FIVE ESTUARIES OFFSHORE WIND FARM

STATEMENT OF COMMON GROUND

10.10.8 ESSEX COUNTY COUNCIL & TENDRING DISTRICT COUNCIL

Application Reference:	EN010115
Application Document Number:	10.10.8
Revision:	A
Pursuant to:	Deadline 5
EcoDoc Number:	005557410-01
Date:	January 2025

PHONE: 0333 880 5306
EMAIL: fiveestuaries@rwe.com
WEBSITE www.fiveestuaries.co.uk
REGISTERED OFFICE: Five Estuaries Offshore Wind Farm Ltd
Windmill Hill Business Park
Whitehill Way, Swindon, Wiltshire, SN5 6PB
COMPANY NO: Registered in England and Wales company number 12292474

In preparation of this document Five Estuaries Wind Farm Ltd has made reasonable efforts to ensure that the content is accurate, up to date and complete for purpose.

Revision	Date	Status/Reason for Issue	Originator	Checked	Approved
A	January 2025	Deadline 5	VEOWFL	VEOWFL	VEOWFL

SIGNATORIES

Signed	[redacted]
Name	Kieran Somers
Position	Senior Consents Manager
For	Five Estuaries Offshore Wind Farm Limited

Signed	[redacted]
Name	Graham Thomas
Position	Head of Planning
For	Essex County Council

Signed	[redacted]
Name	Gary Guiver
Position	Director of Planning and Community
For	Tendring District Council

CONTENTS

TABLES

DEFINITION OF ACRONYMS

Term	Definition
AIL	Abnormal Indivisible Load
BNG	Biodiversity Net Gain
CEMP	Construction Environmental Management Plan
CTMP	Construction and Traffic Management Plan
DCO	Development Consent Order
EACN	East Anglia Connection Node
ECC	Essex County Council
EMF	Electromagnetic Field
ES	Environmental Statement
ICNIRP	International Commission on Non-Ionizing Radiation Protection
ISH	Issue Specific Hearing
LCA	Landscape Character Area
LIR	Local Impact Report
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
NF	North Falls Offshore Wind Farm
NGET	National Grid Electricity Transmission
NPS	National Policy Statements
NSIP	Nationally Significant Infrastructure Project
OLEMP	Outline Landscape and Ecological Management Plan
PAMP	Public Access Management Plan
RSA	Road Safety Audit
SES	Skills and Employment Strategy
TCC	Temporary Construction Compound
TDC	Tendring District Council

Term	Definition
VEOWF	Five Estuaries Offshore Wind Farm
WSI	Written Scheme of Investigation
WTP	Workforce Travel Plan

1 INTRODUCTION

1.1 BACKGROUND

1.1.1 This Statement of Common Ground (SoCG) has been prepared between Five Estuaries Offshore Wind Farm Limited (hereafter referred to as 'the Applicant') and Essex County Council (ECC) and Tendring District Council (TDC**)** to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Five Estuaries Offshore Wind Farm (hereafter referred to as "VEOWF").

1.1.2 A memorandum of understanding (MoU) has been signed between ECC and TDC to ensure that their work is collaboratively aligned when engaging with the DCO process. Following detailed discussions undertaken between the parties, the Applicant, ECC and TDC have sought to progress a tripartite SoCG. It is the intention that this document provides the Planning Inspectorate with a clear overview of the level of common ground between both parties.

1.2 APPROACH TO SOCG

1.2.1 This SoCGs sets out the topic, a brief summary of the issue or matter subject to disagreement or agreement, the position of the Applicant and that of ECC & TDC, and a colour coding to illustrate the level of agreement and/or materiality.

1.2.2 A full description of the approach adopted is set out in 9.33 Approach to Statements of Common Ground [**APP-266**] submitted as part of the DCO application.

1.3 THE PROPOSED DEVELOPMENT

1.3.1 The Five Estuaries Offshore Wind Farm (hereafter referred to as VE) is the proposed extension to the operational Galloper Offshore Wind Farm. The project includes provision for the construction, operation, maintenance and decommissioning of an offshore wind farm located approximately 37 kilometres off the coast of Suffolk at its closest point in the southern North Sea; including up to 79 wind turbine generators and associated infrastructure making landfall at Sandy Point between Frinton-on-Sea and Holland-on-Sea, the installation of underground cables, and the construction of an electrical substation and associated infrastructure near to the existing Lawford Substation to the west of Little Bromley in order to connect the development to National Grid's proposed East Anglia Connection Node substation, which would be located nearby.

