

**RWE Renewables UK Dogger Bank  
South (West) Limited**

**RWE Renewables UK Dogger Bank  
South (East) Limited**

**Dogger Bank South Offshore  
Wind Farms**

**The Applicants' Responses to Written  
Representations**

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## Glossary

Term	Definition
Array Areas	The DBS East and DBS West offshore Array Areas, where the wind turbines, offshore platforms and array cables would be located. The Array Areas do not include the Offshore Export Cable Corridor or the Inter-Platform Cable Corridor within which no wind turbines are proposed. Each area is referred to separately as an Array Area.
Array cables	Offshore cables which link the wind turbines to the Offshore Converter Platform(s).
Agricultural Land Classification	Agricultural Land Classification is a grading system used to assess and compare the quality of agricultural land in England and Wales. A combination of climate, topography and soil characteristics and their unique interaction determines the grade of the land. The grades range from 1 to 5. Grade 1 being excellent, Grade 2 very good, Grade 3a and 3b good to moderate (no subdivide), Grade 4 poor and Grade 5 very poor.
Construction Buffer Zone	1km zone around the Array Areas and Offshore Export Cable Corridor, and 500m zone around the Inter-Platform Cabling Corridor. Construction vessels may occupy this zone but no permanent infrastructure would be installed within these areas.
Cumulative Effects	The combined effect of the Projects in combination with the effects of a number of different (defined cumulative) schemes, on the same single receptor / resource.
Cumulative Effects Assessment (CEA)	The assessment of the combined effect of the Projects in combination with the effects of a number of different (defined cumulative) schemes, on the same single receptor/resource.
Decommissioning Plan	A document which would define the extent of works, in relation to the onshore infrastructure, which are required to be undertaken at the end of the operational lifetime of the Projects. The plan would be subject to agreement with relevant stakeholders at the time.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Dogger Bank South (DBS) Offshore Wind Farms	The collective name for the two Projects, DBS East and DBS West.

Term	Definition
Effect	Term used to express the consequence of an impact. The significance of an effect is determined by correlating the magnitude of the impact with the value, or sensitivity, of the receptor or resource in accordance with defined significance criteria.
Electrical Switching Platform	The Electrical Switching Platform (ESP), if required would be located either within one of the Array Areas (alongside an Offshore Converter Platform (OCP)) or the Export Cable Platform Search Area.
Environmental Impact Assessment (EIA)	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Directive and EIA Regulations, including the publication of an Environmental Statement (ES).
Environmental Statement (ES)	A document reporting the findings of the EIA and produced in accordance with the EIA Directive as transposed into UK law by the EIA Regulations.
Evidence Plan Process (EPP)	A voluntary consultation process with specialist stakeholders to agree the approach, and information to support, the Environmental Impact Assessment and Habitats Regulations Assessment for certain topics.
Expert Topic Group (ETG)	A forum for targeted engagement with regulators and interested stakeholders through the EPP.
Fisheries Liaison Officer (FLO)	Primary contact point between the fishing community and the Applicant, with responsibility for disseminating relevant Project information.
Habitats Regulations Assessment (HRA)	The process that determines whether or not a plan or project may have an adverse effect on the integrity of a European Site or European Offshore Marine Site.
Haul Road	The track along the Onshore Export Cable Corridor used by traffic to access different sections of the onshore export cable route for construction.
High Voltage Direct Current (HVDC)	High voltage direct current is the bulk transmission of electricity by direct current (DC), whereby the flow of electric charge is in one direction.
Horizontal Directional Drill (HDD)	HDD is a trenchless technique to bring the offshore cables ashore at the landfall and can be used for crossing other obstacles such as roads, railways and watercourses onshore.
Impact	Used to describe a change resulting from an activity via the Projects, i.e. increased suspended sediments / increased noise.

Term	Definition
In Isolation Scenario	A potential construction scenario for one Project which includes either the DBS East or DBS West array, associated offshore and onshore cabling and only the eastern Onshore Converter Station within the Onshore Substation Zone and only the northern route of the onward cable route to the proposed Birkhill Wood National Grid Substation.
Inter-Platform Cables	Buried offshore cables which link offshore platforms.
Jointing Bays	Underground structures constructed at regular intervals along the onshore cable route to join sections of cable and facilitate installation of the cables into the buried ducts.
Landfall	The point on the coastline at which the Offshore Export Cables are brought onshore, connecting to the onshore cables at the Transition Joint Bay (TJB) above mean high water.
Landfall Zone	The generic term applied to the entire landfall area between Mean Low Water Spring (MLWS) and the Transition Joint Bays (TJBs) inclusive of all construction works, including the landfall compounds, Onshore Export Cable Corridor and intertidal working area including the Offshore Export Cables.
Link Boxes	An underground metal box placed within a concrete pit where the metal sheaths between adjacent export cable sections are connected and earthed, installed with a ground level manhole to allow access to the Link Box for regular maintenance or fault-finding purposes.
Main River	Main Rivers are usually large rivers or streams that are designated under the Water Resources Act (1991) and are shown on the statutory
Marine Guidance Note (MGN)	A system of guidance notes issued by the Maritime and Coastguard Agency which provide significant advice relating to the improvement of the safety of shipping at sea, and to prevent or minimise pollution from shipping.
Mean High Water Springs (MHWS)	MHWS is the average of the heights of two successive high waters during a 24 hour period.
Mean Low Water Springs (MLWS)	MLWS is the average of the heights of two successive low waters during a 24 hour period.
Mesolithic	10000 to 4000 BC The Middle Stone Age, falling between the Palaeolithic and Neolithic and marking the beginning of a move from a hunter gatherer society towards a food producing society.

Term	Definition
National Policy Statement (NPS)	A document setting out national policy against which proposals for NSIPs will be assessed and decided upon.
Nationally Significant Infrastructure Project (NSIP)	Large scale development including power generating stations which requires development consent under the Planning Act 2008. An offshore wind farm project with a capacity of more than 100 MW constitutes an NSIP.
Navigational Risk Assessment (NRA)	A document which assesses the hazards to shipping and navigation of a proposed Offshore Renewable Energy Installation based upon Formal Safety Assessment.
Offshore Converter Platforms (OCPs)	The OCPs are fixed structures located within the Array Areas that collect the AC power generated by the wind turbines and convert the power to DC, before transmission through the Offshore Export Cables to the Project's Onshore Grid Connection Points.
Offshore Development Area	The Offshore Development Area for ES encompasses both the DBS East and West Array Areas, the Inter-Platform Cable Corridor, the Offshore Export Cable Corridor, plus the associated Construction Buffer Zones.
Offshore Export Cable Corridor	This is the area which will contain the offshore export cables (and potentially the ESP) between the Offshore Converter Platforms and Transition Joint Bays at the landfall.
Offshore Export Cables	The cables which would bring electricity from the offshore platforms to the Transition Joint Bays (TJBs).
Offshore Fisheries Liaison Officer (OFLO)	Responsible for providing liaison between fishing vessels and offshore Project vessels. Role typically performed by someone with local knowledge and fisheries experience to encourage co-operation between all parties, and to manage any areas of conflict and/or dispute.
Onshore Converter Stations	A compound containing electrical equipment required to transform HVDC and stabilise electricity generated by the Projects so that it can be connected to the electricity transmission network as HVAC. There will be one Onshore Converter Station for each Project.
Onshore Development Area	The Onshore Development Area for ES is the boundary within which all onshore infrastructure required for the Projects would be located including Landfall Zone, Onshore Export Cable Corridor, accesses, Temporary Construction Compounds and Onshore Converter Stations.
Onshore Export Cables	Onshore Export Cables take the electric from the Transition Joint Bay to the Onshore Converter Stations.



Term	Definition
Onshore Export Cable Corridor	This is the area which includes cable trenches, haul roads, spoil storage areas, and limits of deviation for micro-siting. For assessment purposes, the cable corridor does not include the Onshore Converter Stations, Transition Joint Bays or temporary access routes; but includes Temporary Construction Compounds (purely for the cable route).
Onshore Substation Zone	Parcel of land within the Onshore Development Area where the Onshore Converter Station infrastructure (including the Haul Roads, Temporary Construction Compounds and associated cable routeing) would be located.
Onward Cable Connection	The cable corridor between the Onshore Substation Zone and the Proposed Birkhill Wood National Grid Substation.
Order Limits	The limits within which the Projects may be carried.
Outline Marine Written Scheme of Investigation (WSI)	Project specific document forming the agreement between the Applicants, the appointed archaeologists, contractors and the relevant stakeholders seaward of Mean High Water Springs (MHWS). The document sets out the methods to mitigate the effects on all the known and potential archaeological receptors within the Hornsea Four offshore Order Limits.
Outline Onshore Written Scheme of Investigation (WSI)	Project specific document forming the agreement between the Applicants, the appointed archaeologists, contractors and the relevant stakeholders landward of MHWS. The document sets out the methods to mitigate the effects on all the known and potential archaeological receptors within the Hornsea Four onshore Order Limits.
Passive Acoustic Monitoring (PAM)	Use of acoustic sensors to monitor the presence of marine mammals in the Monitoring Area.
Preliminary Environmental Information Report (PEIR)	Defined in the EIA Regulations as information referred to in part 1, Schedule 4 (information for inclusion in environmental statements) which has been compiled by the applicants and is reasonably required to assess the environmental effects of the development.
Project Change Request 1	The changes to the DCO application for the Projects set out in <b>Project Change Request 1 - Offshore &amp; Intertidal Works</b> [AS-141] which was accepted into Examination on 21st January 2025.
Project Change Request 2	The changes to the DCO application for the Projects set out in <b>Project Change Request 2 - Onshore Substation Zone</b> [AS-152] which was accepted into Examination on 21 <sup>st</sup> January 2025.

Term	Definition
Project Design (or Rochdale) Envelope	A concept that ensures the EIA is based on assessing the realistic worst-case scenario where flexibility or a range of options is sought as part of the consent application.
Ramsar Site	Wetlands of international importance, designated under the Ramsar Convention.
Receptor	A distinct part of the environment on which effects could occur and can be the subject of specific assessments. Examples of Receptors include species (or groups) of animals, plants, people (often categorised further such as 'residential' or those using areas for amenity or recreation), watercourses etc.
Safety zones	Legislated under the Energy Act 2004, safety zones are rolling buffer areas which protect construction activities by preventing unauthorised vessels from entering their boundary.
Scour protection	Protective materials to avoid sediment erosion from the base of the wind turbine foundations and offshore substation platform foundations due to water flow.
Special Area of Conservation (SAC)	Strictly protected sites designated pursuant to Article 3 of the Habitats Directive (via the Habitats Regulations) for habitats listed on Annex I and species listed on Annex II of the Directive
Special Protection Area (SPA)	Strictly protected sites designated pursuant to Article 4 of the Birds Directive (via the Habitats Regulations) for species listed on Annex I of the Directive and for regularly occurring migratory species
Statutory Nature Conservation Bodies (SNCBs)	Comprised of JNCC, Natural Resources Wales, Department of Agriculture, Environment and Rural Affairs/Northern Ireland Environment Agency, Natural England and Scottish Natural Heritage, these agencies provide advice in relation to nature conservation to government.
Temporary Construction Compound	An area set aside to facilitate construction of the Projects. These will be located adjacent to the Onshore Export Cable Corridor and within the Onshore Substation Zone, with access to the highway.
The Applicants	The Applicants for the Projects are RWE Renewables UK Dogger Bank South (East) Limited and RWE Renewables UK Dogger Bank South (West) Limited. The Applicants are themselves jointly owned by the RWE Group of companies (51% stake) and Masdar (49% stake).
The Projects	DBS East and DBS West (collectively referred to as the Dogger Bank South Offshore Wind Farms).

## Acronyms

Term	Definition
ADD	Acoustic Deterrent Device
AEOI	Adverse Effect on Integrity
AEP	Annual Energy Production
AEZ	Archaeological Exclusion Zone
AIS	Air Insulated Switchgear
ALARP	As Low as Reasonably Practicable
ALC	Agricultural Land Classification
ANS	Artificial Nesting Structures
ASPRO	Asset Protection and Optimisation Teams
AWI	Ancient Woodland Inventory
AYM	Awel y Môr
BAP	Biodiversity Action Plan
BAPA	Basic Asset Protection Agreement
BDMPS	Biologically Defined Minimum Population Scales
BMV	Best Most Versatile
BP	British Petroleum
BHP	Billiton Petroleum Great Britain Limited
BTO	British Trust for Ornithology
CAH <sub>1</sub>	Compulsory Acquisition Hearing 1
CBRA	Cable Burial Risk Assessment
CFWG	Commercial Fisheries Working Group
CIMP	Compensation Implementation and Monitoring Plan

Term	Definition
COWSC	Collaboration in Offshore wind Strategic Compensation
CPGR	Counterfactual of Population Growth Rate
CPS	Counterfactual of Population Size
CRRU	Campaign for Responsible Rodenticide Use
CSS	Countryside Stewardship Schemes
DBA	Dogger Bank A Offshore Wind Farm
DBB	Dogger Bank B Offshore Wind Farm
DBS	Dogger Bank South
DCO	Development Consent Order
DEFRA	Department for Environment Food and Rural Affairs
DESNZ	Department for Energy Security and Net Zero
DML	Deemed Marine Licence
EA	Environment Agency
EC	European Commission
ECC	East Coast Cluster
EIA	Environmental Impact Assessment
EPR	Environmental Permitting Regulations
ERCoP	Emergency Response Cooperation Plan
ERYC	East Riding of Yorkshire Council
ES	Environmental Statement
ESCA	European Subsea Cables Association
ESO	Electricity System Operator
ETG	Expert Topic Group

Term	Definition
EU	European Union
ExA	Examining Authority
FFC	Flamborough and Filey Coast
FID	Final Investment Decision
FLCP	Fisheries Liaison Coexistence Plan
FLO	Fisheries Liaison Officer
FLOWW	Fisheries Liaison with Offshore Wind and Wet Renewables Group
GIS	Gas Insulated Switchgear
GOG	Government Oversight Group
HDD	Horizontal Directional Drilling
HND	Holistic Network Design
HPAI	Highly Pathogenic Avian Influenza
HRA	Habitat Regulations Assessment
HSE	Health and Safety Executive
HVDC	High Voltage Directional Current
IGEM	Institution of Gas Engineers and Managers
IHO	International Hydrographic Organisation
INNS	Invasive Non-Native Species
IoS	Isles of Scilly
IoSWT	Isles of Scilly Wildlife Trust
IP	Interested Party
IPMP	In Principle Monitoring Plan
ISH1	Issue Specific Hearing 1

Term	Definition
ISH2	Issue Specific Hearing 2
JLAF	East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum
JNCC	Joint Nature Conservation Committee
KCIIIEP	King Charles III England Coast Path
LNR	Local Nature Reserve
LoSCM	Library of Strategic Compensation Measures
LWS	Local Wildlife Sites
LWT	Lincolnshire Wildlife Trust
MCA	Maritime and Coastguard Agency
MCZ	Marine Conservation Zone
MGN	Marine Guidance Note
MHWS	Mean High Water Springs
MLWS	Mean Low Water Springs
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
MPA	Marine Protected Area
MPCP	Marine Pollution Contingency Plan
MRF	Marine Recovery Fund
MRFO	Marine Recovery Fund Operator
NAS	Noise Abatement System
NE	Natural England
NEIFCA	North East Inshore Fisheries Conservation Authority
NEP	Northern Endurance Partnership

Term	Definition
NFFO	National Federation of Fishermen's Organisation
NGET	National Grid Electricity Transmission
NGT	National Gas Transmission Plc
NHHM	North Humber to High Marnham
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NRA	Navigation Risk Assessment
NSIP	Nationally Significant Infrastructure Project
NZNSS	Net Zero North Sea Storage Limited
NZT	Net Zero Teesside Project
oANS	Offshore Artificial Nesting Structure
OCS	Onshore Converter Stations
ODOW	Outer Dowsing Offshore Windfarm
OFLCP	Outline Fisheries Liaison and Co-existence Plan
OFLO	Offshore Fisheries Liaison Officer
OREI	Offshore Renewable Energy Installations
OSMP	Outline Soil Management Plan
OWEIP	Offshore Wind and Evidence Programme
OWF	Offshore Wind Farm
OWIC	Offshore Wind Industry Council
PAM	Passive Acoustic Monitoring
PEIR	Preliminary Environmental Information Report
PEMP	Project Environmental Management Plan

Term	Definition
PiLS	Persons with an interest in Land
PRoW	Public Right of Way
PTS	Permanent Threshold Shift
PVA	Population Viability Analysis
RIAA	Report to Inform Appropriate Assessment
RR	Relevant Representation
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SAR	Search and Rescue
SGARs	Second Generation Anti-Coagulant Rodenticides
SIP	Site Integrity Plan
SMP	Soil Management Plan
SNCB	Statutory Nature Conservation Body
SNS	Southern North Sea
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
TCC	Temporary Construction Compound
TH	Trinity House
TSHD	Trailing Suction Hopper Dredger
TTS	Temporary Threshold Shift
TWT	The Wildlife Trusts
UK	United Kingdom



Term	Definition
UKHO	United Kingdom Hydrographic Office
UTX	Under Track Crossing
UWN	Underwater Noise
UXO	Unexploded Ordnance
WFA	Welsh Fishermen's Association
WMS	Written Ministerial Statement
WSI	Written Scheme of Investigation

# 1 Introduction

1. This document presents the Applicants' responses to Written Representations (WR) received from Interested Parties (IPs) following submissions to the Examining Authority at Deadline 1 of the Dogger Bank South Examination.
2. Responses to other documents submitted by IPs at Deadline 1 can be found within **The Applicants' Responses to Deadline 1 Documents** [document reference 12.3].
3. For ease of referencing and to facilitate future cross-referencing, the Applicants have used the existing Planning Inspectorate WR reference (e.g. REP1-001) and created a unique identifier for each response by itemising the WR into paragraphs or sections (e.g. REP1-001:1.1). The ID numbers can be found in the first column of each table.

## 2 Responses to Written Representations

4. The Applicants' responses to written representations received from IPs are provided in this section.

## 2.1 Albanwise Limited

Table 2-1 The Applicants' response to Albanwise Limited's written representation [REP1-069]

I.D.	Written Representation	Applicants' Response
REP1-068:1	<p>Albanwise Ltd is a corporate entity which holds the property assets, in particular the farming and property business unit assets, for Albanwise Wallace Estates Ltd ("AWEL"). AWEL is a diversified UK investment group, founded in 1976. It operates in six established areas:</p> <ul style="list-style-type: none"> <li>managing farmland totalling 12,201 hectares;</li> <li>managing 102,000 residential ground rent interests;</li> <li>managing/developing mainly residential investment properties and various land parcels;</li> <li>managing and investing in renewable energy assets;</li> <li>engaging in environmental land management services; and</li> <li>offering property insurance to AWEL business units as well as to third parties.</li> </ul>	No response is required.
REP1-068:2	<p>This representation is being made as the landowner of the parcels identified in Book of Reference, Volume 4, Application Reference: 4.2, belonging to Albanwise Limited as intending to be occupied either temporarily or for the life of the Projects. We are also representing the interests of the wider AWEL group of companies, who currently operate across this land, or have the potential to derive benefit from this land in the future.</p> <p>The area of land that the Applicant is proposing to cross is known to us as the Risby estate, which in total covers approximately 1,072 ha of land. Agricultural tenants occupy approximately 708 ha of this land and the remainder is farmed in-hand. We are working in consultation with our tenants who may make their own representations on this proposal.</p>	The Applicants acknowledge this comment.
REP1-068:3	<p>Approximately 4.6 kms northeast of the Risby estate lies the Routh estate which is also owned by the AWEL group. Routh covers approximately 1,194 ha and these two estates combined represent a major base of operations for AWEL, with significant components of the business units referenced above based in this area. AWEL's interest in the Routh and Risby Estates is expanded below:</p> <ul style="list-style-type: none"> <li>Albanwise Synergy Ltd manages energy assets that are either self-developed or developed by third parties, across the estates. These include Staterra's operational 50 MW gas peaking plant and 50 MW Battery Energy Storage Scheme (BESS) and the recently consented, combined 50 MW solar and 87MW BESS (planning refs: 21/02335/STPLF and 23/03926/STPLF respectively). There are also a number of energy assets at the Routh estate, namely the operational 24.6MW Hall Farm wind farm, the consented 50MW Field House solar farm and the 50MW Carr Farm solar farm, the planning application for which is currently being determined (planning ref: 22/03648/STPLF);</li> <li>Albanwise Farming Ltd farm 2,800 ha across Yorkshire, with a further 708 ha being farmed by agricultural tenants at the Risby estate. A regional hub of their farming activity is based at Routh, 7.8 km from the proposed application site, which also includes facilities for the drying and storage of up to 10,000 tonnes of grain onsite. The farming division also operate a 65,000 tonnes capacity grain drying and storing facility Full Sutton, 41km to the north of the site, which is a major regional farming infrastructure facility;</li> </ul>	The Applicants acknowledge this comment.

