Natural England
6. National Grid

### 1. Boston Borough Council

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- 1.1 The Applicant notes the submission from Boston Borough Council at Deadline 7 identifying that the council has no further comment to make in respect of the ExA's Rule 17/Rule 8(3) letter. Accordingly the Applicant has no further comment to make.

### 2. East Lindsey District Council

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- 2.1 The Applicant notes the submission from East Lindsey District Council at Deadline 7 identifying that the council has no further comment to make in respect of the Deadline 7 submissions. Accordingly the Applicant also has no further comment to make.

### 3. Internal Drainage Boards

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- 3.1 The Applicant notes and welcomes the submission from the Witham Fourth District Internal Drainage Board, the Lindsay Marsh Drainage Board and the Black Sluice Internal Drainage Board [Rep7-003], providing confirmation that they consent in principle to the disapplication of legislation under Section 23 (prohibitions of obstructions, etc. in watercourses) of the Land Drainage Act 1981; and the provisions of any byelaws made under Section 66 (powers to make byelaws) of the Land Drainage Act 1991 which require consent or approval for the carrying out of the works. The Applicant understands that this in-principle agreement is made on the basis of the agreed Protective Provisions contained in Part 1 of Schedule 8 of the final draft DCO (Revision G).
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## **4. Witham Fourth District Internal Drainage Board**

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- 4.1 The Applicant notes the submission from the Witham Fourth District Internal Drainage Board and refers the ExA to its response to the ExA's Rule 17 questions, specifically in relation to CA 4.4.

## **5. Natural England**

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- 5.1 The Applicant notes the comments provided by Natural England on the ExA's Report on the Implications for European Sites (RIES) published by the ExA on 10<sup>th</sup> February 2016. The Applicant has no further comments to make at this stage.

## **6. National Grid**

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- 6.1 The Applicant's response to the submission from Mr G Hand at Deadline 7, in the form of a joint statement between the Parties, is included at Appendix 13 of the Response.