1.3.2 All onshore connection infrastructure would be located in the administrative area of Tendring District Council, within Essex County Council. VE will have an overall capacity of greater than 100 Megawatts (MW) and therefore constitutes a Nationally Significant Infrastructure Project (NSIP) under the Section 15 (3) of the Planning Act 2008.

1.3.3 A full Project description is included in the Environmental Statement, in particular 6.2.1 Offshore Project Description (APP-069) and 6.3.1 Onshore Project Description (APP-083).

2 ESSEX COUNTY COUNCIL AND TENDRING DISTRICT COUNCIL REMIT

2.1 OVERVIEW

2.1.1 The onshore development area falls under the jurisdiction of Tendring District Council and Essex County Council.

2.1.2 The following application documents have informed the discussions with ECC & TDC and address the elements of VE that may affect the interests of the interested party:

From the Environmental Statement:

- 6.3.7 Archaeology and Cultural Heritage [**APP-089**]
- 6.3.2 Landscape and Visual Impact Assessment [**APP-084**]
- 6.3.3 Socio-economic, Tourism and Recreation [**APP-085**]
- 6.3.8 Traffic and Transport [**APP-090**]
- 6.4.2 Human Health and Major Disasters [**APP-095**]

Other documents:

- 9.21 Code of Construction Practice (CoCP) [**APP-253**]
- 9.22 Outline Landscape and Ecological Management Plan (OLEMP) [**APP-254**]
- 9.25 Outline Public Access Management Plan (PAMP) [**APP-258**]
- 9.26 Outline Workforce Travel Plan (WTP) [**APP-259**]
- 9.27 Outline Skills and Employment Strategy (SES) [**APP-260**]

2.1.3 ECC & TDC are the host authorities for the onshore elements of the scheme and therefore their interests cover a wide range of topics, these have been set out to mirror the LIR:

- Landscape and Visual Impact Assessment
- Ecology
- Arboriculture
- Traffic and Transport
- Heritage
- Archaeology
- Flooding
- Drainage
- Climate Change
- Minerals
- Tourism
- Health
- Jobs and Skills
- Code of Construction Practice

- Operational Noise
- DCO
- Protective Provisions
- Cumulative Impacts/Effects

2.2 CONSULTATION SUMMARY

2.2.1 Since 2019, the project has been engaging with relevant stakeholders through different levels of activity. The project has undertaken the necessary consultations before submitting the application and has held Expert Topic Groups (ETGs) on a number of specific topics, as well as bilateral meetings with key stakeholders, such as ECC. ECC & TDC have replied to the all three stages of the consultation. The comments received and the meetings between the project and the interested party have informed the basis for this SoCG.

3 AGREEMENTS LOG

3.1.1 The following sections of this SoCG set out the level of agreement between the Applicant and ECC & TDC for each relevant component of the Application identified in paragraph 2.1.3. The tables below detail the positions of the Applicant alongside those of ECC & TDC and whether the matter is agreed or not agreed.

3.1.2 A number of meetings have been held to discuss the development of the SoCG and agree structure and topics.

3.1.3 In order to easily identify whether a matter is 'agreed', 'not agreed' or an 'ongoing point of discussion, the agreements logs in the tables below are colour coded to represent the status of the position according to the criteria in Table 3.1 below. Colours were chosen in order to ensure inclusivity for the visibility of data.

Table 3.1: Position Status key

POSITION STATUS	COLOUR CODE
The matter is considered to be agreed between the parties.	**Agreed**
The matter is neither 'agreed' or 'not agreed' and is a matter where further discussion is required between the parties, for example where relevant documents are being prepared or reviewed.	**Ongoing point of discussion**
The matter is not agreed between the parties.	**Not agreed**