I.D.	Written Representation	Applicants' Response
	<ul style="list-style-type: none"> <li>Albanwise Environment Ltd have established the Leven Carrs wetland restoration approximately 10 km from the proposed Project. This is a 130 ha mix of wet fen and wet grassland habitats which supports a range of plant, bird, mammal and other species. This is in addition to other habitat management and improvement works being carried out in the area; and</li> <li>Abricot Ltd, AWEL's property development and management business unit, owns and manages several properties with residential tenants, in and around the estate. It has also promoted several parcels of land for development at the Risby estate in a recent call for sites to update the East Riding Local Plan.</li> </ul>	
REP1-068:4	<p>With reference to Table 1-1 in the Schedule of Progress For Voluntary Land Interest Agreements, Volume 4 (Application Reference: 4.3), negotiations with the Applicant are ongoing and we believe that a satisfactory position can be reached. However, agreement of terms is still to be reached on:</p> <ol style="list-style-type: none"> <li>the form of agreement that will grant the Applicant access to the referenced land parcels; and</li> <li>the technical details regarding the installation, many of which are referenced below.</li> </ol> <p>Feedback has been provided to the Applicant and their agent on these points, but no agreement has been reached and information and assurances are still outstanding. With reference to Table 1-1 in the Schedule of Progress For Voluntary Land Interest Agreements, Volume 4 (Application Reference: 4.3) and Drawing 005028746-01 'Land Plans – Onshore' (page 18 of 20) (Application reference 2.7), there has been a misrepresentation in the discussions to date where it is stated that an 'in principle' agreement has been reached to acquire the freehold of Plot numbers 18-010, 18-014, 18-015, 18-018, 18-021, 18-022, 18-025, 18-028, 18-035. This is incorrect, all negotiations are on a leasehold basis and we have no intention to release the freehold for sale.</p> <p>On this basis, and due to issues identified below, we must object to the proposed Projects due to the potential level of impact to our business operations and the land which we hold. Our grounds for concern have been grouped into issues surrounding the use of land and those regarding the impact on farming operations.</p>	<p>The Applicants' Land Agent has been having productive discussions with Albanwise Ltd's agent and the Applicants have reached agreement to mutually acceptable commercial terms for an Option to Lease subject to finalising revised land takes with the Interested Party in regard to the accepted <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152]. The next step would be for the parties to provide legal instruction and the hope is that the Option to Lease and Option to Easement will be completed during the Development Consent Order (DCO) examination.</p> <p>The Applicants' Land Agents have been in regular contact with the Agents acting on behalf of Albanwise Ltd and have provided all relevant technical details regarding the installation of the Onshore Export Cable Corridor and Onward Cable Connection.</p> <p>Following the submission of the DCO application, the Applicants received a grid connection offer from National Grid on the 28th of June 2024. Further design iteration, to accommodate this grid connection offer, along with ongoing supply chain engagement provided further certainty on the size of Onshore Converter Station(s) required. This resulted in the Applicants deciding to seek a change to their DCO application to reduce the Onshore Order Limits and footprint of the permanent infrastructure within the Onshore Substation Zone. The proposed change was in line with stakeholder comments and subsequent engagement with Interested Parties undertaken in the pre-examination period, including Albanwise Ltd. The proposed change also addresses stakeholder concerns about the size of the Onshore Converter Station(s) and impacts on local farming businesses raised in relevant representations or through further discussion post submission of the DCO.</p> <p>All relevant land owners, including Albanwise Ltd were consulted on the <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152] document submitted into the DCO examination on 10<sup>th</sup> January 2025 from the 15<sup>th</sup> November – 16<sup>th</sup> December 2024. The change was accepted by the Examining Authority (ExA) on January 21<sup>st</sup> 2025 in the Rule 9 and 17 letter - Procedural Decision and Request for further information dated 21 January 2025 [PD-012] letter.</p> <p>Further details related to the Onshore Substation Zone change can be found in can be found in the <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152] document which should be read in conjunction with <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009] and <b>Appendix A Outline Soil Management Plan (OSMP) (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025] which is secured by Requirement 19 of the <b>Draft DCO (Revision 5)</b> [REP1-004].</p> <p>The Applicants will submit an updated version of the <b>Land Rights Tracker</b> [REP1-046] at Deadline 3 which will clarify the position in relation to the interest being acquired and status of agreement.</p>
REP1-068:5	Efficient use of the land	As per the response to REP1-068:4 The Applicants' Land Agent has been having productive discussions with Albanwise Ltd agent and the Applicants have reached an agreement to mutually acceptable commercial terms for an

I.D.	Written Representation	Applicants' Response
	<p>With reference to drawing ED13554-GE-1060, 'Works Plan (Onshore)' (pages 18 and 19) (Application Reference 2.6), and the Design and Access Statement Volume 8 (Application Reference 8.8) and Environmental Statement Volume 7, Chapter 5 – Project Description (Application Reference 7.5).</p> <p>We object to the scale and configuration of land that is intended to be occupied by the designs included in the proposal. We have requested, but are still to receive, written information from the Applicant justifying why the amount of land that is being occupied for the cable routes and converter stations as well as the ancillary and temporarily occupied land, is as proposed. Most notably, without further justification having been provided, we object to:</p> <ol style="list-style-type: none"> <li>the splitting of the cable route (Works no 32B) across twin paths, involving (but not limited to) land plots 18-054, 18-052, 19-003 and 19-007. Separating the cables by such a distance greatly increases the overall extents of the impact in the land and diminishes the prospects for further utilization of the land for any business interest of AWEL;</li> <li>to options that a single maximum extent of land has been applied for despite the application including scenarios that may only require the installation of half of the cables, converter stations or other ancillary equipment;</li> <li>the impact on the business operations (both farming or non-farming) of our tenants based on the layout of the project that is proposed. We currently have seven tenants on the Risby estates and four of these have land which is affected by the proposed development area and we want to ensure that their interests are sufficiently protected;</li> <li>the potential cumulative impacts arising from the interactions from the proposed Projects with those other major infrastructure schemes which are intending to cross our land near to the proposed Projects. These schemes include the Hornsea 4 Offshore Wind grid connection assets, National Grid's Greater Grid Upgrade which involves the expansion of the Creyke Beck substation, new transmission overhead lines and the creation of a new satellite station (Birkhill) adjacent to the existing substation. It is imperative that the Applicant engages with the owners of these other projects and to work collaboratively with ourselves to ensure an efficient and expeditious delivery of all the schemes, with minimal cumulative impacts, should the Order for the Projects be granted; and</li> <li>the impact on the wider estate. The Projects will also potentially blight other alternative energy schemes that we have been approached about over the land proposed to be affected, and this again will cause further potential financial losses if the Projects proceed.</li> </ol> <p>Given the range of commercial interests, referred to above, that each of the business units of AWEL has, efficient use of the land is crucial for our continued commercial and environmental activity in the area.</p>	<p>Option to Lease subject to finalising revised land takes with the Interested Party in regard to the accepted <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152].The Applicants Land Agents have been in regular contact with the Agents acting on behalf of Albanwise Ltd and have provided all relevant technical details regarding the installation of the Onshore Export Cable Corridor, Onward Cable Connection and the proposed changes to the Onshore Substation Zone.</p> <ol style="list-style-type: none"> <li>The Projects Onshore Export Cable Corridor, Substation Zone and Onward Cable Connection to the proposed Birkhill Wood substation have been carefully developed considering design constraints such as engineering, ecological and heritage, as well as proximity to residential property and designated landscapes, as set out in <b>Chapter 4 Site Selection and Assessment of Alternatives</b> [APP-067]. The Applicants submitted the <b>Project change Request 2 – Onshore Substation Zone</b> [AS-152] on January 10<sup>th</sup> 2025 and this was accepted by the ExA on the 21<sup>st</sup> January 2025. As detailed in REP1-068:4 this has reduced the Order Limits, as the reduced footprint of the Onshore Covert Stations has allowed the design to be amended to confirm a diversion of the Yorkshire Water Main will not be required. An area of land that was required for a potential diversion has therefore been removed. The dimensions of the Onshore Converter Stations set out in the <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152] document are sized to accommodate the revised requirements of the Projects' electrical transmission system, based on the revised grid connection offer. They represent a realistic worst case scenario. The <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152] document which should be read in conjunction with <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009]. The Projects are seeking 2m x 12m easements within a 75m construction corridor along the Onshore Export Cable Corridor. The length of the Onshore Export Cable Corridor is 32km with a further 2.5km of Onward Cable Connection to the proposed new National Grid Substation at Birkhill Wood. The easements of the Onward Cable Connection are 2x 17m. The Onward Cable Corridor splits either side of the INEOS Ethylene Pipeline to avoid the constraint in line with Health &amp; Safety guidance, as there is insufficient room to safely route both Cable Corridors between the A1079 and the INEOS Pipeline. Further detail is provided in Chapter 5 Project Description (Revision 3) [REP1-009].</li> <li>The Environmental Statement (ES) has assessed a concurrent, sequential and in-isolation construction scenario where only one Project may be developed. Further detail on the indicative construction programmes and assumptions are included in section 5.8 of <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009]. Where the extent of the application site and rights / powers sought are meant to cover more than one option, only those required for the option going forward will be triggered/used to ensure that the Applicants only take what is necessary to implement the Proposed Development. Requirement 8 (Phases of authorised development) of the <b>Draft DCO (Revision 5)</b> [REP1-005] prevents either Project from commencing its onshore works until a written scheme setting out the phases of the relevant works is submitted to and approved by the relevant planning authority, thus ensuring that only those elements related to the option chosen come forward.</li> <li><b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152] has reduced the area of the Onshore Substation Zone and associated land take for permanent infrastructure which has enabled a greater area of land to be returned to agriculture than that was previously designated. Land designated for the Yorkshire water main diversion has also been removed from the Order Limits. Any loss of business will be compensated as part of a voluntary land owner agreement and the Applicants are in dialogue with each of the impacted tenants to negotiate a settlement of compensation for any land needing to be surrendered.</li> </ol>



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		<p>d) Hornsea Project Four, Dogger Bank A and B and the National Grid substation projects at Creyke Beck and Birkhill Wood and the Humber to High Marnham Overhead Line Project have been identified as a cumulative development in the cumulative environmental effects assessment, as discussed in <b>Appendix 6-1 Onshore Cumulative Effects Assessment Methodology</b> [APP-077]. Liaison with other developers is ongoing and will continue throughout the development of the Projects. The Applicants are looking to co-ordinate with other developers and are exploring opportunities to do this, where feasible. The Applicants are aware of other unconsented developments in the locality, including Dogger Bank D and will continue to engage with developers as their proposals progress. The Environmental Impact Assessment as presented in Volume 7 of the DCO submission application includes a detailed Cumulative Impacts Assessment of the Projects in combination with other Projects screened in for potential cumulative effects. These cumulative effects assessments are reported in the individual ES chapters within the DCO submission.</p> <p>e) The Applicants acknowledge that the land affected by the Onshore Substation Zone will be lost to future development opportunities. But as per the above, the Applicants have reduced the area of the Onshore Substation Zone and associated land take for permanent infrastructure which has enabled a greater area of land to be returned to agriculture than that was previously designated. The Applicants have also reached agreement to mutually acceptable commercial terms for an Option to Lease subject to finalising revised land takes with the Interested Party in regard to the accepted <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152]. These terms include provision for payment terms to increase in line with inflation against the Consumer Price Index, so future proofing the Interested Parties commercial position.</p>
REP1-068:6	<p><b>Impact on farming operations</b></p> <p>Pending agreement being reached with the Applicant we object to the proposal on the following grounds due to the potential for impact on our current and future farming operations across our land. This applies not only to general productivity and revenues arising from it but it may have a consequential impact on our ability to fulfil our obligations under supply contracts, which would lead to further loss.</p> <p>a) The occupation of land currently under Countryside Stewardship Schemes (CSS). A number of current CSSs lie within the Onshore Development Area. Removal or amendment to these schemes represents an administrative burden as well as the loss of revenue that comes with the allocation. The Projects cross our estate in such a way as to occupy awkward shapes of land and sever previously contiguous areas of farmland. This will disrupt farming activities in both the construction and operation phases of the Projects and lead in increased costs and time requirements for our farming unit.</p> <p>b) The Projects cross our estate in such a way as to occupy awkward shapes of land and sever previously contiguous areas of farmland. This will disrupt farming activities in both the construction and operation phases of the Projects and lead in increased costs and time requirements for our farming unit.</p> <p>c) Impact on the soil/crop yields through compaction and contamination (from unintentional release of material and windblown dust arising from construction). These matters have the potential for reduced farming revenue for many growing seasons, if not permanently in the case of serious ground contamination. We need to reach agreement</p>	<p>Please see the response to REP1-068:4 and REP1-068:5. The Applicants acknowledge these concerns and has the following comments:</p> <p>a) The Applicants have developed the Projects to limit the area of land required, wherever possible and have sought to consider the feedback of landowners including Albanwise Ltd during the statutory consultation period and as part of the non-statutory consultation process for <b>Project change Request 2 – Onshore Substation Zone</b> [AS-152]. The revised footprints of the Onshore Converter Stations have been sited to reduce the amount of land that the development would occupy and a large area of land within the Substation Zone will be returned to agriculture. Although the Applicants have sought to avoid CSS, given the agricultural nature of the grid connection location and landfall it has not been possible to select a cable corridor and Onshore Substation Zone to avoid them entirely. The impact on CSS is assessed in <b>Chapter 21 Land Use (Revision 3)</b> [document reference: 7.21]. The Applicants acknowledge this may be considered an administrative burden, however any loss of revenue would be compensated for as part of the land owner agreements. For those areas of land that will be reinstated following the construction works landowners would be able to enter into a future agri-environmental scheme if they wish to do so.</p> <p>b) As detailed above the Projects have been designed to try and avoid creating awkward shapes of land. However, this has not always been possible when taking into consideration other constraints. Disruption to farming activities in both the construction and operation phases of the Projects, is taken into consideration as part of the commercial negotiations for the voluntary land agreements. Any reasonable loss of business would be assessed and addressed by the Applicants. Access to farming land will be maintained as detailed in the Deed of Grant and <b>Chapter 21 Land Use (Revision 3)</b> [document reference 7.21].</p>

I.D.	Written Representation	Applicants' Response
	<p>on the management of such matters and the mechanisms to resolve any potential impact.</p> <p>d) Impact on drainage systems. Over the last 10 years our farming business has invested over one million pounds in improving the drainage system across the Risby Estate. There must be agreement over installation methods, remediation works and potential compensation with respect to the existing drainage system to ensure that productivity of the land is maintained.</p> <p>e) Impact on crop growing. We grow a variety of root crops across the estate and there are a number of deep ploughing and other sub soil activities involved with the farming here. We need to reach agreement with the Applicant on matters such as trench depth and backfill composition, handling of soils during installation etc.</p> <p>f) We disagree with the ALC land grading presented in the Outline Code of Construction Practice, Volume 8, Appendix A - Outline Soil Management Plan (Application Reference: 8.9) therefore the presumption of productivity of the area of land intended for development.</p>	<p>c) The Applicants shall also use reasonable endeavours to provide the Interested Party, with access across or over the Onshore Cable Corridor to any severed areas, where reasonably practicable, which are created as a direct result of the proposed works. In addition, section 2 of <b>Appendix A OSMP (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025]</p> <p>d) <b>Appendix A OSMP (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025] includes details of all proposed soil management measures and is secured by Requirement 19 of the <b>Draft DCO (Revision 5)</b> [REP1-004]. Section 4 includes detailed measures for the protection of soils during construction, including monitoring of the site and soil conditions and soiling handling and reinstatement procedures. Section 4.8 sets out guidance on cropping and aftercare for the landowners which will form part of the detail OSMP. The length of the period of aftercare may extend for two to three years post reinstatement, key aftercare measures would include:</p> <ul style="list-style-type: none"> <li>• Early or 'sacrificial' cropping may be appropriate as opposed to no crop on reinstated soils and bare soils should be avoided for any extended periods, especially over winter;</li> <li>• The landowner(s) are to be advised and encouraged to manage the land sympathetically and, for the first two-three years after re-instatement, should be aware that re-instated land will farm differently to adjacent areas. The soils are likely to remain wetter for longer in spring and are likely to wet up earlier in autumn. Timeliness of access for arable cultivations, irrigation, fertilising and spraying will be essential to facilitate soil structural recovery;</li> <li>• The use of organic manures is recommended, though not in the first 12 months after re-instatement; and</li> <li>• An aftercare programme should be formulated by the Contractor to a fertiliser and cropping plan which is agreed with landowner.</li> </ul> <p>In addition, the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025] includes a number of control measures for potential ground contamination and no significant effects have been identified in <i>Chapter 19 Geology and Land Quality</i> [APP-158] which considers agricultural land as a contamination receptor.</p> <p>e) An <b>Outline Drainage Strategy (Revision 3)</b> [document reference: 8.12] is included with the application. Pre-construction drainage would be installed to manage water coming from existing underground land drainage pipes which would be affected by the installation of the new Onshore Export Cables. Following installation of the Onshore Export Cables, the post-construction drainage program would commence to ensure that soils affected by the Onshore Export Cable corridor are left in a condition that enables a return within the affected fields to full agricultural production. Where necessary, post-construction drains may be installed, typically parallel to the Onshore Export Cable Corridor. The detailed drainage strategy will be agreed at the detailed design stage with the relevant drainage authority in consultation with landowners and will consider individual land owner drainage systems, at this stage. In addition to the <b>Outline Drainage Strategy (Revision 3)</b> [document reference: 8.12] The Applicants have instructed a Land Drainage Consultancy Ltd to develop conceptual pre- and post-construction drainage plans that will be shared with the main works contractor once appointed to implement where reasonably practicable. These will be developed with landowners and agents outside the limitations of the DCO and will be agreed by private treaty, committed to as part of the Option Agreements.</p>



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		<p>f) The Onshore Export Cables would be pulled through pre-installed ducts cable ducts, which are generally laid in trenches at an indicative depth range of 1.3m-1.7m and an average of 1.6m to the top of the ducts from the restored surface level to include topsoil which can vary in depth, as detailed in Table 5-27 of <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009]. This will be a minimum of 1.2m depth below the subsoil interface and has been designed to allow all agricultural operations to resume following the reinstatement after the completion of the works. The Interested Party has further been offered a legally binding Option and Deed of Grant that makes the commitments to depth. The Deed of Grant states that <i>'the Infrastructure will be laid to a depth such that there is a distance of not less than 1.6 metres from the restored surface of the Easement Strip to the top of the duct and not less than 1.35 metres from the restored surface of the Easement Strip to the top of the protective tile provided that the Grantee will be entitled to decrease this distance to a depth of not less than 1.1 metres where necessary and in accordance with industry practice due to there being rock concrete land fill sites or any other physical obstruction close to the surface from the restored surface to the uppermost part of the duct.'</i> This has been accepted as industry standard best practice by over 80% of Lawyers acting for Interested Parties along the Onshore Export Cable Corridor.</p> <p>g) The Applicants have procured the services of Land Drainage Consultancy Ltd who have employed expert soil scientists who have acted in line with industry guidance and best practice to undertake an Agricultural Land Classification Survey of the Onshore Substation Zone, which was completed in January 2024 and has informed the OSMP. This has confirmed the area is grade 3b and not Best Most Versatile.</p>
REP1-068:7	<p><b>Conclusion</b></p> <p>Albanwise Ltd will continue to engage with the Applicant in an attempt to reach agreement on the acquisition of leaseholder, easement and temporary access rights. However, given the points of potential impact identified above and the reassurances that are still to be secured Albanwise Ltd must object to the Projects at this time and we reserve the right to make further representations during the course of the Examination should that be necessary.</p>	<p>The Applicants' Land Agent has been having productive discussions with Albanwise Ltd.'s agent and the Applicants have reached agreement to mutually acceptable commercial terms for an Option to Lease subject to finalising revised land takes with the Interested Party in regard to the accepted <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152]. The next step would be for the parties to provide legal instruction and the hope is that the Option to Lease and Option to Easement will be completed during the DCO examination.</p>

## 2.2 Albanwise Synergy Limited

Table 2-2 The Applicants' response to Albanwise Synergy Limited's written representation [REP1-o68]

I.D.	Written Representation	Applicants' Response
REP1-o69:1	<p>ASL is the renewable energy division of Albanwise Wallace Estates Limited ("AWEL") and was incorporated in 2020. AWEL is a diversified UK investment group, founded in 1976. It operates in six established areas:</p> <ul style="list-style-type: none"> <li>managing farmland totalling 12,201 hectares;</li> <li>managing 102,000 residential ground rent interests;</li> <li>managing/developing mainly residential investment properties and various land parcels;</li> <li>managing and investing in renewable energy assets;</li> <li>engaging in environmental land management services; and</li> <li>offering property insurance to AWEL business units as well as to third parties.</li> </ul>	No response is required.
REP1-o69:2	<p>ASL works to identify and realise new opportunities for investment in renewables, but also to manage AWEL's existing interests in energy infrastructure. The division predominantly focusses on the following areas:</p> <ul style="list-style-type: none"> <li>Utility-scale renewables development;</li> <li>Operational asset management and energy procurement;</li> <li>Rapid charge hubs and electric vehicle charging networks; and</li> <li>Acquisition of freeholds with renewable energy tenants.</li> </ul>	No response is required.
REP1-o69:3	<p>This representation is being made as the landowner of the parcels identified in Book of Reference, Volume 4, Application Reference: 4.2, belonging to Albanwise Synergy Limited as intending to be occupied either temporarily or for the life of the Projects. We are also representing the interests of the wider AWEL group of companies, who currently operate across this land, or have the potential to derive benefit from this land in the future.</p> <p>The area of land that the Applicant is proposing to cross is known to us as the Risby estate, which in total covers approximately 1,072 ha of land. Agricultural tenants occupy approximately 708 ha of this land and the remainder is farmed in-hand. We are working in consultation with our tenants who may make their own representations on this proposal.</p>	The Applicants acknowledge this comment.
REP1-o69:4	<p>Approximately 4.6 kms northeast of the Risby estate lies the Routh estate which is also owned by the AWEL group. Routh covers approximately 1,194 ha and these two estates combined represent a major base of operations for AWEL, with significant components of the business units referenced above based in this area. AWEL's interest in the Routh and Risby Estates is expanded below:</p> <ul style="list-style-type: none"> <li>Albanwise Synergy Ltd manages energy assets that are either self-developed or developed by third parties, across the estates. These include Staterra's operational 50 MW gas peaking plant and 50 MW Battery Energy Storage Scheme (BESS) and the recently consented, combined 50 MW solar and 87MW BESS (planning refs: 21/02335/STPLF and 23/03926/STPLF respectively). There are also a number of energy assets at the Routh estate, namely the operational 24.6MW Hall Farm wind farm, the consented 50MW Field</li> </ul>	The Applicants acknowledge this comment.

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	<p>House solar farm (planning ref:22/00824/STPLF) and the 50MW Carr Farm solar farm, the planning application for which is currently being determined (planning ref: 22/03648/STPLF);</p> <ul style="list-style-type: none"> <li>Albanwise Farming Ltd farm 2,800 ha across Yorkshire, with a further 708 ha being farmed by agricultural tenants at the Risby estate. A regional hub of their farming activity is based at Routh, 7.8 km from the proposed application site, which also includes facilities for the drying and storage of up to 10,000 tonnes of grain onsite. The farming division also operate a 65,000 tonnes capacity grain drying and storing facility Full Sutton, 41km to the north of the site, which is a major regional farming infrastructure facility;</li> <li>Albanwise Environment Ltd have established the Leven Carrs wetland restoration approximately 10 km from the proposed Project. This is a 130 ha mix of wet fen and wet grassland habitats which supports a range of plant, bird, mammal and other species. This is in addition to other habitat management and improvement works being carried out in the area; and</li> <li>Abricot Ltd, AWEL's property development and management business unit, owns and manages several properties with residential tenants, in and around the estate. It has also promoted several parcels of land for development at the Risby estate in a recent call for sites to update the East Riding Local Plan.</li> </ul>	
REP1-069:5	<p>With reference to Table 1-1 in the Schedule of Progress For Voluntary Land Interest Agreements, Volume 4 (Application Reference: 4.3), negotiations with the Applicant are ongoing and we believe that a satisfactory position can be reached. However, agreement of terms is still to be reached on:</p> <ol style="list-style-type: none"> <li>the form of agreement that will grant the Applicant access to the referenced land parcels; and</li> <li>the technical details regarding the installation, many of which are referenced below.</li> </ol> <p>Feedback has been provided to the Applicant and their agent on these points, but no agreement has been reached and information and assurances are still outstanding. On this basis we must object to the proposed Project due to the potential level of impact to our business operations and the land which we hold. Our grounds for concern are detailed below, grouped into issues surrounding the use of land and those regarding the impact on farming operations.</p>	<p>The Applicants' Land Agent has been having productive discussions with Albanwise Ltd's agent and the Applicants have reached agreement to mutually acceptable commercial terms for an Option to Lease subject to finalising revised land takes with the Interested Party in regard to the accepted <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152]. The next step would be for the parties to provide legal instruction and the hope is that the Option to Lease and Option to Easement will be completed during the Development Consent Order (DCO) examination.</p> <p>The Applicants' Land Agents have been in regular contact with the Agents acting on behalf of Albanwise Ltd and have provided all relevant technical details regarding the installation of the Onshore Export Cable Corridor and Onward Cable Connection.</p> <p>Following the submission of the DCO application, the Applicants received a grid connection offer from National Grid on the 28<sup>th</sup> of June 2024. Further design iteration, to accommodate this grid connection offer, along with ongoing supply chain engagement provided further certainty on the size of Onshore Converter Station(s) required. This resulted in the Applicants deciding to seek a change to their DCO application to reduce the Onshore Order Limits and footprint of the permanent infrastructure within the Onshore Substation Zone. The proposed change was in line with stakeholder comments and subsequent engagement with Interested Parties undertaken in the pre-examination period, including Albanwise Ltd. The proposed change also addresses stakeholder concerns about the size of the Onshore Converter Station(s) and impacts on local farming businesses raised in relevant representations or through further discussion post submission of the DCO.</p> <p>All relevant land owners, including Albanwise Ltd were consulted on the <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152] document submitted into the DCO examination on 10<sup>th</sup> January 2025 from the 15<sup>th</sup> November – 16<sup>th</sup> December 2024. The change was accepted by the Examining Authority (ExA) on January 21<sup>st</sup> 2025 in the Rule 9 and 17 letter - Procedural Decision and Request for further information dated 21 January 2025 letter [PD-012].</p>

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		<p>Further details related to the Onshore Substation Zone change can be found in can be found in the <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152] document which should be read in conjunction with <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009] and <b>Appendix A Outline Soil Management Plan (OSMP) (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025] which is secured by Requirement 19 of the <b>Draft DCO (Revision 5)</b> [REP1-004].</p> <p>The Applicants will submit an updated version of the <b>Land Rights Tracker</b> [REP1-046] at Deadline 3 which will clarify the position in relation to the interest being acquired and status of agreement.</p>
REP1-069:6	<p><b>Efficient use of the land</b></p> <p>With reference to drawing ED13554-GE-1060, 'Works Plan (Onshore)' (pages 18 and 19) (Application Reference 2.6), and the Design and Access Statement Volume 8 (Application Reference 8.8) and Environmental Statement Volume 7, Chapter 5 – Project Description (Application Reference 7.5).</p> <p>We object to the scale and configuration of land that is intended to be occupied by the designs included in the proposal. We have requested, but are still to receive, written information from the Applicant justifying why the amount of land that is being occupied for the cable routes and converter stations as well as the ancillary and temporarily occupied land, is as proposed. Most notably, without further justification having been provided, we object to:</p> <ul style="list-style-type: none"> <li>a) the splitting of the cable route (Works no 32B) across twin paths, involving (but not limited to) land plots 18-054, 18-052, 19-003 and 19-007. Separating the cables by such a distance greatly increases the overall extents of the impact in the land and diminishes the prospects for further utilization of the land for any business interest of AWEL;</li> <li>b) to options that a single maximum extent of land has been applied for despite the application including scenarios that may only require the installation of half of the cables, converter stations or other ancillary equipment;</li> <li>c) the impact on the business operations (both farming or non-farming) of our tenants based on the layout of the project that is proposed. We currently have seven tenants on the Risby estates and four of these have land which is affected by the proposed development area and we want to ensure that their interests are sufficiently protected;</li> <li>d) the potential cumulative impacts arising from the interactions from the proposed Projects with those other major infrastructure schemes which are intending to cross our land near to the proposed Projects. These schemes include the Hornsea 4 Offshore Wind grid connection assets, National Grid's Greater Grid Upgrade which involves the expansion of the Creyke Beck substation, new transmission overhead lines and the creation of a new satellite station (Birkhill) adjacent to the existing substation. It is imperative that the Applicant engages with the owners of these other projects and to work collaboratively with ourselves to ensure an efficient and expeditious delivery of all the schemes, with minimal cumulative impacts, should the Order for the Projects be granted; and</li> <li>e) the impact on the wider estate. The Projects will also potentially blight other alternative energy schemes that we have been approached about over the land proposed to be affected, and this again will cause further potential financial losses if the Projects proceed.</li> </ul>	<p>As per the response to REP1-068:4 The Applicants' Land Agent has been having productive discussions with Albanwise Ltd agent and the Applicants have reached an agreement to mutually acceptable commercial terms for an Option to Lease subject to finalising revised land takes with the Interested Party in regard to the accepted <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152].The Applicants Land Agents have been in regular contact with the Agents acting on behalf of Albanwise Ltd and have provided all relevant technical details regarding the installation of the Onshore Export Cable Corridor, Onward Cable Connection and the proposed changes to the Substation Zone.</p> <p>The Projects Onshore Export Cable Corridor, Substation Zone and Onward Cable Connection to the proposed Birkhill Wood substation have been carefully developed considering design constraints such as engineering, ecological and heritage, as well as proximity to residential property and designated landscapes, as set out in <b>Chapter 4 Site Selection and Assessment of Alternatives</b> [APP-067]. The Applicants submitted the <b>Project change Request 2 – Onshore Substation Zone</b> [AS-152] on January 10<sup>th</sup> 2025 and this was accepted by the ExA on the 21<sup>st</sup> January 2025. As detailed in REP1-068:4 this has reduced the Order Limits, as the reduced footprint of the Onshore Covert Stations has allowed the design to be amended to confirm a diversion of the Yorkshire Water Main will not be required. An area of land that was required for a potential diversion has therefore been removed. The dimensions of the Onshore Converter Stations set out in the <b>Project change Request 2 – Onshore Substation Zone</b> [AS-152] document are sized to accommodate the revised requirements of the Projects' electrical transmission system, based on the revised grid connection offer. They represent a realistic worst case scenario. The <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152] document which should be read in conjunction with <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009APP-071].</p> <ul style="list-style-type: none"> <li>a) The Projects are seeking 2x 12m Easements within a 75m construction corridor along the Onshore Export Cable Corridor. The length of the Onshore Export Cable Corridor is 32km with a further 2.5km of Onward Cable Connection to the proposed new National Grid Substation at Birkhill Wood. The Easements of the Onward Cable Connection are 2x 17m. The Onward Cable Corridor splits either side of the INEOS Ethylene Pipeline to avoid the constraint in line with Health &amp; Safety guidance, as there is insufficient room to safely route both Cable Corridors between the A1079 and the INEOS Pipeline. Further detail is provided in <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009].</li> <li>b) The Environmental Statement (ES) has assessed a concurrent, sequential and in-isolation construction scenario where only one Project may be developed. Further detail on the indicative construction programmes and assumptions are included in section 5.8 of the <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009]. Where the extent of the application site and rights/powers sought are meant to cover more than one option, only those required for the option going forward will be triggered/used to ensure that the Applicants only take what is necessary to implement the Proposed Development. Requirement 8 (Phases of authorised development) of the <b>Draft DCO (Revision 5)</b> [REP1-005] prevents either Project from commencing its onshore works until a written scheme setting out the phases of the relevant works is</li> </ul>



I.D.	Written Representation	Applicants' Response
	<p>Given the range of commercial interests, referred to above, that each of the business units of AWEL has, efficient use of the land is crucial for our continued commercial and environmental activity in the area.</p>	<p>submitted to and approved by the relevant planning authority, thus ensuring that only those elements related to the option chosen come forward.</p> <p>c) <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152] has reduced the area of the Substation Zone and associated land take for permanent infrastructure which has enabled a greater area of land to be returned to agriculture than that was previously designated. Land designated for the Yorkshire Water Main diversion has also been removed from the Order Limits. Any loss of business will be compensated as part of a voluntary land owner agreement and the Applicants are in dialogue with each of the impacted Tenants to negotiate a settlement of compensation for any land needing to be surrendered.</p> <p>d) Hornsea Project Four, Dogger Bank A and B and the National Grid substation projects at Creyke Beck and Birkhill Wood and the Humber to High Marnham Overhead Line Project have been identified as a cumulative development in the cumulative environmental effects assessment, as discussed in <b>Appendix 6-1 Onshore Cumulative Effects Assessment Methodology</b> [APP-077]. Liaison with other developers is ongoing and will continue throughout the development of the Projects. The Applicants are looking to co-ordinate with other developers and are exploring opportunities to do this, where feasible. The Applicants are aware of other unconsented developments in the locality, including Dogger Bank D and will continue to engage with developers as their proposals progress. The Environmental Impact Assessment as presented in Volume 7 of the DCO submission application includes a detailed Cumulative Impacts Assessment of the Projects in combination with other Projects screened in for potential cumulative effects. These cumulative effects assessments are reported in the individual Environmental Statement chapters within the DCO submission.</p> <p>e) The Applicants acknowledge that the land affected by the Onshore Substation Zone will be lost to future development opportunities. But as per the above, the Applicants have reduced the area of the Substation Zone and associated land take for permanent infrastructure which has enabled a greater area of land to be returned to agriculture than that was previously designated. The Applicants have also have reached agreement to mutually acceptable commercial terms for an Option to Lease subject to finalising revised land takes with the Interested Party in regard to the accepted <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152]. These terms include provision for payment terms to increase in line with inflation against the Consumer Price Index, so future proofing the Interested Parties commercial position.</p>
REP1-069:7	<p><b>Impact on farming operations</b></p> <p>Pending agreement being reached with the Applicant we object to the proposal on the following grounds due to the potential for impact on our current and future farming operations across our land. This applies not only to general productivity and revenues arising from it but it may have a consequential impact on our ability to fulfil our obligations under supply contracts, which would lead to further loss.</p> <p>a) The occupation of land currently under Countryside Stewardship Schemes (CSS). A number of current CSSs lie within the Onshore Development Area. Removal or amendment to these schemes represents an administrative burden as well as the loss of revenue that comes with the allocation.</p> <p>b) The Projects cross our estate in such a way as to occupy awkward shapes of land and sever previously contiguous areas of farmland. This will disrupt farming activities in both the construction and operation phases of the Projects and lead in increased costs and time requirements for our farming unit.</p>	<p>Please see the response to REP1-068:4 and REP1-068:5. The Applicants acknowledge these concerns and has the following comments:</p> <p>a) The Applicants have developed the Projects to limit the area of land required, wherever possible and have sought to consider the feedback of landowners including Albanwise Ltd during the statutory consultation period and as part of the non-statutory consultation process for <b>Project change Request 2 – Onshore Substation Zone</b> [AS-152]. The revised footprints of the Onshore Converter Stations have been sited to reduce the amount of land that the development would occupy and a large area of land within the Substation Zone will be returned to agriculture. Although the Applicants have sought to avoid Countryside Stewardship CSS, given the agricultural nature of the grid connection location and landfall it has not been possible to select a cable corridor and Substation Zone avoid them entirely. The impact on CSS is assessed in <b>Chapter 21 Land Use (Revision 3)</b> [document reference: 7.21]. The Applicants acknowledge this may be considered an administrative burden, however any loss of revenue would be compensated for as part of the land owner agreements. For those areas of land that will be reinstated following the construction works landowners would be able to enter into a future agri-environmental scheme if they wish to do so.</p>

I.D.	Written Representation	Applicants' Response
	<p>c) Impact on the soil/crop yields through compaction and contamination (from unintentional release of material and windblown dust arising from construction). These matters have the potential for reduced farming revenue for many growing seasons, if not permanently in the case of serious ground contamination. We need to reach agreement on the management of such matters and the mechanisms to resolve any potential impact.</p> <p>d) Impact on drainage systems. Over the last 10 years our farming business has invested over one million pounds in improving the drainage system across the Risby Estate. There must be agreement over installation methods, remediation works and potential compensation with respect to the existing drainage system to ensure that productivity of the land is maintained.</p> <p>e) Impact on crop growing. We grow a variety of root crops across the estate and there are a number of deep ploughing and other sub soil activities involved with the farming here. We need to reach agreement with the Applicant on matters such as trench depth and backfill composition, handling of soils during installation etc.</p> <p>We disagree with the ALC land grading presented in the Outline Code of Construction Practice, Volume 8, Appendix A - Outline Soil Management Plan (Application Reference: 8.9) therefore the presumption of productivity of the area of land intended for development.</p>	<p>b) As detailed above the Projects have been designed to try and avoid creating awkward shapes of land. However, this has not always been possible when taking into consideration other constraints. Disruption to farming activities in both the construction and operation phases of the Projects, is taken into consideration as part of the commercial negotiations for the voluntary land agreements. Any reasonable loss of business would be assessed and addressed by the Applicants. Access to farming land will be maintained as detailed in the Deed of Grant and <b>Chapter 21 Land Use (Revision 3)</b> [document reference 7.21].</p> <p>The Applicant shall also use reasonable endeavours to provide the Interested Party, with access across or over the Onshore Cable Corridor to any severed areas, where reasonably practicable, which are created as a direct result of the proposed works. In addition, section 2 of <b>Appendix A Outline Soil Management Plan (OSMP) (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025].</p> <p>c) <b>Appendix A OSMP (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025] includes details of all proposed soil management measures and is secured by Requirement 19 of the <b>Draft DCO (Revision 5)</b> [REP1-004]. Section 4 includes detailed measures for the protection of soils during construction, including monitoring of the site and soil conditions and soiling handling and reinstatement procedures. Section 4.8 sets out guidance on cropping and aftercare for the landowners which will form part of the detail Soil Management Plan. The length of the period of aftercare may extend for two to three years post reinstatement, key aftercare measures would include:</p> <ul style="list-style-type: none"> <li>• Early or 'sacrificial' cropping may be appropriate as opposed to no crop on reinstated soils and bare soils should be avoided for any extended periods, especially over winter;</li> <li>• The landowner(s) are to be advised and encouraged to manage the land sympathetically and, for the first two-three years after re-instatement, should be aware that re-instated land will farm differently to adjacent areas. The soils are likely to remain wetter for longer in spring and are likely to wet up earlier in autumn. Timeliness of access for arable cultivations, irrigation ,fertilising and spraying will be essential to facilitate soil structural recovery;</li> <li>• The use of organic manures is recommended, though not in the first 12 months after re-instatement; and</li> <li>• An aftercare programme should be formulated by the Contractor to a fertiliser and cropping plan which is agreed with landowner.</li> </ul> <p>d) An <b>Outline Drainage Strategy (Revision 3)</b> [document reference: 8.12] is included with the application. Pre-construction drainage would be installed to manage water coming from existing underground land drainage pipes which would be affected by the installation of the new Onshore Export Cables. Following installation of the Onshore Export Cables, the post-construction drainage program would commence to ensure that soils affected by the Onshore Export Cable corridor are left in a condition that enables a return within the affected fields to full agricultural production. Where necessary, post-construction drains may be installed, typically parallel to the Onshore Export Cable Corridor. The detailed drainage strategy will be agreed at the detailed design stage with the relevant drainage authority in consultation with landowners and will consider individual land owner drainage systems, at this stage. In addition to the <b>Outline Drainage Strategy (Revision 3)</b> [document reference: 8.12] The Applicants have instructed a Land Drainage Consultancy Ltd to develop conceptual pre- and post-construction drainage plans that will be shared with the main works contractor once appointed to implement where reasonably practicable. These will be developed with landowners and agents outside the limitations of the DCO and will be agreed by private treaty, committed to as part of the Option Agreements.</p>