Table 3.2: Status of discussions

Area of interest		Issue (Scope of Matters to be covered)	Proposed Resolution	ECC/TDC shared position status
Landscape and Design	Onshore substation design principles	The overall design should prioritise a space efficient arrangement which feels more organised, and causes less visual degradation to the eastern portion of the field (next to Normans Farm).	Orientation of the onshore substation (OnSS) is influenced by the direction from which the onshore cables are required to ingress and egress (plus other technical and environmental constraints). Care will be taken to create a setting for the OnSS that involves mitigation planting and provides coherence and order through the implementation of a well-defined landscape framework. The Applicant notes the proposed designs are indicative only and will be governed by the OLEMP [**APP-254**] and the Onshore Substation Design Principles Document [**APP-234**]. The Applicant has provided proposed options for the landscape planting in the eastern field (see Technical Note – Screen planting options for Land Plot 17-024 [**REP4-038**]). The Onshore Substation Design Principles Document is being updated by the Applicant, to be discussed with ECC prior to submission at Deadline 6. In addition, the Applicant is considering what additional could be added to the OLEMP to provide clarification on the screening proposals.	**Ongoing point of discussion**
	Outline Landscape and Ecological Management Plan (OLEMP)	ECC originally requested that the aftercare period for replacement planting along the export cable corridor should be extended from five to ten years.	The Applicant believes that five years is the correct balance between establishing planting, and not interfering with landowners' management of their land. The five year maintenance requirement is outlined in the OLEMP and pertains specifically to the replacement planting, rather than the landscape and mitigation planting proposed at the onshore substation.	**Ongoing point of discussion**
		ECC notes the Applicant's commitment to ensure that landscaping around the substation itself will be managed/retained for the life of the development, which is welcomed.	The position is agreed that the landscaping around the substation will be managed for the life of the development.	**Agreed**
		ECC would like there to be a minimum of 3m distance between PRoW and any screening planting – concerns raised that if it is too close and not properly maintained by the landowner/site operator, this will obstruct the use of the PRoW.	The Applicant is considering whether additional commitment on this point can be included within its draft OLEMP design commitments – to be submitted at Deadline 6. The position is agreed, subject to ECC reviewing the wording of the new commitment.	**Agreed**
		ECC has requested the drafting of an additional requirement (3) – submission of a restoration and decommissioning plan.	The Applicant believes that drafting of the additional requirement (3) is inconsistent and mixes together the concepts of 'restoration' of land post-construction and 'decommissioning' post-operation. Requirements related to restoration (Requirement 14) and decommissioning (Requirement 22) are already included in the draft	**Ongoing point of discussion**

			DCO. The additional requirement (3) duplicates matter already covered by other requirements.	
		ECC recommends that the finished LEMP should include all ecological mitigation measures proposed with the ES, Preliminary Ecological Assessment, substation landscaping and restoration plans. It should specify who is responsible for green infrastructure assets, the maintenance activities and frequencies, and appropriate monitoring.	The Applicant does not consider it necessary for a Requirement to specify which specialists should be consulted on any discharge – this will be determined with the local planning authority in their role in discharging the Requirements.	**Ongoing point of discussion**
		ECC is calling for provision of a Construction Environmental Management Plan (CEMP) to ensure early establishment through advanced planting when opportunities arise.	No CEMP is proposed or secured through the DCO – the matters which require to be secured are done so via the CoCP and OLEMP. A section on advanced planting is included within the OLEMP (2.6.5 to 2.6.27).	**Agreed**
		ECC have requested a Green infrastructure/landscape strategy to be submitted as part of the DCO examination – separate from the OLEMP. ECC think the LEMP should focus on practical steps for management, and the GI strategy would look at vision and principles.	The Applicant is considering whether additional commitment on this point can be included within its draft OLEMP design commitments to be submitted at Deadline 6.	**Ongoing point of discussion**
	BNG strategy - implementation	• ECC acknowledges that VEOWF is exempt from the incoming BNG statutory requirements (new legislation applies to NSIPs from November 2025). • ECC recommends adoption of good practices for BNG – introduction of a Habitat Management and Monitoring Plan if possible. However, this could be included in the final LEMP.	The position is agreed: • The Applicant has provided a BNG Indicative Design State Report [**APP-149**] and is committed to providing a BNG Plan as a requirement of the DCO. • The Landscape and Ecological Management Plan (LEMP) will include management details of created habitats and will need approval of the local planning authority prior to finalising (see also outline LEMP [**REP2-022**]) • The dDCO already includes a commitment to providing a BNG plan prior to work commencing, and the commitment to the production of a landscape and ecological management plan in line with the outline LEMP.	**Agreed**
Ecology		• ECC and TDC seek reassurance that BNG habitats created or enhanced will have a minimum of 30 years secured for management. • ECC and TDC are also seeking reassurance regarding Environmental Net Gain.	• The Applicant can confirm that all mitigation, compensation and enhancement measures at the OnSS will be managed for the lifetime of the development, as set out in the OLEMP. • The same management plan applies for Environmental Net Gain.	**Agreed**
		ECC raised concerns regarding potential impacts on the migratory bat the Nathusius' Pipistrelle – recommendation for a precautionary measure of cut-in speeds for turbines between August and October.	The Applicant notes that as highlighted in section 6.3.4 of the ES (Onshore Biodiversity and Nature Conservation) [**APP-086**], no evidence of Nathusius' Pipistrelle were found during presence/ absence surveys.	**Agreed**