I.D.	Written Representation	Applicants' Response
		<p>e) The Onshore Export Cables would be pulled through pre-installed ducts cable ducts, which are generally laid in trenches at an indicative depth range of 1.3m-1.7m and an average of 1.6m to the top of the ducts from the restored surface level to include topsoil which can vary in depth, as detailed in Table 5-27 of <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009]. This will be a minimum of 1.2m depth below the subsoil interface and has been designed to allow all agricultural operations to resume following the reinstatement after the completion of the works. The Interested Party has further been offered a legally binding Option and Deed of Grant that makes the commitments to depth. The Deed of Grant states that <i>'the Infrastructure will be laid to a depth such that there is a distance of not less than 1.6 metres from the restored surface of the Easement Strip to the top of the duct and not less than 1.35 metres from the restored surface of the Easement Strip to the top of the protective tile provided that the Grantee will be entitled to decrease this distance to a depth of not less than 1.1 metres where necessary and in accordance with industry practice due to there being rock concrete land fill sites or any other physical obstruction close to the surface from the restored surface to the uppermost part of the duct.'</i> This has been accepted as industry standard best practice by over 80% of Lawyers acting for Interested Parties along the Onshore Export Cable Corridor.</p> <p>f) The Applicants have procured the services of Land Drainage Consultancy Ltd who have employed expert soil scientists who have acted in line with industry guidance and best practice to undertake an Agricultural Land Classification Survey of the Substation Zone, which was completed in January 2024 and has informed the OSMP. This has confirmed the area is grade 3b and not Best Most Versatile.</p>
REP1-069:8	<p><b>Conclusion</b></p> <p>ASL will continue to engage with the Applicant in an attempt to reach agreement on the acquisition of leaseholder, easement and temporary access rights. However, given the points of potential impact identified above and the reassurances that are still to be secured ASL must object to the Projects at this time and we reserve the right to make further representations during the course of the Examination should that be necessary.</p>	<p>The Applicants' Land Agent has been having productive discussions with Albanwise Ltd.'s agent and the Applicants have reached agreement to mutually acceptable commercial terms for an Option to Lease subject to finalising revised land takes with the Interested Party in regard to the accepted <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152]. The next step would be for the parties to provide legal instruction and the hope is that the Option to Lease and Option to Easement will be completed during the DCO examination.</p>

## 2.3 East Riding of Yorkshire Council and Kingston Upon Hull Joint Local Access Forum

Table 2-3 The Applicants' response to East Riding of Yorkshire Council and Kingston Upon Hull Joint Local Access Forum's written representation [REP1-072]

I.D.	Written Representation	Applicants' Response
REP1-072:0	<p><b>Comments from the East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum relate to:</b></p> <p>Public Rights of Way Plan, Volume 2, Application Reference: 2:11, APFP Regulation: 5(2)(k), Revision: 01</p> <p>Environmental Statement, Volume 7, Chapter 21 – Landuse, Application Reference: 7.21, APFP Regulation: 5(2)(a), Revision: 01</p> <p>And particularly, to:</p> <p>Outline Code of Construction Practice, Volume 8, Appendix C – Outline Public Rights of Way Management Plan, Application Reference: 8.9, APFP Regulation: 5(2)(q), Revision: 01</p>	<p>The Applicants acknowledge this comment.</p>

I.D.	Written Representation	Applicants' Response
	<p>The East Riding of Yorkshire and Kingston upon Hull Joint Local Access Forum (JLAF) is a statutory body that safeguards <b>Public Rights of Way (PRoW)</b> and promotes their use for the benefit of both countryside access and public health through exercise and the enjoyment of countryside amenity. PRoW are part of the King's Highway and, as such, are protected in law.</p> <p>The RWE Dogger Bank South onshore cable corridor intersects 22 PRoW (including the King Charles III England Coast Path), consisting of both footpaths and bridleways. PRoW are recorded on the Definitive Map held by the Definitive Map Team of the East Riding of Yorkshire Council.</p> <p>Members of JLAF were party to detailed discussions with the Applicants during the formulation of the <b>Outline Code of Construction Practice Volume 8, Appendix C – Outline Public Rights of Way Management Plan, Application Reference: 8.9, APFP Regulation: 5(2)(q), Revision: 01</b> (Vol. 8 App. C PRoW-MP). Many of the issues concerning PRoW raised by JLAF have been considered and accommodated acceptably in Vol. 8 App. C PRoW-MP. However, several remain unresolved. Others are set out here so that the National Planning Inspector is aware of their importance to the people of the East Riding of Yorkshire and Kingston upon Hull.</p> <p>The Joint Local Access Forum does not object to the proposed development, but asks that the following issues be addressed during the review and deliberation of the Development Consent Order (DCO) application:</p>	
REP1-072:1	<p>The Applicant has agreed (Vol. 8 App. C PRoW-MP, paras 16 to 19, 32 to 34) to provide specific details about PRoW diversions where the cable corridor intersects PRoW. Temporary diversion routes will be defined by the Applicant after consulting the East Riding of Yorkshire Council's Countryside Access Team and will be advertised both locally and elsewhere. The same procedure should be adopted for the single proposed permanent PRoW diversion (Walkington Footpath No. 4; Vol. 8 App. C PRoW-MP, para 21). In each and all cases, JLAF asks that diversions be in place before temporary or permanent closure is effected.</p>	<p>As stated in section 5 of <b>Appendix C Outline Public Rights of Way (PRoW) Management Plan (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025]), which includes details of the Permanent PRoW Diversion: <i>'Prior to construction the detailed design of the diversion including the gradient of the slopes and permanent signage would be agreed with East Riding of Yorkshire Council (ERYC), all current proposals are indicative. Once the DCO is approved the Applicants will need to agree the final permanent diversion with the ERYC Definitive Map team to ensure the PRoW is legally diverted. The responsibility of advertising, signage and consulting with local user groups would be with the Principal Contractor.'</i></p> <p>Section 4 of <b>Appendix C Outline PRoW Management Plan (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025] includes the proposed management measures for PRoW and cycle route crossings during construction. As stated in section 4.4 <i>'Certain PRoW and cycleways, identified in Table 4-1 will require short-term periods of stopping-up within the construction phase, when construction activities are taking place nearby and while a crossing of the Onshore Development Area or temporary diversion are constructed (see sections 4.5 and 4.6, below). Short-term relates to a period no longer than three months at any one time.'</i></p> <p>As detailed in section 7.1, any such short-term closures and diversions would be agreed as part of the detailed PRoW Management Plan and clearly signposted and advertised.</p> <p>In addition, Part 3, Streets Article 11 (2) of the <b>Draft DCO (Revision 5)</b> [REP1-004] states <i>'The rights of way specified in Part 1 (public rights of way to be temporarily closed) of Schedule 5 (closure and diversion of public rights of way) may not be temporarily closed under this article unless a diversion for the closed section of that right of way is first provided by the undertaker to the standard defined in the public rights of way management plan to be approved in accordance with the requirements set out in Schedule 2 (requirements) to the reasonable satisfaction of the relevant highway authority.'</i></p> <p>Therefore, any temporary diversions within the Onshore Development Area, must be agreed and implemented prior to closure.</p>



I.D.	Written Representation	Applicants' Response
		There are no permanent closures of PRow or cycle routes proposed.
REP1-072:2	The Applicant has agreed (Vol. 8 App. C PRow-MP, paras 11, 12, 42, 43) that temporary closure of each PRow where diversion cannot be installed will be limited in time to minimise, as much as possible, the interruption of public rights of access and the physical and mental public health benefits that accrue to countryside access. The Applicant should liaise with the East Riding of Yorkshire Council's Countryside Access Team regarding temporary closure of PRow.	The Applicants acknowledge this comment and will liaise with East Riding of Yorkshire Council's Countryside Access Team regarding temporary closure of PRow. Durations of temporary PRow management measures will be discussed in advance with ERYC and agreed via approval of the final PRow Management Plan secured by Requirement 24 of the <b>Draft DCO (Revision 5)</b> [REP1-004].
REP1-072:3	JLAF asks that the Applicant be required to give an outline schedule of the way the installation will proceed. It wishes to be assured that the work will progress on a 'rolling' geographical basis i.e. that work shifts progressively along the proposed corridor in defined lengths and that there is no intention to divert or close all affected PRow from landfall to the converter stations proximal to the National Grid Birkhill Wood sub-station for the duration of the installation.	<p>At this stage, the detailed design of the Projects is not sufficiently advanced to provide East Riding of Yorkshire &amp; Kingston upon Hull Joint Local Access Forum (JLAF) with the requested outline schedule of works relating to the installation of the Projects infrastructure. However, as stated in <b>Chapter 21 Land Use (Revision 3)</b> [document reference: 7.21], construction works would not be operating continuously at the same location during the whole construction phase, up to six years (with the exception of Haul Roads). A commitment has been made to reinstate land between Jointing Bays within two years from the start of construction along the Onshore Export Cable Corridor as detailed in section 5.8.2 of <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009].</p> <p>Durations of temporary PRow management measures will be discussed in advance with ERYC and agreed via approval of the final PRow Management Plan. Typically, PRow along the Onshore Export Cable Corridor will be periodically diverted for a short period of time (a number of weeks depending on the length of PRow being temporarily closed) to allow for the safe construction of the onshore infrastructure (including Haul Road construction and removal). This would typically be no greater than three months at any one time. Where closures are required for longer period due to unforeseen circumstances encountered during construction, ERYC will be informed in writing as stated in section 8 of <b>Appendix C Outline PRow Management Plan (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025].</p> <p>As such it is not anticipated that all PRow subject to diversion would all be in place at the same time nor for the full duration of the construction period. More details would be available at detailed design, post consent. JLAF will be kept informed throughout.</p>
REP1-072:4	The Applicant is aware (Vol. 8 App. C PRow-MP, para 20) of the alignment of The King Charles III England Coast Path (KCIIECP) – a new National Trail currently being established along the Holderness Coast which intersects the planned landfall of the Dogger Bank South cable corridor. The KCIIECP alignment agreements with cliff-top landowners allow for coastal cliff retreat (which is estimated to average long-term a rate of 2 m/year, but which can be much greater depending on tide and wave conditions). The Applicant should consult with Natural England and ERYC's Countryside Access Team about the KCIIECP alignment and issues regarding access, especially where cable installation involves any activity that weakens the sea cliff or where near-shore trenching affects wave dynamics and causes an increase in cliff erosion rates.	<p>Engagement with both Natural England and ERYC's Countryside Access Team including the King Charles III England Coast Path (KCIIEP) Coastal Path officer took place in December 2023 and in March 2024 at the PRow and Access Expert Topic Group (ETG) meetings and is ongoing. The Applicants last meeting with ERYC was on the 27th January 2025 and no further concerns were raised in relation to the <b>Appendix C Outline PRow Management Plan (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025]. As detailed in the <b>ERYC Statement of Common Ground</b> [REP1-028].</p> <p>The following detail is included in section 4.6 of the <b>Appendix C Outline PRow Management Plan (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025]: <i>'The proposed King Charles III England Coastal Path (KCIIECP) and National Trail will be located within the Landfall Zone and is listed in Table 4-1 and shown on Figure 1. The KCIIECP is not a cliff top PRow but will create an access strip from the alignment of the trail to the sea referred to as 'Spreading room' in Natural England's approved Coastal Access Scheme, 2013. This will allow the users of the KCIIEP to roam freely anywhere on the seaward side of the trail. The Scheme also includes provision for 'roll back', which will allow the path to adapt to change in areas of significant coastal erosion. If the cliff located within the Onshore Development Area erodes significantly the trail would be 'rolled back' inland to a safe location. If that erosion continues and it is not possible to keep moving the path to align with the cliff then a more significant inland diversion of the trail may be planned, e.g. to avoid a cliff top caravan park. The Onshore Development Area is located along the proposed Easington to Filey Brigg section of the KCIIEP. Full consideration of the National Trail, 'spreading room' and 'roll back' will</i></p>

I.D.	Written Representation	Applicants' Response
		<p><i>be considered when designing the temporary construction compounds for the trenchless crossing techniques to ensure access can be safely maintained for all users. Further details of the compounds can be found in Volume 7, Chapter 5 Project Description (application ref: 7.5). Further consultation will also be undertaken with the KCIIEP Coastal Path officer at the ERYC to confirm the agreed location of the route prior to construction and agree suitable mitigation, if required.'</i></p> <p>In regard to the JLAF's concern regarding sea cliff stability, the Applicants can confirm that there would be no weakening of the sea cliff or an indirect increase in cliff erosion rates as a result of the Projects. Further detail on coastal erosion rates can be found in Table 1-1, REP1-055: 5 of <b>The Applicants' Comments on Deadline 1 Documents</b> [document reference: 12.3].</p>
REP1-072:5	<p>The Applicant has committed to medium-term responsibility for restoration of surface settlement where PRowS cross ground that has been disturbed (Vol. 8 App. C PRow-MP, paras 31, 40, 41). JLAF is particularly concerned about this issue for the good of not only current residents, but generations to come. Given the easily-poached, heavy-clay soils of Holderness and typical dilated and consolidated soil bulk densities, soil settlement is eventually likely to be around 15 - 25 cm (6 – 10 inches). This will attract pools of water and plasticise the soil, resulting, de facto, in cul-de-sac PRow because of unfavourable ground conditions, particularly in winter, thereby severely reducing usage and the public health benefits of countryside access. Responsibility for medium-term (seven years) maintenance should be extended to subsequent owners of the cables in the event of a change in ownership.</p>	<p>As stated in section 7.2 of <b>Appendix C Outline Public Rights of Way Management Plan (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025], responsibility for undertaking any necessary restoration works following reinstatement of a PRow located within the Onshore Development Area, where attributed to the Projects, will be that of the Applicants or, the Offshore Transmission Operator for a period of up to seven years.</p> <p>Following reinstatement of a PRow located within the Onshore Development Area, for a period of up to seven years, should any settlement be identified, this could be reported to the Agricultural Liaison Officer, Community Liaison Officer or ERYC Countryside Access Team by a member of the public or landowner. An inspection to identify if any repair is required would be arranged. Should any restoration works be required that are attributed to the Projects they would be agreed with ERYC and the relevant landowner and undertaken by the Applicants or, the Offshore Transmission Operator.</p>
REP1-072:6	<p>The National Planning Policy Framework (2021 Revision, para. 105) indicates that development should enhance PRow affected. JLAF therefore requests that the DCO places an obligation on the Applicant to enhance rights of way and public access in the onshore project area. Alternatively, JLAF asks that the Applicant is required to provide a reasonable developer contribution (e.g. Section 106 or similar agreement) to East Riding of Yorkshire Council, this fund being used to deliver improvements to public rights of way and access in parishes crossed by the cable corridor, in accordance with NPPF para 105 and with Rights of Way Improvement Plan priorities in the East Riding. However, given the national discussion about compensating local communities for inconvenience (here, potentially five or six years of installation work) or loss of visual amenity during and after major infrastructure development, the DCO should specify that there is both an enhancement of affected PRow and a monetary developer contribution benefitting local communities.</p>	<p>No enhancement of PRowS is proposed as the DCO application considered the National Policy Statement (NPS) requirements and has not identified any significant effects with the measures proposed in the <b>Appendix C Outline Public Rights of Way Management Plan (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025]. A Community benefits package was discussed with the JLAF during the ETG meetings, to confirm that the detail of any community benefit package offered, will be developed following engagement with the local community and remain separate from the planning process.</p>
REP1-072:7	<p>JLAF draws attention to the former Secretary of State for the Environment's extension of the deadline to the year 2031 for submission of claims of historical rights of way that are not recorded on the Definitive Map and the current government's declaration of intent to abandon the deadline. JLAF recognises that the Applicant has already taken account of one example (Vol. 8 App. C PRow-MP, Table 4.1, Obstacle Crossing Register ID: RX-012). Were such claims under Schedule 14 of the Wildlife and Countryside Act 1981 to emerge within the project area during the period of construction, JLAF asks that the East Riding of Yorkshire's Definitive Map Team be required by the DCO to inform the Applicant and that the Applicant be required by the DCO to make reasonable accommodation of any proven claim to PRow, whether or not involving agreed diversion of alignment, with any costs of establishing the PRow borne by the Applicant.</p>	<p>It is noted that the government has proposed to remove the deadline for the submission of claims of historical rights of way not currently recorded on Definitive Maps. Should previously unidentified PRow be reported within the Onshore Development Area, measures included within <b>Appendix C Outline PRow Management Plan (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025] would remain applicable to mitigate potential impacts and would be included in the detailed PRow Management Plan, agreed with the ERYC and secured by Requirement 24 of the <b>Draft DCO (Revision 5)</b> [REP1-004].</p>

## 2.4 East Yorkshire Concrete Products Limited and Mr Alexander Douglas Robinson

Table 2-4 The Applicants' response to East Yorkshire Concrete Products Limited and Mr Alexander Douglas Robinson's written representation [REP1-073]

I.D.	Written Representation	Applicants' Response
REP1-073:1	<b>Background and Interests</b> This written representation is submitted on behalf of East Yorkshire Concrete Products Limited and Mr Alexander Douglas Robinson (in response to the application by RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd (RWE) (the Applicant) for an Order Granting Development Consent for the Dogger Bank South Offshore Wind Farms (the "Project").	No response is required.
REP1-073:2	East Yorkshire Concrete Products Limited is the registered proprietor of land within HM Land Registry title numbers YEA52573 and YEA62984. The Book of Reference (Volume 4, November 2024) identifies East Yorkshire Concrete Products as having property interests as follows: (a) As owner of Land Plan plot numbers 04-014, 04-016, 04-017, 04-018, 04-019 and 04-024 being land contained in Title Numbers YEA52573 and YEA62984; and (b) As owner of subsoil beneath public highway within Land Plan plots 04-012, 04-013, 04-015 and 04-020 being land contained within Title Number YEA52573.	The Applicants acknowledge this comment.
REP1-073:3	Alexander Douglas Robinson has rights in respect of land within HM Land Registry title YEA62852. The Book of Reference (Volume 4, November 2024) identifies Alexander Douglas Robinson as having property interests as follows: (a) Rights to maintain a ditch located within Land Plan plot numbers 05-001 and 05-002 granted by a Conveyance dated 01 August 1984.	The Applicants acknowledge this comment.
REP1-073:4	The Applicant seeks powers to compulsorily acquire new rights over plots 04-013, 04-014, 04-018, 04-024 and temporary possession of plots 04-012, 04-015, 04-016, 04-017, 04-019 and 04-020 (the Property).	No response is required.
REP1-073:5	<b>Objection to Compulsory Acquisition</b> The proposed onshore cable route from the Offshore Wind Farm is to commence at Skipsea and continue to Beverley. The Interested Parties object to the making of the Order as they have concerns regarding the impact of the Project on their land and rights in land.	<p>The Applicants Land Agents have been in regular contact with the Agents acting on behalf of Interested Party and have provided all relevant technical details regarding the installation of the Onshore Export Cable Corridor. Further details can be found in <b>Chapter 5 Project Description</b> (Revision 3) [REP1-009] and <b>Appendix A Outline Soil Management Plan (OSMP) (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025].</p> <p>The Applicants' Land Agent has been having productive discussions with the Interested Party's agent and the Applicants are hopeful that an agreement will be reached.</p>
REP1-073:6	The Interested Parties hold property which has been the subject of compulsory acquisition of land and rights in land under the Dogger Bank Creyke Beck Offshore Wind farm Order 2015 (the 2015 Order). The Interested Parties therefore have direct experience of the impact such a scheme, including the works authorised through the DCO process and the difficulties they have experienced in reaching agreement with the promoter of the 2015 scheme (Doggerbank Offshore Wind Farm Project 1 Projco Limited and the Doggerbank Offshore Wind Farm Project 2	The Applicants acknowledge this comment.