			However, the Applicant acknowledges that during the activity survey pipistrelle passes were recorded at all except two survey locations across the terrestrial survey area. It is considered most likely that Nathusius' pipistrelle pass through the survey area. Any such bats would be expected to stop to forage upon abundant sources of prey. The lack of regular evidence, however, suggests the area is not a well-used resource by the local population at the time of survey. The level of activity is not likely to be high in the area of the proposed development – no mitigation measures are required. ECC is in agreement that there is not sufficient evidence for mitigation measures to be required. The position is agreed.	
Arboriculture		TDC are satisfied that the arboriculture impact assessment is an accurate reflection of the age, quality and condition of the trees. TDC expects to see the root protection area applied to all TPOs that may be affected by the proposals.	The Applicant may have to enter Root Protection Areas (RPA), however they would commit to mitigation if this is necessary. Paragraph 5.13 of the OLEMP: "Following more detailed design development, pre-commencement/ pre-construction full survey will be undertaken by an appropriately experienced arboriculturist, and the guidance set out in BS5837:2012 Trees in Relation to Construction will be adhered to where applicable. For trees which cannot be avoided, the survey will define specific mitigation measures required for trees situated in or immediately adjacent to the working width, including where practical, measures such as the erection of protective fencing in order to minimise the impacts on trees and their roots. These will be specified it the final LEMP, once final scheme design is known." The position is agreed, although The Applicant has agreed that in any future update to the OLEMP it should include specific mention of TPO's in section 5.13.	**Agreed**
Traffic and Transport	Public Rights of Way (PRoW)	At Deadline 4, ECC raised a number of comments regarding the Outline Public Access Management Plan [**APP-258**]. Includes: • Clear and accurate identification of PRoW to be used across the DCO. • Request for Applicant to commit to using banksmen wherever vehicle movements cross PRoW during construction.	• The Applicant and ECC have liaised on the proposed changes to the outline PAMP with the ECC PRoW Team – the Applicant has proposed to submit a Revision B at Deadline 5 to address the concerns raised. This position can then be agreed. • Agreed to have banksmen at PRoW crossings, where appropriate, and not for every crossing. In addition, clear signs will be in place. The PAMP will be updated to include example signage. • ECC to review latest versions of the PAMP, outline CTMP and outline WTP after submission at Deadline 5. Ongoing discussions are set up for the Applicant and ECC to continue working through any residual Traffic and Transport issues.	**Ongoing point of discussion**