I.D.	Written Representation	Applicants' Response
	Projco Limited (the Projco), companies controlled by Scottish and Southern Energy Limited and Equinor New Energy Limited.	
REP1-073:7	Given their experiences of the 2015 Order scheme works and the impact, the Interested Parties have significant concerns regarding the current proposals and the impact it is likely to have on their property interests and businesses as well as their amenity.	The Projects Onshore Export Cable Corridor design has been carefully developed considering design constraints such as engineering, ecological and heritage, as well as proximity to residential property and designated landscapes, as set out in <b>Chapter 4 Site Selection and Assessment of Alternatives</b> [APP-067]. The Applicants believe the proposed Projects' Design Envelope, set out in <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009] on balance achieves the optimum design.
REP1-073:8	In particular, the Interested Parties object to the Project for the following reasons: (a) Cable Depth and Future Movement of the Cables and Infrastructure; (b) Damage to Soil Quality/Health and Poor Reinstatement of Land to former agricultural condition; (c) Impact of the Project on the businesses of the Interested Parties; (d) Length of Occupation of the Onshore Export Cable Corridor/Easement Corridor and Management of Corridor during occupation and works; (e) The provision of adequate legal agreements (Unilateral Undertaking and Deed of Grant) to protect landowners' interests, including addressing the concerns expressed in a-d above.	The Applicants respond to each point in turn below.
REP1-073:9	<b>Cable Depth and Movement</b> The Interested Parties are concerned that the proposed depth of the proposed cabling in their land and the possible movement of that cabling over time could sterilise the land, leading a significant impact on the Interested Parties business.	The Onshore Export Cables would be pulled through pre-installed ducts at sufficient depth to protect them from activities above the cable. There may be occasions where direct lay is required in certain ground conditions or if an obstruction is identified. Cable ducts are generally laid in trenches at an indicative depth range of 1.3m-1.7m and an average of 1.6m to the top of the ducts from the restored surface level to include topsoil which can vary in depth as detailed in Table 5-27 of <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009]. This will be a minimum of 1.2m depth below the subsoil interface and has been designed to allow all agricultural operations to resume following the reinstatement after the completion of the works. Alternatively installed in trenchless crossing bores and then the cables are pulled through. Jointing Bays would be constructed at intervals along the Onshore Export Cable Corridor to allow pulling and / or joining of the cables. Typically, the Jointing Bays would be located every 750m to 1.5km.
REP1-073:10	The Property is high quality agricultural arable land, and the Interested parties are concerned that the Project will have a significant adverse impact the ability of the Interested Parties to continue to undertake agricultural operations in the event the cabling is not laid to the appropriate depth and future movement means safe operations are impeded.	The Applicants' Land Agents have been in regular contact with the Agents acting on behalf of Interested Party and have provided all relevant technical details regarding the installation of the Onshore Cable Corridor. Further details on the soil management measures can be found in <b>Appendix A OSMF (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025] which is secured by Requirement 19 of the <b>Draft Development Consent Order (Revision 5)</b> [REP1-004].  The distribution of Agricultural Land Classification (ALC) grades on the route is shown in <b>Appendix A OSMF (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025]. Appendix 2, Plans 1-57 and summarised in Table 5-3. The area of land occupied by Interested Party is shown on p.219 and is classed as grade 3b which is not Best Most Versatile (BMV).
REP1-073:11	In particular, the Interested Parties are concerned that the proposed depth of the cabling as set out in the draft Order will not be adhered to. This is critical to ensure that future agricultural operations undertaken after the Project has been completed are not hindered or made impracticable by the cabling depth. The depth of the cables should also take account of the possibility of future movement with adequate margins. The Interested Parties are concerned that, notwithstanding the proposed depths set out in the Project scheme documentation, the	Cable ducts are generally laid in trenches at an indicative depth range of 1.3m-1.7m and an average of 1.6m to the top of the ducts from the restored surface level to include topsoil which can vary in depth as detailed in Table 5-27 of <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009]. This will be a minimum of 1.2m depth below the subsoil interface and has been designed to allow all agricultural operations to resume following the reinstatement after the completion of the works.



I.D.	Written Representation	Applicants' Response
	Applicant will fail to ensure that this is implemented across the Onshore Export Cable Corridor. As set out in the Environmental Statement – Non-Technical Summary (at page 33), the “Onshore Export Cable Corridor will have a burial depth of approximately 1.6m”. The Interested Parties are concerned that an approximate depth is not sufficient and that the Project should commit to an absolute minimum depth of 1.6m.	The Applicants have provided all relevant technical details regarding the installation of the Onshore Cable Corridor in <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009]. Further details on the soil management measures can be found in <b>Appendix A OSMP (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025] which is secured by Requirement 19 of the <b>Draft DCO (Revision 5)</b> [REP1-004]. This states that no phase of the onshore works may commence until a code of construction practice (which must accord with the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025] for that phase has been submitted to and approved by the relevant planning authority.
REP1-073:12	Normal field drains are laid to around 700mm below the soil surface, although there would need to be some margin of error. The 2015 Order scheme originally provided for a standard cable depth across the scheme corridor of 1.5m and this was set out in a Unilateral undertaking and Corresponding Deed of Grant for the purposes of entering into voluntary agreements with the respective landowners. However, following completion of the 2015 scheme works, the developer would only commit to a cable depth of 0.9m. The concern of the Interested Parties is that the Project will adopt the same approach, with a vague commitment to an ‘approximate’ cable depth during the application process which is then eroded and not carried through to the construction phase. Such an approach has potentially serious implications if a cable is laid to a depth of 0.9m with potential field drain works being undertaken only 20cm above.	<p>The Applicants have instructed Land Drainage Consultancy Ltd to develop conceptual pre- and post-construction drainage plans that will be shared with the main works contractor once appointed to implement where reasonably practicable. These will be developed with landowners and agents outside the limitations of the DCO and will be agreed by private treaty, committed to as part of the Option Agreements. An <b>Outline Drainage Strategy (Revision 3)</b> [document reference 8.12].] is included with the application. Pre-construction drainage would be installed to manage water coming from existing underground land drainage pipes which would be affected by the installation of the new Onshore Export Cables. Following installation of the Onshore Export Cables, the post-construction drainage program would commence to ensure that soils affected by the Onshore Export Cable corridor are left in a condition that enables a return within the affected fields to full agricultural production. Where necessary, post-construction drains may be installed, typically parallel to the Onshore Export Cable Corridor.</p> <p>The Applicants have offered the Interested Party a legally binding Option and Deed of Grant which states that ‘<i>the Infrastructure will be laid to a depth such that there is a distance of not less than 1.6 metres from the restored surface of the Easement Strip to the top of the duct and not less than 1.35 metres from the restored surface of the Easement Strip to the top of the protective tile provided that the Grantee will be entitled to decrease this distance to a depth of not less than 1.1 metres where necessary and in accordance with industry practice due to there being rock concrete land fill sites or any other physical obstruction close to the surface from the restored surface to the uppermost part of the duct.</i>’</p>
REP1-073:13	We respectfully request that the Order, if confirmed, includes a requirement that onshore cable depths are to be a minimum of 1.6m throughout the whole of the Onshore Export Cable Corridor. The Applicant should further commit to this through the provision of a Unilateral Undertaking and associated Deed of Grant to be offered to landowners specifying this minimum depth. Further, if the actual depth of the cabling is shown to be less than 1.6m, a requirement for the Developer to undertake works to lay the cabling to the appropriate depth and to compensate landowners for any losses which result.	<p>The Applicants have provided all relevant technical details regarding the installation of the Onshore Cable Corridor in <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009]. Further details on the soil management measures can be found in <b>Appendix A OSMP (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025] which is secured by Requirement 19 of the <b>Draft DCO (Revision 5)</b> [REP1-004].</p> <p>Cable ducts are generally laid in trenches at an indicative depth range of 1.3m-1.7m and an average of 1.6m to the top of the ducts from the restored surface level to include topsoil which can vary in depth as detailed in Table 5-27 of <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009]. This will be a minimum of 1.2m depth below the subsoil interface and has been designed to allow all agricultural operations to resume following the reinstatement after the completion of the works.</p> <p>The Interested Party has further been offered a legally binding Option and Deed of Grant that makes the commitments to depth set out in REP1-073:12 and replaces the requirement for a Unilateral Undertaking. This has been accepted as industry standard best practice by over 80% of Lawyers acting for PILs along the Onshore Export Cable Corridor.</p>
REP1-073:14	<b>Damage to Soil Quality</b> The Interested Parties are concerned that the Project will degrade the soil health of the Property. The Property comprises high quality arable land and is classified Best and Most Versatile BMV agricultural land according to the Natural England Agricultural Land Classification mapping. Soil health is essential to the long term productive capacity of arable land and the	Details on the soil management measures can be found in <b>Appendix A OSMP (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025] which is secured by Requirement 19 of the <b>Draft DCO (Revision 5)</b> [REP1-004]. Section 4 includes detailed measures for the protection of soils during construction, including monitoring of the site and soil conditions and soiling handling and reinstatement procedures.

I.D.	Written Representation	Applicants' Response
	Interested parties are concerned that the Applicant will not take appropriate steps to conserve soil health during the onshore cabling works.	The Applicants have procured the services of Land Drainage Consultancy Ltd who have employed expert soil scientists who have acted in line with industry guidance and best practice to undertake an ALC of all land within the Order Limits. The Results are included in Appendix A-1 Soil Resource Assessment Survey Results of <b>Appendix A OSMP (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025]. The distribution of ALC grades on the route is shown in Appendix 2, Plans 1-57 and summarised in Table 5.3. The area of land occupied by Interested Party is shown on p.219 and is classed as grade 3b which is not BMV.
REP1-073:15	We respectfully request that, if confirmed, the Order secures adequate protection for agricultural soils, including during excavations and reinstatement following cable laying. These protections should be secured both in the Order and through standard provisions within a Unilateral Undertaking and Deeds of Grant to be entered into with landowners. Such provision should include proper supervision and assessment of excavation and reinstatement of soils during the works programme by independent soil health experts to ensure that, for example, top soils are not mixed with deeper soils and the avoid compaction. Further, if as a result of the works the soils are shown to be compacted and/or the reinstatement has not been carried out to best practice, the Order should include specific provision requiring the Developer to reinstate the Property to its former condition.	<p>The Applicants have provided all relevant technical details regarding the installation of the Onshore Cable Corridor, further details can be found in <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009]. <b>Appendix A OSMP (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025] includes details of all proposed soil management measures and is secured by Requirement 19 - Code of construction practice of the <b>Draft DCO (Revision 5)</b> [REP1-004]. Section 4.7 provides details of how the soil would be reinstated.</p> <p>In addition, the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025] has been updated in section 5.17 to state: <i>'Following completion of the Onshore Export Cable Corridor, the working area will be reinstated to a state commensurate with condition prior to the commencement of works, set out in a schedule of condition or subject to landowner agreement'</i>. The restoration of land is secured by Requirement 25 of the <b>Draft Development Consent Order (Revision 5)</b> [REP1-004].</p> <p>The Option and Deed of Grant offers the Interested Party further assurances on reinstatement in so far that the Applicants will, as soon as reasonably practicable following the exercise of the Rights reinstate the Interested Parties property to a standard no worse than as evidenced by the Schedule of Condition in accordance with the Regulations or (where in the opinion of the parties (both acting reasonably) reinstatement is not reasonably possible or the parties agree in writing that reinstatement is not required) will pay in accordance with the Compensation Provisions proper compensation to the Interested Party for any physical damage (including crop loss) caused to the property.</p>
REP1-073:16	<b>Occupation of the Easement Corridor</b> The Interested Parties are concerned that the Project will not hand back the relevant easement strip within a reasonable time of completion of the scheme works. In addition, the Interested Parties are concerned that access to landowners remaining property is retained throughout the duration of the works.	<p>The Applicants note that reinstatement of topsoil in a suitable condition to be returned to the landowner for agricultural use will be undertaken within two years from the start of construction between Jointing Bays, located along the Onshore Export Cable Corridor, as this is a key element of the <b>Biodiversity Net Gain Strategy</b> [APP-157]. The Applicants note there may be some occasions where an extension to the two year period is required if, for example, restoration would take place during the wrong season. Should this be required, the Applicants will discuss this with East Riding of Yorkshire Council as the local planning authority and the relevant landowner.</p> <p>The Applicants have also assumed that 50% of temporary Haul Roads between Jointing Bays and Temporary Construction Compounds (TCCs) along the Onshore Export Cable Corridor will remain in place for up to four or, six years depending on the final construction scenario. The location of these temporary Haul Roads will not be determined until detailed design, as they will be required to allow access to Jointing Bays from the highways for cable pulling which may be located every 750 to 1500m. Further detail on the indicative construction programmes and assumptions are included in section 5.8 of the <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009].</p> <p>The Applicant shall also use reasonable endeavours to provide the Interested Party, with access across or over the Onshore Cable Corridor to any severed areas, where reasonably practicable, which are created as a direct result of the proposed works. In addition, section 2 of <b>Appendix A OSMP (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025] the states:</p> <p><i>'The following supervision measures relevant to soil management and handling of soils will be undertaken:</i></p>

I.D.	Written Representation	Applicants' Response
		<ul style="list-style-type: none"> <li>• <i>person will be responsible on-site for soil management and appropriate resources will be provided by the Principal Contractor(s) to supervise soil management throughout the construction period (in accordance with Defra 2009);</i></li> <li>• <i>Liaison with landowners and their agents undertaken during the preparation of the DCO application will continue throughout the construction period (via the ALO) to maintain consistent dialogue;</i></li> <li>• <i>A soil specialist will be appointed by the Applicants (in addition to the ALO) to monitor soil handling during construction on a call out basis for specialist consultancy (refer to Table 2-1 of the OCoCP (Volume 8, application ref: 8.9)); and</i></li> <li>• <i>A programme of monitoring and reporting will be implemented to ensure soil handling processes are being appropriately implemented, with additional visits during the initial soil strip and store of soil materials.'</i></li> </ul>
REP1-073:17	<p>The Interested Parties were prevented from re-occupying the land which was required for the 2015 scheme works despite the developer in that case having completed the works, reinstated the land and having served completion notices. In that case, the Developer refused to allow the Interested Parties back into occupation, even on the basis of a licence to occupy, until such time as a formal Deed of Grant of Easement is entered into. This delay was compounded by the fact that the relevant compensation terms were not yet agreed. The Interested Parties are concerned that, should these delays be repeated in relation to the Project, this will cause them further unnecessary losses as it will prevent them from returning the relevant land to agricultural production, resulting in impacts of their businesses.</p>	<p>The Applicants note that reinstatement of topsoil in a suitable condition to be returned to the landowner for agricultural use will be undertaken within two years from the start of construction between Jointing Bays, located along the Onshore Export Cable Corridor and Onward Cable Connection. The Applicants will return land back to landowners when works are complete and the land has been fully reinstated in line with the Schedule of Condition to be agreed between the parties. Reinstatement will take place within two years between Jointing Bays or otherwise up to six years in a sequential construction scenario, for certain for Haul Roads and TCCs as detailed in REP1-073:16.</p> <p>The Option and Deed of Grant offers the Interested Party further assurances on reinstatement in so far that <i>'the Applicants will as soon as reasonably practicable following the exercise of the Rights reinstate the Interested Parties property to a standard no worse than as evidenced by the Schedule of Condition in accordance with the Regulations or (where in the opinion of the parties (both acting reasonably) reinstatement is not reasonably possible or the parties agree in writing that reinstatement is not required) will pay in accordance with the Compensation Provisions proper compensation to the Interested Party for any physical damage (including crop loss) caused to the property.'</i></p> <p>The Applicants commit in the Option and Deed of Grant to provide a suitable access for farm machinery to allow the Interested Party to continue to farm any inaccessible area in an economic manner.</p>
REP1-073:18	<p>We respectfully request that, if confirmed, the Order makes specific provision that the land within the Export Cable Corridor is handed back (subject to the rights set out on the Order in a timely manner to allow farmers/landowners to reoccupy the land and undertake cultivations and other agricultural activities. This should be no later than the date of completion notices being issued and should not be delayed beyond the period when the Developer is no longer required to be in actual occupation. The Interested Parties should not be prevented from occupying the easement corridor and undertaking timely cropping activities as a means of putting pressure on them to agree compensation amounts or enter into deeds of grant. If required, such access could be granted on licence arrangements. It is submitted that enabling reoccupation of the Export Cable Corridor will help mitigate losses and therefore reduce the cost to the Project.</p>	<p>The Applicants have provided all relevant technical details regarding the installation of the Onshore Cable Corridor in <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009]. Schedule 2, Part 1, Further details can be found in <b>Appendix A OSMP of the Outline Code of Construction Practice (Revision 3)</b> [APP-234], which is secured by Requirement 19 of the <b>Draft DCO (Revision 5)</b> [APP-027].</p> <p>The Option and Deed of Grant offers the Interested Party further assurances on reinstatement in so far that <i>'the Applicant will as soon as reasonably practicable following the exercise of the Rights reinstate the Interested Parties property to a standard no worse than as evidenced by the Schedule of Condition in accordance with the Regulations or (where in the opinion of the parties (both acting reasonably) reinstatement is not reasonably possible or the parties agree in writing that reinstatement is not required) will pay in accordance with the Compensation Provisions proper compensation to the Interested Party for any physical damage (including crop loss) caused to the property.'</i></p> <p>The Applicants commit in the Option and Deed of Grant to provide a suitable access for farm machinery to allow the Interested Party to continue to farm any inaccessible area in an economic manner.</p>
REP1-073:19	<p>In the event the Order is confirmed, the Interested Parties are concerned the land is managed in accordance with good agricultural practice following backfill of the soil/reinstatement works. In particular, proper management of injurious weeds and appropriate pest control should be undertaken during the period of occupation. The Interested Parties are concerned that, if the works corridor is not properly managed this will lead to further time and costs being incurred in</p>	<p><b>Appendix A OSMP (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025] includes details of all proposed soil management measures and is secured by Requirement 19 of the <b>Draft DCO (Revision 5)</b> [REP1-004]. Section 4 includes detailed measures for the protection of soils during construction, including monitoring of the site and soil conditions and soiling handling and reinstatement procedures. Biosecurity measures are included in section 4.1.2 <i>'As detailed in the Table 3-2 of the OCoCP (Volume 8, application ref: 8.9), an Invasives</i></p>



I.D.	Written Representation	Applicants' Response
	reinstating the land to its former agricultural condition and poor management will also likely impact the land either side of the scheme corridor. Proper management of the scheme corridor is essential to mitigate losses and enable a timely handover of the land.	<p><i>Species Management Plan will be provided post-consent as part of the detailed CoCP(s), upon appointment of a Principal Contractor(s) and an Ecological Clerk of Works (ECOW) (refer to Table 2-1 of the OCoCP (Volume 8, application ref: 8.9)). The Invasive Species Management Plan will set out management measures for biosecurity risks, including invasive non-native species, diseases and pathogens during construction (refer to section 6 of the OCoCP (Volume 8, application ref: 8.9) for further information on management of invasive species).'</i></p> <p>The Applicants have procured the services of Land Drainage Consultancy Ltd who have employed expert soil scientists who have acted in line with industry guidance and best practice to undertake an Agricultural Land Classification (ALC) of all land within the Order Limits. The Results are included in Appendix A-1 Soil Resource Assessment Survey Results of <b>Appendix A OSMP (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025]. The distribution of ALC grades on the route is shown in Appendix 2, Plans 1-57 and summarised in Table 5.3. The area of land occupied by the Interested Party is shown on p.219 and is classed as grade 3b which is not BMV.</p> <p>In addition, section 2 of <b>Appendix A OSMP (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025] the states:</p> <p><i>'The following supervision measures relevant to soil management and handling of soils will be undertaken:</i></p> <ul style="list-style-type: none"> <li><i>• A person will be responsible on-site for soil management and appropriate resources will be provided by the Principal Contractor(s) to supervise soil management throughout the construction period (in accordance with Defra 2009);</i></li> <li><i>• Liaison with landowners and their agents undertaken during the preparation of the DCO application will continue throughout the construction period (via the ALO) to maintain consistent dialogue;</i></li> <li><i>• A soil specialist will be appointed by the Applicants (in addition to the ALO) to monitor soil handling during construction on a call out basis for specialist consultancy (refer to Table 2-1 of the OCoCP (Volume 8, application ref: 8.9)); and</i></li> <li><i>• A programme of monitoring and reporting will be implemented to ensure soil handling processes are being appropriately implemented, with additional visits during the initial soil strip and store of soil materials.'</i></li> </ul>
REP1-073:20	<p><b>Unilateral Undertaking and Deed of Grant</b></p> <p>The Interested Parties are concerned that the Examination should review and agree a draft Unilateral Undertaking with associated Deed of Grant, and they wish to make separate submissions on the content. In particular, the Unilateral Undertaking should set out a clear timescale for reinstatement of the DCO land and transfer back to the relevant landowners, whether the rights are acquired by Notice to Treat/Notice of Entry or by way of a General Vesting Declaration. The Interested Parties are concerned that unless the terms of the Unilateral Undertaking and Deeds of Grant are reviewed and agreed through the Examination process, the interests of landowners will not be properly secured, and this will lead to delays and further costs being incurred. We respectfully request that the Examination should allow time for settling these documents with input from the Interested Parties.</p>	<p>The Applicants have provided all relevant Compulsory Acquisition details in Part 5, Powers of Acquisition of the <b>Draft DCO (Revision 5)</b> [APP-027].</p> <p>The Interested Party has also been offered a legally binding Option and Deed of Grant that makes the same commitments on depth of the <b>Draft DCO (Revision 5)</b> [APP-027] and replaces the requirement for a Unilateral Undertaking. This has been accepted as standard industry best practice by over 80% of lawyers acting for Persons with an interest in Land (PiLs) along the Onshore Cable Corridor. Further details on the indicative construction programme and reinstatement time frames are provided in the Applicants responses to REP1-073:16.</p>
REP1-073:21	<p><b>Summary</b></p> <p>The Interested Parties have a number of concerns regarding the Project and the impact it will have on their property and rights, as set out above. The Interested Parties respectfully request that their concerns are addressed through the Examination and that they are permitted to make further representations on the same and we reserve the right to make further representations during the course of the Examination process.</p>	<p>The Applicants' Land Agent has been having productive discussions with the Interested Party's agent and the Applicants are hopeful that an agreement for an Option and Deed of Grant will be reached.</p> <p>The Applicants Land Agents have been in regular contact with the Agents acting on behalf of Interested Party and have provided all relevant technical details regarding the installation of the Onshore Cable Corridor. Further details</p>



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		can be found in <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009] and <b>Appendix A OSMP (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [ REP1-025].

## 2.5 Historic England

Table 2-5 The Applicants' response to Historic England's written representation [REP1-058 and REP1-059]

I.D.	Written Representation	Applicants' Response
<b>Summary of Written Representation</b>		
REP1-058:1.1	<p><b>1 Introduction</b></p> <p>The Historic Buildings and Monuments Commission for England is generally known as "Historic England". Historic England is the lead body for the heritage sector and the Government's principal adviser on the historic environment. We have a duty to promote conservation, public understanding and enjoyment of the historic environment. Historic England is an executive non-departmental public body established by s32 National Heritage Act 1983 and we answer to Parliament through the Secretary of State for Culture, Media and Sport.</p> <p>The general duties of Historic England under Section 33 are as follows:</p> <p>"...so far as is practicable:</p> <p>(a) to secure the preservation of ancient monuments and historic buildings situated in England;</p> <p>(b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and</p> <p>(c) to promote the public's enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation".</p> <p>We also have a role in relation to maritime archaeology under the National Heritage Act 2002 and advise Government in relation to World Heritage Sites and compliance with the 1972 Convention Concerning the Protection of the World Cultural and National Heritage.</p> <p>Historic England is a statutory consultee on all Nationally Significant Infrastructure Projects.</p> <p>We have been notified by you of the acceptance of the DCO application for the Dogger Bank South Offshore Wind Farm (EN010125) ("the Proposal") and have registered as an Interested Party. We have been involved in pre-application discussion with the Applicants, and discussions with the Applicants on a number of topics is ongoing.</p> <p>Historic England's interest in this scheme is focused on the designated and non-designated but nationally important heritage assets affected by the Proposal. However, we will be deferring to the advice and recommendations of the Local Planning Authority on all matters concerning Grade II listed buildings and conservation areas.</p>	No response is required.

I.D.	Written Representation	Applicants' Response
REP1-058:2.0	<p><b>2 Summary of Written Representations</b></p> <p>Historic England considers that the historic environment has generally been addressed appropriately in this application.</p> <p>We have identified where harm will be caused to the historic environment, and the ExA will need to balance this harm against the public benefits of the Project (and other relevant issues) in coming to its decision.</p> <p>The issues raised by Historic England in our written representations on which further discussion with the Applicants are:</p> <ul style="list-style-type: none"> <li>• The definition and location of the onshore converter station and its impact on the Butt Farm Gunsite scheduled monument;</li> <li>• The need for some refinement of the landscaping and archaeological strategies;</li> <li>• The need for public benefit opportunities to be developed; and</li> <li>• The need for refinement of the offshore design plan.</li> </ul> <p>We consider that the outstanding onshore issues can be resolved through discussion between ourselves, the Applicants and the local authority, and those solutions will help deliver an effective and creative exemplar for large scale green energy proposals. In the Offshore realm, we recognise that the offshore design plan is being further refined by the applicant, the aim of which further work is to reduce the maximum area disturbed by construction activities. We consider that, through the iterative seabed survey and investigation stages - with coordinated input from the retained marine archaeologist and advice sought from Historic England - the Proposals will be in a strong position to microsite around known heritage assets, and reduce the prospect of irreversible impacts to unknown features of the historic environment - should consent be granted</p> <p>This will ensure that harmful impacts of the Project will be minimised, and where harm cannot be avoided, will be appropriately mitigated.</p>	<p>The Applicants are continuing to engage with Historic England. A fuller response to the specific points raised by Historic England is set out below.</p>
<b>Written Representation</b>		
REP1-059:1.1	<p><b>1 Introduction</b></p> <p>1.1 The Historic Buildings and Monuments Commission for England is generally known as "Historic England". Historic England is the lead body for the heritage sector and the Government's principal adviser on the historic environment. We have a duty to promote conservation, public understanding and enjoyment of the historic environment. Historic England is an executive non-departmental public body established by s32 National Heritage Act 1983 and we answer to Parliament through the Secretary of State for Culture, Media and Sport.</p> <p>The general duties of Historic England under Section 33 are as follows:</p> <p>"...so far as is practicable:</p> <p>(a) to secure the preservation of ancient monuments and historic buildings situated in England;</p>	<p>No response is required.</p>

I.D.	Written Representation	Applicants' Response
	<p>(b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and</p> <p>(c) to promote the public's enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation".</p> <p>We also have a role in relation to maritime archaeology under the National Heritage Act 2002 and advise Government in relation to World Heritage Sites and compliance with the 1972 Convention Concerning the Protection of the World Cultural and National Heritage.</p> <p>Historic England is a statutory consultee on all Nationally Significant Infrastructure Projects.</p> <p>We have been notified by you of the acceptance of the DCO application for the Dogger Bank South Offshore Wind Farm (ENo10125) ("the Proposal") and have registered as an Interested Party. We have been involved in pre-application discussion with the Applicants, and discussions with the Applicants on a number of topics is ongoing.</p> <p>Historic England's interest in this scheme is focused on the designated and non-designated but nationally important heritage assets affected by the Proposal. However, we will be deferring to the advice and recommendations of the Local Planning Authority on all matters concerning Grade II listed buildings and conservation areas.</p> <p>The Proposal includes both onshore and offshore components. We have reviewed the assessment of the archaeological and cultural heritage resource identified in the Applicants' Environmental Statements (Offshore: [APP-133]; Onshore: [APP-172]) and the associated WSI documents (Offshore: [APP-246]; Onshore: [APP-239]). We acknowledge the volume of material produced and consider that the documents set out a clear basis for directing effective and functioning work packages in the onshore and offshore realms.</p>	
REP1-059:2.1	<p><b>2. Offshore Archaeology and Cultural Heritage</b></p> <p>Our comments in this section are broken down by the application document to which they relate.</p>	No response is required.
REP1-059:2.2	<p><b>7.5 Environmental Statement Chapter 5 – Project Description – Volume 7 [APP-071]</b></p> <p>We note that if the Proposal is awarded development consent that the array area design has been refined since the PEIR consultation. However, the Proposal's principal infrastructure retains a combined number of between 113 and 200 turbines (57-100 each). With the Dogger Bank South (DBS) West and DBS East Array Areas situated at a minimum of 100km and 122km from shore respectively.</p>	No response is required.
REP1-059:2.3	<p>In terms of refinements, we specifically note that the range of Offshore platforms will no longer include Offshore Substation Platforms (OSPs) - reducing the maximum platform number from eleven to eight following the removal of HVAC technology. The need for four HVDC transmission cables for both projects, and clarification that Landfall works seaward of Mean Low Water Springs (MLWS) include a long trenchless crossing - reduced to 1km Export Cable Corridor is 1km wide but funnels out to up to approximately 3km on approach to the landfall and the crossing of the existing Langed pipeline, and approximately 15km on the approach to the</p>	<p>The Applicants acknowledge this comment. However, we would note that the recently accepted Project Design Change 1 has seen a further reduction of the design envelope. Further notable reductions include the removal of 5 further platforms, reducing the total from 8 to 3. Further reductions of the offshore engineering scope have also been made. Refer to <b>Project Change Request 1 – Offshore and Intertidal Works [AS-141]</b> for the full details of all offshore and intertidal design changes.</p>

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	DBS West Array Area is also explained. With gravity base and suction bucket foundations options removed for all turbines and platforms located within the array areas.	
REP1-059:2.4	We consider that despite the overall scale of the Proposal offshore, such refinements to the maximum seabed impact should enable the developer to incorporate micro-siting options to accommodate any unforeseen events. For example, if a previously unknown marine archaeological site was discovered and which would be preferable to leave in situ, micro-siting may allow an impact on the site to be avoided (National Policy Statement EN-3, para. 3.8.89 (DESNZ, November 2023)).	Measures to ensure that the Projects will avoid impacts to known heritage assets, wherever possible (through the implementation of Archaeological Exclusion Zones (AEZs) and micro-siting to avoid features of possible archaeological interest) will be further refined post-consent. The Applicants agree that the parameters of the Projects are sufficiently wide to accommodate micro-siting as part of the cable route refinement and wind farm design. This will be informed by iterative seabed survey and investigation and associated archaeological assessment, as set out in the <b>Outline Written Scheme of Investigation (WSI) (Offshore)</b> [APP-246].
REP1-059:2.5	Additionally, in accordance with these changes, paragraph 5.1.1 states that five separate Deemed Marine Licences are included as schedules to the DCO to cover offshore infrastructure elements (for which we have related comments on below, see paragraphs 21.3 and 2.14).	No response is required.
REP1-059:2.6	<b>7.17 Environmental Statement Chapter 17 – Offshore Archaeology and Cultural Heritage - Volume 7 [APP-133]</b>  17.3.2 states that the realistic worst-case scenario for marine archaeology is based upon the general assumption that the greatest potential footprint for the projects has the greatest potential for direct impacts (e.g. damage / destruction) to surviving archaeological material. This approach has been adopted by the Applicants because details of the final design of the Proposal cannot be fully realised at this stage. We note that the National Policy Statement EN-3 (paragraph 3.8.87 (DESNZ, November 2023)) acknowledges that specific construction designs are unlikely to be known at the time of the application to the Secretary of State. We understand that as design and innovation in the offshore wind sector is an active area of research and development, it affords flexibility to utilise innovative technology closer to construction. Therefore, we accept the Applicants' use of the realistic worse-case scenario approach.	The Applicants acknowledge the comment.
REP1-059:2.7	We also consider that this flexibility is similarly applicable to incorporating methods of archaeological data gathering to address development impacts, implementing mitigation and focussing research approaches. For example, the development of scientific methods and potential sector specific guidance and curatorial advice may advance in this time also. Therefore, opportunities should be taken by the project to test potentially recent or even new underwater evaluation techniques, at the point of producing individual scheme method statements (associated to the project WSI). Statements should emphasise producing knowledge and understanding – based on quality academic input, innovation, and a systematic and sophisticated research designs. As a result, we consider the ES would benefit from including such a commitment, as a positive contribution to the historic environment (Overarching Planning Statement for Energy EN-1 (November 2023) ("NPS EN-1") para. 5.9.13). The commitment itself could be directed by the Outline Written Scheme of Investigation (Offshore) - Volume 8 [APP-246], whereby incorporating provisions for individual scheme method statements to be carried out in accordance with the latest guidance and advice, and to take advantage of advances in new methods of investigation.	<p>The Applicants consider that this is captured in section 6.4 of the <b>Outline WSI (Offshore)</b> [APP-246] which includes a commitment to the creation of joined-up objectives for investigation and mitigation, including links with academic and industry wide research initiatives, to be established post-consent in consultation with key stakeholders, including Historic England. This would be inclusive of any recently developed or new underwater evaluation techniques, or approaches to archaeological mitigation, that may be available at that time.</p> <p>It is acknowledged that the approaches for further site investigations and the delivery of mitigation take account of high-level standard, methodologies as set out in The Crown Estate's 2021 guidance on Archaeological Written Schemes of Investigation. However, the <b>Outline WSI (Offshore)</b> [APP-246] is explicit that archaeological method statements will be produced prior to survey or construction work, in order to provide a detailed methodology for each package of development or survey works, for agreement with the archaeological curators.</p> <p>The <b>Outline WSI (Offshore)</b> [APP-246] is also explicit that approaches to mitigation during the Operations and Maintenance and Decommissioning phases will be set out in method statements taking account of best practice and industry standard guidance at that time.</p>
REP1-059:2.8	A repeated statement is included (in paragraphs 218, 238, 241, 290 and 318) which suggests that development impacts to the historic environment that is hitherto unknown/unrecorded can be	With the application of AEZs and micro-siting, direct impacts to known heritage assets would be avoided, and there would be no impact during construction. As per REP1-059:2.4 above, this will be informed by iterative seabed survey

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	managed in a generic way. While acknowledging that the precise nature of the impact cannot be fully understood until the impact has occurred, the document indicates that investigation, recording and offsetting will allow the effects to be non-significant in EIA terms. However, our view is that should an impact occur (either direct or indirect) the anticipated changes are unlikely to be a negligible magnitude and minor adverse significance (in EIA terms). As the harm is irreversible, and offsetting is only fully possible prior to an impact occurring, there is potential for a greater degree of harm to unknown heritage assets than has been suggested here.	<p>and investigation and associated archaeological assessment, as set out in the <b>Outline WSI (Offshore)</b> [APP-246]. The aim of this programme of survey and investigation post-consent, will be to reduce, as far as possible, the potential for unintended impacts during construction.</p> <p>Following the archaeological assessment of pre-construction survey data and ground-truthing, post consent, once the character, nature and extent of features of possible archaeological interest are more fully understood, appropriate mitigation measures (proportionate to the significance of the asset) to avoid or offset impacts can be determined on a case by case basis (i.e. prior to an impact occurring).</p> <p>It is on this basis that the impact assessment concludes that all significant impacts would be avoided, or that appropriate mitigation (proportionate to the significance of the asset) could be agreed with the archaeological curators to ensure that no impact would be greater than minor adverse significance (see also the response to REP1-059:2.10 below).</p>
REP1-059:2.9	Furthermore, within Table 17-25 'Summary of Potential Likely Significant Effects on Offshore Archaeology and Cultural Heritage' it presently seems not possible for the Applicants in broader terms to conclude that no significant adverse residual effects will result from the impacts identified. As high-resolution survey work has not been completed for areas of the seabed planned to be disturbed by construction activities and there is likely to be long term reduced access to geoarchaeological and paleoenvironmental deposits of heritage interest, we consider there is a potential for a greater degree of harm than has been suggested.	As per the response to REP1-059:2.8 above, following the completion of the archaeological assessments of high-resolution survey work, post consent, inclusive of geoarchaeological assessment and palaeoenvironmental analysis, appropriate mitigation measures (proportionate to the significance of the asset) to avoid, reduce or offset impacts can be determined on a case by case basis (i.e. prior to an impact occurring). The Applicants consider that this will ensure that no impact would be greater than minor adverse significance.
REP1-059:2.10	As a final point, throughout the document – and the outline WSI - the term “preservation by record” is used. This as a phrase in relation to the historic environment is no longer in use within planning policy in England and is misleading given the comments made above. The phrase is no longer in use due to the nature of the destructive process of potential interactions with archaeological material and also the process of archaeological excavation, and that any such practical work should look to balance the need for recording strategies with interpretation (relevant to up to date research questions).	<p>Preservation by record in this context refers to the acquisition of a robust archaeological record of an asset which is considered to adequately compensate identified recognised and acceptable harm to a heritage asset in line with industry standard good practice mitigation measures.</p> <p>As set out in the <b>Outline WSI (Offshore)</b> [APP-246] should avoidance not be possible, and measures to record assets be agreed as a compensatory measure, method statements will be produced in order to agree a detailed methodology for each package of archaeological works as necessary. The <b>Outline WSI (Offshore)</b> [APP-246] acknowledges the importance of established research frameworks in setting objectives that are delivered through realisation of the work and that archaeological objectives will be established on a case-by-case basis with reference to all relevant project datasets.</p>
REP1-059:2.11	<p><b>8.22 Outline Written Scheme of Investigation (Offshore) - Volume 8. [APP-246]</b></p> <p>It is apparent Artificial Nesting Structures (ANS) for Kittiwake [APP-052] are to be included as part of the Application – as referenced in the recently submitted document '10.19 Project-Level Kittiwake Artificial Nesting Structure (ANS) Site Selection Report (Revision'01)' [PDB-007, with a separate marine licence application sought for the determined location of such structures. As a result, we request would appreciate being consulted in the planning of possible locations at the earliest opportunity prior to a marine licence application being submitted.</p>	The Applicants can confirm that that any proposals for ANS installation would include the assessment of effects of any proposed work on the historic environment and that Historic England will be consulted as part of the application process. An introduction to the site selection and planned licencing route for the ANS took place with Historic England on 13th January 2025. Further consultation will take place throughout the Marine Licence application process.
REP1-059:2.12	Furthermore, due to the Landfall Works HDD options (included within 7.5 Environmental Statement Chapter 5 – Project Description – Volume 7[APP-071]), the WSI should consider coordinating survey and investigation measures to address possible impacts to the remains for towns lost along the Holderness Coast due to sustained coastal erosion. Especially if nearshore access for survey vessels may not be able to utilise techniques conducive to the recording of	The Applicants acknowledge the comment. Measures such as archaeological watching briefs and archaeological diver / ROV based site assessments are included in the <b>Outline WSI (Offshore)</b> [APP-246] in addition to marine geophysical survey, for example. As per the response to REP1-059:2.7 above, archaeological method statements will be produced in order to provide a detailed methodology for each package of development or survey works, for agreement with the archaeological curators. This would be inclusive of joined-up objectives for investigation and