	Outline CTMP	• A number of comments were raised by ECC on the Outline Construction Traffic Management Plan [**AS-055**] at Deadlines 2 and 3. • Commitment to 40mph speed limit on Bentley Road.	• The Applicant and ECC have liaised on the proposed changes to the outline CTMP [**AS-055**] – it is being updated to address comments by ECC made at Deadlines 2 and 3. The revised version is to be submitted at Deadline 5. This includes the 40 mph speed limit along Bentley Road.	**Ongoing point of discussion**
	Outline WTP	ECC raised a number of comments at Deadline 3 regarding the Outline Workforce Travel Plan [**APP-259**].	The Applicant is updating the outline WTP with a number of further measures, controls and monitoring regimes to ensure traffic and transport effects are minimised as far as practicable (this would include measures to ensure VE construction workforce movements during the peak hours are minimised). This update is to be submitted at Deadline 5.	**Ongoing point of discussion**
	Construction Access designs	ECC has requested clarifications on Stage 1 – Road Safety Audit (RSA) designers responses and updates to the extent of the speed restrictions.	ECC and the Applicant met on Weds 18 Dec to discuss the access designs, speed limits and Stage 1 - RSA. ECC to confirm to the Applicant whether there are any additional comments on the RSA Designer Responses following ongoing review. The Applicant has agreed to update 2.18 Temporary Speed Reduction Plan [AS-030] and submit at Deadline 5.	**Ongoing point of discussion**
	Abnormal Indivisible Loads (AIL)	• Concern regarding the impact of HGVs and AILs on the road network and its condition, plus impact on those living close to the roads and being affected.	• The Applicant submitted an AIL technical note at Deadline 2 (responding to actions at ISH-1 hearing) [**REP2-029**]. • ECC welcomes the commitment to undertake Road Condition Surveys, as per [**REP1-043**]. Further information is to be set out in the outline CTMP.	**Ongoing point of discussion**
	Assessment	ECC has raised a number of queries on the assessment methodology applied by the Applicant in 6.3.8 Traffic and Transport Chapter [**AS-043**].	There is ongoing dialogue between the Applicant and ECC regarding comments related to the traffic and transport assessment, both parties hope to be able to resolve this.	**Ongoing point of discussion**
		ECC have concerns over communities experiencing repeated traffic/transport impacts as a result of numerous projects.	The Applicant has included additional detail on cumulative impacts at Deadline 4 in the Cumulative Effects Assessment Methodology (Rev B) [**REP4-009**]. The Applicant considers that this document addresses the concerns expressed by ECC.	**Ongoing point of discussion**
	Ports	ECC requests that a Port management plan should be in place for maintenance and operation.	The Applicant has not specified an O&M port in its application and cannot do so as this premature, it therefore does not consider a management plan is required to be secured through this DCO. Any need for additional controls would be secured through an application to construct an O&M base for the project. The Applicant is happy to continue to discuss this with ECC and provide any additional information/clarification.	**Ongoing point of discussion**
Heritage		ECC noted that designated built heritage assets would be negatively affected by the proposal (less that substantial harm would be caused to their significance through change within their settings).	The Applicant considers that the assessed effect (“minor adverse”) is not significant for purposes of the regulations. It was agreed by The Applicant and ECC that the assessment and conclusions were appropriate.	**Agreed**

Archaeology and outline WSI	• ECC does not consider that the current level of information submitted provides sufficient information regarding heritage assets and the impact on archaeological remains.	• The Applicant's approach complies with the NPS and professional guidance which provides for a staged approach requiring investigation only in so far as is needed to establish significance, with desk based assessment as the first stage, followed by targeted investigations. NPS EN1 requires a proportionate approach and the provision of "no more" detail "than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset" (paragraph 5.9.10). The hierarchy of only moving to intrusive investigations where desk based assessment is insufficient is clearly set out in paragraph 5.9.11 of NPS EN1. The Applicant has followed this process with desk based assessment and proportionate investigations. • The Applicant notes that carrying out trial trenching across the whole route is disproportionately disruptive for land owners and expensive. The Applicant believes that the combination of desk based assessment, geophysical surveys, aerial photographs and a small amount of ground surveying provides sufficient evidence to inform the assessment and define the types of mitigation. No further intrusive surveys will be undertaken prior to the close of examination. • Furthermore, the Applicant notes that the approach taken is the same as that used on all other onshore cable corridors (and other linear projects) to avoid needless works on significant areas of land which will not be used.	**Not agreed**
	ECC queried how micro-siting within the cable corridor would work to avoid archaeological deposits – what sort of flexibility was available to the Applicant.	The Applicant is providing additional information on this for ECC.	**Ongoing point of discussion**
	Number of comments raised on the outline WSI and further detail required on mitigation	The outline Onshore Written Scheme of Investigation (WSI) [**APP-256**] proposes a phased programme of fieldwork post-consent. The Applicant is proposing to update this for a future deadline to consider feedback received and ongoing discussions.	**Ongoing point of discussion**
	ECC recommended that the Local Authority Archaeological Advisor/s (in consultation with Historic England where necessary) is identified in their role in signing off the field work and post excavation work within each area of archaeological investigation.	The Applicant will work with the Local Authority Archaeological Advisor/s (and Historic England) to ensure that the documentation is robust, provides an effective means of controlling and achieving mitigation as required by the DCO. Paragraph 8.1.1 of the outline WSI states that: "Following completion of the fieldwork and the evaluation of the… evidence, draft reports will be submitted for approval to the relevant planning authority (via their historic environment advisors) for comment" The Applicant is working with ECC and Historic England to see if any amendments, additional information or documentation is required to provide this reassurance.	**Agreed**