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	<p>objects on the seabed that may relate to this potential. Therefore, as the final designs are confirmed discussion with local experts and your marine archaeological contractor, the local authority and Historic England will be important in addressing such potential.</p>	<p>mitigation, including links with academic and industry wide research initiatives, and any recently developed or new underwater / nearshore evaluation techniques, or approaches to archaeological mitigation, that may be available at that time.</p> <p>Further to the above, it should be noted that reductions of the offshore engineering scope have also been made which have removed the possibility of an intertidal trenchless transition at landfall. As a result, lower levels of activity in nearshore waters are anticipated. Refer to <b>Project Change Request 1 – Offshore and Intertidal Works</b> [AS-141] for the full details of all offshore and intertidal design changes associated with Project Change Request 1.</p>
REP1-059:2.13	<p><b>3.1 Draft Development Consent Order - Volume 3. Reference: [APP-027]</b></p> <p>Within the following sections:</p> <ul style="list-style-type: none"> <li>Schedule 10, Part 2, 15. -(1) (e) – page 124</li> <li>Schedule 11, Part 2, 15. -(1) (e) – page 147</li> <li>Schedule 12, Part 2, 15. -(1) (e) – page 172</li> <li>Schedule 13, Part 2, 13. -(1) (e) – page 198</li> <li>Schedule 14, Part 2, 11. -(1) (e) – page 219</li> </ul> <p>We request that the wording of the following condition is amended, from:</p> <p>“an archaeological written scheme of investigation in relation to the offshore Order limits seaward of MHWS, which must accord with the outline written scheme of investigation (offshore) and industry good practice, in consultation with the statutory historic body to include—”</p> <p>to:</p> <p>“A written scheme of archaeological investigation in relation to the offshore Order limits seaward of mean high water, which must be submitted to the statutory historic body at least six months prior to commencement of the licensed activities and to the MMO at least four months prior to commencement of the licensed activities and which must accord with the outline marine archaeological written scheme of investigation and industry good practice, in consultation with the statutory historic body to include—”</p> <p>Given a similar worded condition (as to the one we have above requested) has included a time scale for the delivery of an offshore WSI in the deemed marine licence conditions of all other offshore wind projects, the reason from departing from this unclear.</p>	<p>The time scale for the delivery of the archaeological WSI in relation to the offshore Order Limits seaward of Mean High Water Springs (MHWS) is addressed in:</p> <ul style="list-style-type: none"> <li>Schedule 10, Part 2, 15 (4);</li> <li>Schedule 11, Part 2, 15 (4);</li> <li>Schedule 12, Part 2, 15 (5);</li> <li>Schedule 13, Part 2, 13 (5); and</li> <li>Schedule 14, Part 2, 11(5).</li> </ul> <p>which states that:</p> <p><i>“Each programme, statement, plan, protocol or scheme required to be approved under condition 15 must be submitted for approval at least six months before the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.”</i></p> <p>Because the Marine Management Organisation (MMO) is the responsible body for discharging the relevant conditions (which are listed in the Historic England representation), the Applicants are not obliged to submit a copy of the relevant document to the statutory historic body, nor do the Applicants wish to submit the relevant document to Historic England in advance of the MMO. It will be for the MMO to consult with the statutory historic body as provided for within the condition. The Applicants therefore do not propose to amend the wording of this condition. As such, the Applicants propose that no further amendment is required to the Draft Development Consent Order (DCO).</p>
REP1-059:2.14	<p>Furthermore, Schedules 12, 13, 14, 15 and 16 require Part 1 condition 1(4) to be amended to include Historic England York office address (as used in Schedules 10 and 11): Historic England, 37 Tanner Row, York, YO1 6WP.</p>	<p>The Applicants will make the requested change to the <b>Draft DCO (Revision 5)</b> [REP1-004] to be submitted at Deadline 3.</p>
REP1-059:3.1	<p><b>3 Onshore Archaeology and Cultural Heritage</b></p> <p>We consider that the approaches identified in the WSI [APP-239] are correctly identified as 'Outline' and need the addition of considerable detail in order to assemble and deliver a coherent (and appropriate) archaeological strategy. There are elements needing greater clarification, particularly public outreach and community engagement. This is discussed in section six below and the Appendix: Example of an Opportunity for Broader Public Engagement</p>	<p>The Applicants are continuing to engage with Historic England over planned further surveys.</p> <p>The Applicants note Historic England's comments on Public Benefit and sets out a fuller response at REP1-059:6.1 to REP1-059:6.5 below.</p>

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	below, but we remain in active discussion with the Applicants and their consultants concerning the additional archaeological survey and evaluation. These additional works would deliver a more comprehensive scale and understanding of significance and better reveal the impact of the Proposal on significance, as required by NPS EN-1 (para 5.9.17). We have referred to the need for specific discussions concerning public benefit in our answer to the ExA's questions of 10th January 2025, Question ISH 2.10.14	
REP1-059:3.2	It is also the case that, in common with Environmental Statements associated with infrastructure projects, the stress is on identifying the impact of the Proposal on individual 'sites', and chronology; there is little or no assessment of 'landscape', or the landscape scale of the intervention. This aspect of the Proposal is further examined at 3.4.2 - 3.4.3 and Appendix: Example of an Opportunity for Broader Public Engagement below.	The Applicants note Historic England's comments on Public Benefit and sets out a fuller response at REP1-059:6.1 to REP1-059:6.5 below.
REP1-059:3.3	The proposed archaeological response is, as it should be, aligned with compliance demands, but the outcome is an approach which is lacking in creativity, and any meaningful public benefit. Public benefit is a key outcome identified in NPS EN 1 para 5.9.25. This point is further examined below.	The Applicants note Historic England's agreement that the mitigation proposals are aligned with compliance needs and that the engagement strategy at section 9 of the <b>Outline Onshore WSI</b> [APP-239] is presented as an outline to be developed more fully post-consent and in line with the archaeological research agenda presented at section 6 of the <b>Outline Onshore WSI</b> [APP-239].
REP1-059:3.4	We would also make the following points in relation to the Applicants' archaeological strategy.	No response is required.
REP1-059:3.4.1	The archaeological strategy is at an early stage. An interim report has been produced by AOC (AOC May 2024, [AS-023], [AS-024] and [AS-025]) providing a summary of the Phase 1 evaluation work at the landfall and converter station sites. Historic England have provided comment back to the Applicants, covering points of detail for correction, but have also identified the need for a strategic approach in order to deliver greater public benefit. The report is an 'interim' and therefore we expect to see a more thorough, considered reporting product with recommendations in due course. We are currently working with the Applicants and local authority to agree successive phases of the archaeological strategy	<p><b>Appendix 22-8 - Interim Archaeological Evaluation Report</b> [APP-189] evaluates works at the Landfall and Onshore Substation Zone and was submitted with the DCO Application. Comments received from Historic England on Appendix 22-8 - Interim Archaeological Evaluation Report [APP-189] have been addressed in the final reporting submitted to the Examination as <b>Archaeological Trial Trenching Phase 1 (Final) Part 1</b> [PDA-025], <b>Part 2</b> [PDA-026], <b>Part 3</b> [PDA-027] and <b>Part 4</b> [PDA-028] at Pre-Examination Procedural Deadline A on 8th October 2024.</p> <p>The trial trenching reporting carried out along the cable route has been submitted as interim reporting (<b>Archaeological Trial Trenching Phase 2 (Interim) Section 3</b> [PDA-029], <b>Archaeological Trial Trenching Phase 2 (Interim) Section 17</b> [PDA-030], <b>Archaeological Trial Trenching Phase 2 (Interim) Section 10</b> [PDA-031] and <b>Archaeological Trial Trenching Phase 2 [Interim] Section 11</b>) [PDA-032]). No comments on this reporting have been received from Historic England to date.</p> <p>More detailed final reporting of the works on the cable route will be provided as a record of the works carried out and to inform detailed mitigation design and planning following the completion of the Examination.</p> <p>This approach was agreed with Humber Archaeological Partnership and Historic England at the Onshore Heritage – Onshore Archaeology and Heritage Update Expert Technical Group (held 25th May 2023) to allow this additional survey information to be available to the Examination. This is recorded in the <b>Humber Archaeological Partnership's Statement of Common Ground</b> [REP1-045].</p>
REP1-059:3.4.2	The historical values associated with the landscape, and the significance of the current project, can be better understood and demonstrated by the Applicants and their agents 'positioning' the Proposal in a greater historic context. The landscape from South and West Yorkshire, eastwards along the southern portion of North Yorkshire and into the southern portion of the East Riding, and along the Humber to terminate at the Yorkshire coast has become a landscape of 'power generation' since the 1950s, and thus there is a question both of the impact of the current Proposal, and the manner in which it fits into this bigger picture of energy production.	<p><b>The Applicants' Responses to Deadline 1 Documents</b> [document reference 12.3], submitted at Deadline 2 in response to REP1-057, provides further detail on this matter. See the Applicants comments on Historic England's response to ISH 2.10.1.</p> <p>The <b>Design and Access Statement (Revision 2)</b> [document reference 8.8], updated at Deadline 2, sets out how the design of the Onshore Substation Zone has been undertaken in a holistic manner with landscape, ecology and historic environment aspects being considered. The proposed Onshore Substation Zone was selected as it is at a</p>

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	Positioning the current Proposal in this greater continuum would complete the assessment but would also have a practical outcome. The greater understanding of the site as one in a series of power generation sites would allow the Applicants to see how the landscape around the coal-fired power stations was created to diminish their visual impact and this could produce better landscape design solutions for the current converter station area.	<p>lower elevation than other zones shortlisted, with existing woodland providing existing landscape structure and screening.</p> <p>The <b>Design and Access Statement</b> [APP-233], which has been updated and submitted at Deadline 2 sets out the vision for the development and how this will be achieved through delivering the Design Principles; responding to the variety of technical and environmental constraints present at the site.</p> <p>The core principle adopted in the Applicant's proposed landscaping scheme, to use planting to screen low-level clutter while leaving the 'clean' architectural forms of the upper parts of the building visible, derives from the practice developed by the CEGB landscape architects of the 1950s and 1960s.</p> <p>The proposed 'screening' planting is intended to reflect the existing hedgerow and woodland mosaic that is currently present in views from the site and is entirely in accord with Historic England's request to consider 'naturalistic' planting. The depth of this woodland planting and the species mix would mean that this is an effective visual screen.</p> <p>The exact configuration, location and surface treatments of the proposed Onshore Converter Stations would be defined at detailed design stage and a process for developing and agreeing that design is set out the in the <b>Design and Access Statement (Revision 2)</b> [document reference 8.8].</p> <p>Strategic planning of energy infrastructure is a matter for central government and is expressed through the policy documents National Policy Statement (NPS) EN-1 and NPS EN-3. The design and landscape proposals for the proposed development have been developed in line with that policy which favours a site-specific response to a number of environmental factors.</p>
REP1-059:3.4.3	The landscape context can also be better met by the Applicants and archaeological contractors developing a bigger, holistic archaeological vision. This can be illustrated by reference to the assessment of the Mesolithic material identified in the landfall site Phase 1 evaluation. Although this material was ephemeral, it is significant. It has greater significance, however, when seen in association with the research work being conducted at Skipsea, East Yorkshire by the University of York, but also when associated with the submerged landscape in the North Sea where there is an extensive Mesolithic landscape, and the Mesolithic material is plentiful. This shift in focus; looking at the terrestrial and marine evidence together would be an innovative approach as the cultural heritage of the terrestrial and marine realms are traditionally treated as separate entities. Considering the marine and terrestrial components together would further establish the significance of both the marine and terrestrial archaeological material. However, as stated above, the Phase 1 evaluation report is an 'interim' report, and the final report is likely to be more substantive. In our answers to the ExA's questions of 10th January 2025, we stated in response to Question ISH 2.10.14 that, although there have been no cross-project forums or meetings to pursue the public benefit matters, it may be the case that a more holistic approach to an understanding of the archaeological material can be discussed and formulated.	<p>Understanding Mesolithic remains in the context of other investigations of material of similar date in the region is acknowledged in the research agenda (Objective 1A, Objective 2A, Objective 2B and Objective 4B) set out in the of the <b>Outline Onshore WSI</b> [APP-239]. The Projects are content to update this section of the <b>Outline Onshore WSI</b> [APP-239] to explicitly reflect these potential linkages.</p> <p>The Projects are content to amend the discussion of Mesolithic material in the archaeological research agenda (section 6) and Outreach and Engagement Strategy (section 9) of the <b>Outline Onshore WSI</b> [APP-239] to reflect the potential linkages with deposit sequences offshore.</p> <p>The archaeological research aims of the Projects are defined to address the specific effects of the Projects on archaeological remains and is focused on placing information recovered during mitigation works into a defined intellectual and research context. This meets all requirements for such works carried out as mitigation of the effects of a defined development as required by NPS and National Planning Policy Framework (NPPF), and it is not for the Projects to support or become involved in archaeological or historic research on archaeological remains that would not be affected by that development.</p> <p>The Applicants would, nonetheless, be open to participating in cross-project forums relating to delivering outreach and community engagement aims, if requested (and organised) by Historic England. It is proposed that this could be delivered through adding reference to participation in Historic England-led cross-project forums and meetings in the Public Outreach and Engagement section (section 9) of the <b>Outline Onshore WSI</b> [APP-239]. If this approach is agreed, it is proposed that the Applicants can supply an updated <b>Outline Onshore WSI</b> [APP-239] at Deadline 4.</p>
REP1-059:4.1	<p><b>4 Setting of Onshore Assets and its Contribution to Significance</b></p> <p>Numerous Scheduled Monuments, Listed Buildings, Conservation Areas and one Registered Park and Garden lie within the areas of search.</p>	No response is required.



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REP1-059:4.2	The principal built element of the scheme is an Onshore Converter Station (OCS).	No response is required.
REP1-059:4.3	The impact of a proposal on the setting and significance of heritage sites is a major consideration of NPS EN-1. (5.9.3; 5.9.10; 5.9.12; 5.9.22; 5.9.25; 5.9.28; 5.9.36) This is coupled with the need to ensure that good design is achieved, and landscape treatments deliver both environmental and biodiversity gains, do not detract from significance and deliver public benefit (NPS EN-1 paras 4.1.5; 4.6; 4.6.1; 4.6.13).	No response is required.
REP1-059:4.4	The information currently submitted with regard to the proposed built elements of the scheme is limited, and far from clear, and has now been supplemented by a Project Change Request for both Offshore and Onshore elements of the scheme (RWE notification to Historic England of 15 <sup>th</sup> November 2024, including [PDA-012] for Offshore and [AS-015] for Onshore elements).	<p>As noted above at REP1-059:3.4.2, the exact configuration, location and surface treatments of the proposed Onshore Converter Stations would be defined at detail design stage and a process for developing and agreeing that design is set out in the <b>Design and Access Statement</b> (Revision 2) [document reference 8.8]. The basic parameters of this design are set out clearly and secured through the <b>Works Plans (Onshore) (Revision 4)</b> [document reference 2.6], <b>Design and Access Statement (Revision 2)</b> [document reference 8.8] and <b>Outline Landscape Management Plan (Revision 3)</b> [document reference 8.11] submitted at Deadline 2.</p> <p>The Applicants have updated Requirement 9 of the <b>Draft DCO (Revision 5)</b> [document reference 3.1] to secure the maximum height and footprint of the Onshore Converter Stations, which is 24m and 32,208m<sup>2</sup>, for each Onshore Converter Station, as detailed in Table 2-1 of the <b>Project Change Request 2: Onshore Substation Zone</b> [AS-152].</p>
REP1-059:4.5	The Project Change Request proposes the reduction in size of the footprint of the proposed OCS, previously depicted as a visualisation ([APP-192] for Landscape and Visual text, para 23.6.2.3.1 onwards, and [APP-193] Fig 23-15a2; [APP-193] Fig 23-15a3). These visualisations presented a 'worst case scenario' (two Onshore Converter Stations within the Converter Station Area) and indicated the scale and massing of one possible product of the scheme, as seen from the nationally important Scheduled Monument of 'Heavy Anti-aircraft Gunsite, 350m west of Butt Farm', NHLE 1019186 (the "Butt Farm Gunsite").	The photomontage visualisations in <b>Landscape and Visual Impact Assessment - Figure 23-1 to Figure 23-15</b> [APP-193] (Including CH2 and CH3 and VP3) have been updated at Deadline 2 to reflect the changed design parameters for the proposed Onshore Converter Station.
REP1-059:4.6	The significance of the Butt Farm Gunsite is derived from several values. It has evidential value by virtue of its buried archaeological and standing building archaeological potential. It has historical value in that it is associated with a major international conflagration and is one in a chain of defences around Hull. It has aesthetic value because it invokes awe, and its place in the open landscape is easy to comprehend. It has communal value because it is a visited heritage site, it has a cadre of dedicated enthusiasts who research it and care for it, and it has a connection to people in the locality whose relatives were stationed on the site.	<p>The Applicants agree with Historic England's comments on the archaeological and historic interests of the Butt Farm gunsite, and in respect of its location in an open landscape. Any disagreement is over the effect of the change to that setting which was discussed in some detail at Issue Specific Hearing 2 (ISH2) as reflected in <b>The Applicants' Written Summaries of Oral Submissions made at Compulsory Acquisition Hearing 1 (CAH1), Issue Specific Hearing 1 (ISH1) and ISH2</b> [REP1-049].</p> <p>The Applicants note that communal value is not referenced in either NPS nor NPPF, and reflects a community engagement that is, in planning, addressed primarily by technical Environmental Impact Assessment (EIA) assessments other than archaeology and cultural heritage. The Applicants further note that the Projects would not affect this community contribution nor any historic associations with the local area.</p> <p>As noted in <b>The Applicants' Responses to ISH2 Supplementary Agenda Questions</b> [REP1-050] at ISH2.10.13, the Applicants have proposed a number of enhancement measure options that respond to this historic value and community engagement, and are content to amend the outreach and engagement strategy to include proposals for:</p> <ul style="list-style-type: none"> <li>Physical enhancements to the monument;</li> <li>Development of Digital 3D Model of the gun battery; and</li> <li>Archaeological and Historical Research.</li> </ul>

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		It should be noted that these are options for future development and may be subject to external constraints such as access land agreement.
REP1-059:4.7	The extent, massing, scale of the proposed OCS structure and its proximity to the Scheduled Monument represented a considerable concern for Historic England. We considered that the proposed Converter Station(s) represented 'less than substantial harm' to the significance of the site, but at the high end of this scale, owing to the manner in which the experience of being on the scheduled site would be diminished by the over-bearing presence and scale of the Converter Station(s). The proposed Converter Station(s) would significantly reduce the open quality of the landscape setting of the scheduled monument, and hinder understanding of its wartime use.	<p>The Applicants have addressed this point in some detail in <b>The Applicants' Written Summaries of Oral Submissions made at CAH1, ISH1 and ISH2</b> [REP1-049].</p> <p>Historic England Guidance GPA 3 <i>The Setting of Heritage Assets</i> makes it clear that it is change to the setting's contribution of significance of the asset that defines the magnitude of any change to significance and that visual prominence or congruity are not by themselves the principal determinants of the magnitude of effect.</p> <p>In this respect, the 'openness' of the landscape contributes to significance by allowing the primary arcs of fire to north and west of the battery to be understood and appreciated, and to allow the asset to be experienced in a rural context. The asset would remain as being experienced in a regionally distinctive and discernibly rural setting with its designed arcs of fire intact, and with views to the asset from the remainder of the battery site (e.g. the former command, accommodation and radar sites) unchanged.</p> <p>In addition, as noted by Historic England, much of the significance of the asset is intrinsic to the gun site and its surviving structures which would also remain unaffected.</p>
REP1-059:4.8	Following the change request, it is now proposed that the footprint of the OCS is to be reduced in scale. We note and welcome the reduction in the size of the footprint and agree that the proposed reduction in scale of the OCS will lead to a reduced potential for effects on buried archaeology and a reduced visual impact when seen from the Butt Farm Gunsite. However, we consider that the harm to the significance of the designated site will remain at 'major adverse', and not 'minor adverse' as suggested by the Applicants. This high degree of 'harm' needs to be addressed. This can be achieved by reducing the impact of the building, or finding ways to mitigate the harm it would cause. We do not consider that screening through planting is an effective or lasting mitigation measure in this instance and have referred to this in our response to the ExA's questions of 10th January 2025 (Question ISH 2.10.12).	<p>The Applicants disagree with Historic England's assessment of the magnitude of effect; in that the asset would not be physically affected, any effect would arise from change in its setting, and for that effect to reach the magnitude expressed by Historic England, the contribution of that setting would have to be affected to a very large degree.</p> <p>The analysis of setting and the assessment of effect presented in <b>Chapter 22 Onshore Archaeology and Cultural Heritage (Revision 2)</b> [AS-092], set out in detail in <b>Appendix 22-5 - Onshore Infrastructure Settings Assessment</b> [APP-178] and discussed at ISH2 (<b>The Applicants' Written Summaries of Oral Submissions made at CAH1, ISH1 and ISH2</b> [REP1-049]) has been carried out in line with Historic England guidance notes GPA2 <i>Managing Significance in Decision-Taking in the Historic Environment</i> (Historic England 2015) and GPA3 <i>The Setting of Heritage Assets</i> (Historic England 2017), and it is clear that the principal contribution of setting would also remain unaffected.</p> <p>The Applicants also disagree that the proposed 'screening' planting is not an effective or lasting mitigation. This planting is intended to reflect the existing hedgerow and woodland mosaic that is currently present in views from the site and is entirely in accord with Historic England's request to consider 'naturalistic' planting. The depth of this woodland planting and the species mix would mean that this is an effective visual screen.</p> <p>The <b>Draft DCO (Revision 5)</b> [REP1-004] Requirement 11 (Implementation and Maintenance of Landscaping) was updated at Deadline 1 to secure the long-term management of landscaping works at the Onshore Converter Stations site.</p> <p>Planting mixes would use a mixture of deciduous and evergreen native species to be agreed in line with the provisions at section 118 of the <b>Design and Access Statement (Revision 2)</b> [document reference 8.8] and are discussed in more detail at section 27 (setting out the planting of this area as 'Woodland') and Table 1-3 (setting out the indicative Woodland species mix) of the <b>Outline Landscape Management Plan (Revision 2)</b> [AS-096].</p>
REP1-059:4.9	It is clear from the supporting text in the Environmental Statement ([APP-192], para 91, page 69) and the Project Change Request that the design component of the OCS is a work in progress. The Project Change proposals have not been confirmed, whilst [APP-192], para 93, page 69 states that the Environmental Statement visualisation does 'not show details of finishes	<p>The Applicants note that the exact configuration, location and surface treatments of the proposed Onshore Converter Stations would be defined at detail design stage and a process for developing and agreeing that design is set out the in the <b>Design and Access Statement (Revision 2)</b> [document reference 8.8].</p> <p>Historic England have not hitherto requested any night visualisations of the proposed Onshore Converter Station.</p>