Flooding	ECC as the lead local flood authority is satisfied with the level of information provided to support that the proposed scheme would not increase risk of flooding from surface water, ground water and ordinary watercourses during the operational phase of the development.	The position is agreed.	**Agreed**
Drainage	Surface water drainage system (SuDS) have been developed in accordance with local standards and national planning policies and industrial best practice guidance to minimize the impact from the proposed scheme.	The position is agreed.	**Agreed**
Climate change	ECC and TDC are in favour of this development as a significant investment in renewable energy. ECC and TDC are interested in any proposals as the applicants put forward during Examination which would secure low carbon initiatives which can be introduced to offset carbon impacts within, for example, a Community Benefits commitment, discussions on the same will continue.	Community benefits refer to voluntary financial or in-kind contributions to local communities which are not a legal or DCO requirement and are legally distinct from the consenting process. However, the Applicant welcomes ECCs engagement and will continue to engage outside of the planning process at the appropriate time.	**Agreed**
Minerals	Regarding local ECC development plan Policy 8 (Safeguarding Mineral Resources and Mineral Reserves) – the Examining Authority is asked to note that the following due consideration of the development proposed has no material impact on Policy 8.	The position is agreed.	**Agreed**
Tourism	Landward side of the construction works could have a significant impact on the areas attractiveness to tourism.	Impacts on tourism are considered within section 6.3.2 of the ES [APP-085]. Any effects on tourism must be evidence-based. The Applicant has assessed effects on onshore tourism receptors and not identified as significant effect. The construction phase is temporary and short in duration, phased and localised in terms of effects, managed by the CoCP [**REP1-041**].	**Ongoing point of discussion**
Health	Communities may be concerned about potential effects associated with EMFs – recommend implementing mitigation measures that address perceptions of risk, via clear and non-technical information (community engagement).	Potential exposure to EMF is substantially below International Commission on Non-ionizing Radiation Protection (ICNIRP) electromagnetic fields public exposure threshold. The Applicant notes that in the Scoping Opinion [APP-068] the Planning Inspectorate agreed that this matter could be scoped out of further assessment in the ES.	**Ongoing point of discussion**
	The area faces significant challenges in attracting good-quality jobs and reaching those most in need. ECC and TDC recommend that local residents have accessible opportunities to benefit from the project.	This is addressed in the outline Skills and Employment Strategy (SES) [**APP-260**], with the stated aim of promoting skill and employment opportunities for local economic benefit within Essex and the wider region.	**Agreed**
Jobs and Skills	We would welcome more evidence that the applicant has demonstrated extensive research of the local skills and employments needs alongside existing projects in the area. Inclusion of a skills and employment review.	The Applicant is cognisant of wider employment and skills demand, and has included both the existing baseline and consideration of future baseline within the ES. A detailed breakdown of the roles the project will creates is set out in the outline SES [**APP-260**] as well as in Socio-Economic, Tourism and Recreation [**APP-085**].	**Agreed**

	The outline SES should clarify whether opportunities listed as Full Time Equivalent are new or existing vacancies	The outline SES contains the relevant estimates regarding the opportunities that will be delivered as a result of the project. The Applicant will work with ECC/TDC to ensure that this is clear.	**Agreed**
Code of Construction Practice (including noise, lighting and air quality)	ECC is broadly content with the measures proposed in the CoCP. It is noted and welcomed that the Soil Management Plan (SMP) and Code of Construction Practice (CoCP) will detail how the land will be restored to its current state or better, including replanting and restoring habitats, whether agricultural or other vegetation. Minor comments have been issued at Deadlines 3 and 4 which should be considered by The Applicant, including suggested wording for construction hours.	The Applicant is proposing to submit Revision C of the CoCP at Deadline 5 to address a number of the points raised by TDC/ECC. The Applicant will respond to specific requests in its response to ECC at Deadline 5.	**Ongoing point of discussion**
Operational noise	How can the local authority ensure compliance with respect of noise and disturbance?	The Applicant proposes the submission of an outline Noise Complaints Investigation Protocol at Deadline 5 to address this issue. .	**Ongoing point of discussion**
	TDC requests that the Applicant commits to periodic noise monitoring to evidence that 35dBA is achievable. Within first 12 months a noise evaluation at the NSR set out in Table 9.53 (p132) will be submitted to the LPA, further monitoring schedule will be agreed on an iterative basis with the LPA.	The Applicant does not agree that periodic noise monitoring is required or necessary, but is cognisant of the concern regarding cumulative noise impacts from all three substations in the area. The Applicant, along with North Falls Offshore Wind Farm and National Grid Electricity Transmission, are submitting a document at Deadline 5 outlining the noise complaints procedure (10.36 Onshore Substations Operational Noise and the Outline Noise Complaints Protocol). The Applicant will respond to specific requests in its response to ECCs submission at Deadline 5.	**Ongoing point of discussion**
Development Consent Order	ECC has requested either a phasing requirement be attached to the Requirements to this DCO to conjoin the proposals (VE and NGET) or the potential be explored for a 'Grampian' style requirement to be added.	The Applicant sets out in page 82 of 10.26 Applicant's Comments on Deadline 2 submissions [REP3-024] that such a phasing requirement/ Grampian condition would fail the test for planning conditions as applicable to DCO requirements pursuant to guidance on the Planning Act (2008). There are also issues regarding precision and enforceability of any such requirement. It is not clear why ECC require to be satisfied that another project which is before the Sec. of State is approved. ECC noted that a similar requirement was also requested by Suffolk County Council.	**Not agreed**
	ECC has raised a number of drafting points on the dDCO through its responses to various deadlines.	The Applicant has included a number of the amends in revisions to dDCO submitted at various deadlines. The Applicant is seeking to engage further with ECC on the dDCO to resolve any outstanding points.	**Ongoing point of discussion**
Protective Provisions	Agreement of Drainage Protective Provisions	Negotiations are still ongoing, The Applicant and ECC expect these to be concluded imminently.	**Ongoing point of discussion**
	Agreement of Essex Highways Protective Provisions – ECC has suggested that an additional Framework Highway Agreement is required.	Negotiations are still ongoing. ECC to send over additional points not covered by the Protective Provisions that it considers would need to be included in a side agreement. That information has not yet been provided to the Applicant. The Applicant notes that part of the ethos of the DCO regime is to streamline process by including highway consents in the order and any side agreement would need	**Ongoing point of discussion**

		to be shown to be necessary and that the subject matter is not appropriately covered in the DCO for the Applicant to agree it is required. That has not yet been demonstrated.	
Cumulative impacts/effects	Councils have concerns over communities experiencing repeated impacts as a result of numerous projects. ECC and TDC would like a compensation package offered for any residual significant landscape and visual effects. This is in response to when all of the projects around Ardleigh are considered together.	Compensation is only required for significant effects which cannot be avoided or mitigated. ECC and TDC have not identified what effects they consider need to be compensated for. The Applicant does not accept that there are any residual significant effects for which compensation could reasonably be required (see LVIA [**APP-084**]). NF and the EACN have been considered in the Cumulative Assessment Methodology as part of the ES [**APP-064**].	**Ongoing point of discussion**
Land interests (e.g. Highways and at Landfall/Manor Way/Beach TCC)	ECC and TDC note that there are property matters to resolve and discussions are ongoing.	The Applicant notes that property discussions remain ongoing with both parties separately– the latest position is included within document 10.2 Land Rights Trackers [**AS-059**]. TDC – The Applicant has continued to try and engage with TDC to seek a voluntary agreement for land rights, however it has had no engagement from their property team since the 22 July 2024. ECC – The Applicant is in discussions with ECC to secure a voluntary agreement for land rights and is hopeful an agreement can be reached.	**Ongoing point of discussion**

FIVE ESTUARIES
OFFSHORE WIND FARM

PHONE 0333 880 5306
EMAIL fiveestuaries@rwe.com
WEBSITE www.fiveestuaries.co.uk
ADDRESS Five Estuaries Offshore Wind Farm Ltd
Windmill Hill Business Park
Whitehill Way, Swindon, SN5 6PB
COMPANY NO Registered in England and Wales
company number 12292474