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	<p>or colours...'. The Applicants have yet to provide a visualisation of the Converter Station at night showing the impact of any service or security lighting.</p>	<p>In this respect the Applicants have confirmed in evidence presented at ISH2 that the '<i>...OCSs will not be manned and that lighting will only be required during certain operation and maintenance activities. Lighting will only be used on an infrequent basis for safety and security reasons. The majority of activities will take place during the daytime...</i>' (4.8.1) and that '<i>...operational lighting had been considered in the assessment set out in the Environmental Statement and would be very limited. There would also be a dark corridor provided around the site.</i>' (4.9.1) of <b>The Applicants' Written Summaries of Oral Submissions made at CAH1, ISH1 and ISH2</b> [REP1-049].</p> <p>Operational lighting was discussed at ISH in <b>The Applicants' Responses to January 2025 Action Points (Revision 2)</b> [AS-155] Action No.16 from ISH1 confirmed that: '<i>The precise lighting requirements for the Projects will be influenced by the detailed design, which will only be fully developed post-consent. The purpose of requirement 22 of the Draft DCO (Revision 5) [document reference 3.1] is to ensure that the relevant planning authority is able to approve a scheme for the mitigation and management of artificial light emissions during the operation of the Projects. Further information in relation to operational lighting is included in section 4.3.3.7 of the Design and Access Statement [APP-233], which confirms that the Onshore Converter Stations will only require lighting during maintenance and operational visits for health and safety and security reasons.</i>'</p> <p>Furthermore, the Applicants provided an update to <b>Chapter 22 Onshore Archaeology and Cultural Heritage in November 2024 (Revision 2)</b> [AS-092] to address operational lighting impacts of the Onshore Converter Stations and concluded in section 22.6.2:</p> <p><i>"Impacts from lighting have been considered, as set out in the worst-case assessment (Table 22 1). During Operation there would be no continuous / night-time lighting of the Onshore Converter Station. Lighting during onshore operation and maintenance activities is expected to be minimal with most visits taking place in daylight hours (Volume 7, Chapter 5 Project Description (application ref: 7.5). External lighting would be directional and limited to essential security and safety requirements. Furthermore, the landscaping proposals will, once established, provide further screening of any potential lighting effects. It is therefore considered that any impacts to the setting of designated heritage assets from lighting would be too infrequent and discontinuous to contribute to harm".</i></p> <p>The Applicants have also discussed the potential impacts of operation lighting with the East Riding of Yorkshire Council (ERYC) at the Landscape and Visual Environmental Technical Group meetings. It has been agreed that there is not a requirement for night time visualisations during operation, as there would not be continuous lighting in the operational phase. ERYC confirmed this in their Local Impact Report, see ID No. 7.14 of <b>The Applicants' Response to East Riding of Yorkshire Council's Local Impact Report</b> [REP1-048], submitted at Deadline 1 '<i>It is recognised that night-time visualisations of the operational phase are not required as a result of there being no permanent lighting</i>'. This is also agreed in Appendix A, Table 5-1 of the <b>East Riding of Yorkshire Council SoCG</b> [REP1-028], which includes detailed Comments by 2B Landscape Consultancy on Behalf of East Riding of Yorkshire Council Regarding Landscape Visual Impact Assessment matters.</p> <p>On the basis of the above, the Applicants do not agree that any visualisations of the Onshore Converter Stations at night are required.</p>
REP1-059:4.10	<p>Therefore, it is not yet possible to understand the full impact of the built element of the scheme on the setting and significance of the scheduled Butt Farm Gunsite. To address this aspect of the proposed development the maximum height, footprint, landscaping scheme and precise location of the Converter Station is to be fixed at DCO stage. If DCO is granted the final details will need to be carefully assessed as part of any post-consent determination.</p>	<p>The Applicants note that the assessment has been made on a parametric approach as set out at 22.2.3 of <b>Chapter 22 Onshore Archaeology and Cultural Heritage (Revision 2)</b> [AS-092]. This is a standard approach in infrastructure consenting and the assessment presented reflects the worst-case configuration in terms of height, massing and proximity to the scheduled site.</p>

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		<p>The Applicants note that the exact configuration, location and surface treatments of the proposed Onshore Converter Station would be defined at detail design stage and a process for developing and agreeing that design is set out in the <b>Design and Access Statement (Revision 2)</b> [document reference 8.8].</p> <p>The Applicants have updated Requirement 9 of the <b>Draft DCO (Revision 5)</b> [REP1-004] to secure the maximum height and footprint of the Onshore Converter Stations, which is 24m and 32,208m<sup>2</sup>, for each Onshore Converter Station, as detailed in Table 2-1 of the <b>Project Change Request 2: Onshore Substation Zone</b> [AS-152]. It also states that the design of the Onshore Converter Stations must be carried out in accordance with the <b>Design and Access Statement (Revision 2)</b> [document reference 8.8] which includes the maximum parameters for each element of the Projects' design.</p>
REP1-059:4.11	<p>Historic England accepts the analysis presented by the Applicants that the OCS cannot be placed in a location other than that proposed (DBS Design and Access Statement, LUC, vol 8, June 2024, document number 005028829-01, [APP-233]). The focus therefore should then switch to identify ways in which the visual impact of the structure can be diminished, and other mitigation measures discovered and proposed, in line with the guidance in NPS EN-1 para 4.7. However, it should be noted that the Design and Access Statement makes no reference to the impact of the proposed Converter Station on the nationally important Butt Farm Gunsite.</p>	<p>The <b>Design and Access Statement (Revision 2)</b> [document reference 8.8] sets out the means by which good design measures will be implemented and secured, having regard to the considerations set out at NPS EN-1 section 4.7. Given the nature and location of the Onshore Converter Station in relation to the monument, and the land available, the <b>Indicative Landscape Plan Figure 23-6</b> [PDA-010] presents the Applicants' approach to diminishing the visual impact of the structure, utilising retention of existing mature hedge, augmented with additional mixed native woodland planting. This approach is retained in the updated Indicative Landscape Plan for <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152], which is submitted for Deadline 2 as updated <b>Chapter 23 Landscape and Visual Impact Assessment Figures 23-1 to Figure 23-17 (Revision 3)</b> [document reference 7.23.1].</p> <p>The <b>Design and Access Statement (Revision 2)</b> [document reference 8.8] considers scheme design as a whole, and as a result would not normally be expected to identify specific receptors, rather to provide principles for design that can be applied to address specific concerns and to balance the different pressures on design. Heritage aspects have been considered as part of the design evolution of the scheme, as detailed in section 3.4 of the <b>Design and Access Statement (Revision 2)</b> [document reference 8.8] has been updated at Deadline 2 and now include reference to the consideration of the Butt Farm AA battery at the detailed design stage.</p>
REP1-059:4.12	<p>The Applicants should continue the analysis of exactly what structures are required on the converter station site. Should it prove to be the case that the smaller footprint structure is confirmed, effort should then be directed into micro-siting exercises in order to locate the structure in the most suitable location within the area and thereby reduce the visual impact of the structure on the setting of (and thus the significance of) the Butt Farm Gunsite.</p>	<p><b>Chapter 5 Project Description (Revision 3)</b> [REP1-009] details the maximum extent of build out at the Onshore Converter Station(s) and forms the 'worst case scenario' upon which the assessments have been carried out. The Chapter details some design variability that may influence the final dimensions of the Converter Stations, for example the use of Air Insulated Switchgear (AIS) / Gas Insulated Switchgear (GIS) electrical switchgear.</p> <p>It should be noted that whilst <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009] describes the Projects' details and construction methodologies, the maximum parameters for the Onshore Substation Zone have been superseded by those detailed in <b>Project Change Request 2 – Onshore Substation Zone</b> [AS-152], which sets out the maximum parameters of the reduced footprint Onshore Converter Stations' design and associated infrastructure. <b>Chapter 23 Landscape and Visual Impact Assessment - Figure 23-1 to Figure 23-15</b> [APP-193] contains photomontage visualisations (Including CH<sub>2</sub> and CH<sub>3</sub> and VP<sub>3</sub>) and has been updated at Deadline 2 to reflect the changed design parameters for the proposed Onshore Converter Stations.</p> <p><b>Chapter 5 Project Description (Revision 3)</b> [REP1-009] was updated at Deadline 1, to emphasise that AIS is considered the worst case scenario for the basis of the assessments. The Applicants confirm that AIS has been considered in the worst case (as set out at <b>Chapter 22 Onshore Archaeology and Cultural Heritage (Revision 2)</b> [AS-092], Table 22-1) as it represents the maximum extent of build out at the Onshore Converter Stations. The parameters used for assessment in the onshore infrastructure settings assessment are identical to those set out in the Environmental Statement (ES) and reflect the maximum spatial build out and height. It is not anticipated that the</p>



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		<p>use of GIS would lead to any change in the assessed magnitude of effect on any heritage assets considered within the ES assessment.</p> <p>It is however noted that as summarised in <b>The Applicants' Summaries of Oral Submissions made at CAH1, ISH1 and ISH2</b> [REP1-049], AIS and GIS technology have differing structure and building requirements. The decision on whether an AIS or GIS would be used within the Onshore Converter Stations would be made at detailed design. At that stage appropriate micro siting of structures associated with the Onshore Converter Stations would be undertaken in accordance with the environmental specialists for landscape and heritage to ensure the best possible outcome within the confines of the engineering requirements.</p> <p>The <b>Design and Access Statement (Revision 2)</b> [document reference 8.8] details how the design principles have informed the development to date. The principles include commitments to avoiding sensitive features, visual mitigation, and responsive construction, to minimise impacts where possible. As detailed in the <b>Design and Access Statement (Revision 2)</b> [document reference 8.8], these principles will be carried forward into the detailed design stage and will inform the final design of the Projects which is subject to approval from the relevant planning authority under Requirement 9 of the <b>Draft DCO (Revision 5)</b> [REP1-004].</p> <p>The <b>Design and Access Statement (Revision 2)</b> [document reference 8.8] has been updated at Deadline 2 and now includes reference to the consideration of the Butt Farm AA battery at the detailed design stage. Micro-siting opportunities are relatively limited given that the Onshore Converter Stations are limited to the footprints of Works numbers 25A/B and 26A/B as shown on the <b>Works Plans (Revision 3)</b> [PDA-003].</p>
REP1-059:4.13	<p>The materials, colour palette, lighting scheme and planting measures need to be carefully examined, and any final draft strategy should be checked by one or more experienced landscape architects, in addition to the local authority landscape and conservation specialists. NPS EN-1, para 4.7.5 provides guidance on this. An automatic selection of planting as 'screening' is to be resisted; it may be the case that more 'naturalistic' planting or 'estate landscape' planting might be more beneficial. Every effort should be taken to identify the most climate resilient species for planting to ensure long-term survival. Similarly if the worst case scenario for the converter station is not brought forward, the freeing up of land around the structure which is selected, should allow for the introduction of horizontal banding in the landscape, in the manner used by Sylvia Crowe and Brenda Colvin to great effect when they provided the landscape approach used to diminish the visual impact of the coal fired power stations, and nuclear power plants in the 1950s and 1960s.</p>	<p>The Applicants note that the exact configuration, location and surface treatments of the proposed Onshore Converter Stations would be defined at detail design stage and a process for developing and agreeing that design is set out the in the <b>Design and Access Statement</b> [APP-233].</p> <p>The <b>Design and Access Statement (Revision 2)</b> [document reference 8.8] provided at Deadline 2 states that a '<i>detailed Environmental Colour Assessment will be carried out post-consent to identify prominent colours within the local landscape. This will inform a colour palette to be applied within the Onshore Substation Zone to better integrate structures and fencing into the local landscape</i>'. An initial colour sampling exercise has been undertaken, as shown in Plate 4-10 and Plate 4-11 of the <b>Design and Access Statement (Revision 2)</b> [document reference 8.8].</p> <p>The proposed 'screening' planting is intended to read to the viewer as an extension of the existing hedgerow and woodland mosaic that is currently present in views from the site. This would be entirely in accord with Historic England's request to consider more 'naturalistic' planting. In this context, depiction of this planting as a uniform screen reflects the conventions used in developing photomontage visualisations rather than the intended final appearance of the scheme. Planting mixes and the detailed pattern and density of planting would be agreed in line with the provisions at section 118 of the <b>Design and Access Statement (Revision 2)</b> [document reference 8.8] and are discussed in more detail at section 27 (setting out the planting of this area as 'Woodland') and Table 1-3 (setting out the indicative native mixed Woodland species) of the <b>Outline Landscape Management Plan (Revision 2)</b> [AS-096]. Design adaptations to aspects of the landscape design may include proposed planting that includes specifically climate resilient species to respond to drought or flooding. The detail of planting is controlled by Requirement 9 of the <b>Draft DCO (Revision 5)</b> [REP1-005] under which the final Landscape Management Plan must be approved by ERYC.</p> <p>Even where the 'worst-case' is not brought forward, there is insufficient space at the Onshore Converter Stations site to allow for the construction of horizontal bunding sufficient to offer any discernible screening effect. This type of bunding would also limit the growth of any new planting, resulting in significantly reduced screening. Further detail</p>

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		in relation to bunds is provided in the <b>Applicants' response to WQ3 in Appendix A of the Applicants' Responses to January 2025 Hearing Action Points (Revision 2)</b> [AS-155].
REP1-059:4.14	The approach to finding sustainable design solutions should follow the directions provided by NPS EN-1, paras 3.5.2; 3.7.61; 5.10.27.	The relevance of these citations is unclear. NPS EN-1 para. 3.5.2 refers to the need for and types of Carbon Capture systems. There is no para. 3.7.61 in NPS EN-1 and NPS EN-1 5.10.27 refers to off-site landscaping. The <b>Design and Access Statement (Revision 2)</b> [document reference 8.8] sets out a process for decision-making in detailed design.
REP1-059:5	<b>5 Assessment Methodology for Onshore Cultural Heritage</b> We disagree with elements of the Assessment Methodology identified in Table 22-7 [APP-172] and used throughout the Environmental Statement. Buildings listed at Grade II are nationally important, not 'Medium' importance. We agree with the 'Definition of magnitude of impact to heritage assets' (Table 22-8), but because the importance of Grade II buildings has been downgraded, the magnitude of impact and the significance of impact will be distorted accordingly.	The Applicants have provided a response to the first part of the comment in <b>The Applicants' Responses to January 2025 Hearing Action Points (Revision 2)</b> [AS-155], WQ7. Table 22.7 of <b>Chapter 22 Archaeology and Cultural Heritage (Revision 2)</b> [AS-092] sets out that Grade II listed buildings are recognised in the methodology as being of national importance but of Medium Importance, reflecting the distinction between 'special interest' (Grade II listed Buildings) and 'More than special interest' (Grade II*) or 'exceptional interest' (Grade I).  The Applicants note that no impacts to Grade II listed buildings of greater than negligible magnitude have been identified. Consequently, there is no potential for distortion of the effect of the Projects.
REP1-059:5.1	The assessment of the magnitude of impact on the significance of Grade II listed buildings needs to be carefully reviewed by the cultural and heritage consultants in order to ensure that the misidentification of the Grade II sites (as regionally important) has not resulted in an underestimation of the impact of the proposed works on their significance.	The Applicants have reviewed the assessment to identify any potential 'underestimation' of the effects on Grade II listed buildings and as a result of the absence of any impacts of greater than negligible magnitude, no underestimation has arisen.
REP1-059:6.1	<b>6 Cumulative Impact and Public Benefit:</b> There are now several green energy infrastructure projects following a similar route from the Yorkshire coast to end points either between Hull and Beverley, East Riding of Yorkshire, or at Drax, North Yorkshire.	No response is required.
REP1-059:6.2	In order to demonstrate a greater understanding of historical value and significance, the Environmental Statement should provide more thorough assessment of the cumulative impact of this and other related energy proposals (see [APP-192], para 159, page 93 for a reference to the several other consented and proposed green infrastructure projects in the area).	Table 22-14 of <b>Chapter 22 Onshore Archaeology and Cultural Heritage (Revision 2)</b> [AS-092] sets out a comprehensive list of the other developments considered in the assessment of cumulative effects, including all of those named in the cited paragraph of <b>Chapter 23 Landscape and Visual Impact Assessment</b> [APP-192].  The Applicants have discussed this point with Historic England, seeking clarification of their Relevant Representation [RR-022] statement that the Chapter should ' <i>provide more thorough assessment of the cumulative impact of this and other related energy proposals</i> '.  This was discussed further at a meeting with Historic England on 14th October 2024 where it was clarified that Historic England's comment was not a reflection of the EIA cumulative effects assessment, as per the methodology set out in <b>Chapter 6 EIA Methodology</b> [APP-076] and <b>Appendix 6-1 Onshore Cumulative Effects Methodology</b> [APP-077] but referenced the opportunity for collaboration on landscaping between schemes, which Historic England felt had been missed by previous schemes in the area. This is documented within the <b>Historic England Statement of Common Ground</b> [REP1-030].
REP1-059:6.3	Similarly, we would wish to see positive and explicit statements in the Environmental Statement about the sharing of knowledge between the several infrastructure projects following the same route from the Yorkshire coast.	The Applicants would like to highlight that they have been actively engaged with a number of other key schemes in the vicinity of the Onshore Converter Stations, including Hornsea Project Four, Dogger Bank D, Continental Link, National Grid (in relation to the new Birkhill Wood Substation, North Humber Marnham, Dogger Bank A&B). Engagement meetings with these other projects have focused on sharing information on siting/routeing, baseline

I.D.	Written Representation	Applicants' Response
		<p>data sharing, use of shared accesses, crossings of infrastructure, and opportunities to co-ordinate during construction phases.</p> <p>The Applicants would be open to participating in cross-project forums relating to delivering outreach and community engagement aims, if requested (and organised) by Historic England. It is proposed that this could be delivered through adding reference to participation in Historic England-led cross-project forums and meetings in the Public Outreach and Engagement section (section 9) of the <b>Outline Onshore WSI</b> [APP-239].</p>
REP1-059:6.4	<p>However, we consider that the suggested public outreach and community engagement recommendations ([APP-239 section 9) represent a considerable missed opportunity to deliver the full potential of and for public benefit. The numerous interventions in the offshore and onshore spheres should be thought of as a once in a generation opportunity to generate understanding of the cultural heritage and engagement in it and with it for many years. We would wish to see a greater, more holistic approach to the ways in which public benefit could be generated across the entire project, both onshore and offshore, rather than thinking of the two domains as completely distinct, with two different public outreach and community engagement aims. Greater understanding of significance leading to more developed and extensive public benefit is a key aim of NPS EN-1, paras 5.9.17 and 5.9.25.</p>	<p>The Applicants are content to amend the discussion of Mesolithic material in the archaeological research agenda (section 6) and Outreach and Engagement Strategy (section 9) of the <b>Outline Onshore WSI</b> [APP-239] to reflect the potential linkages with deposit sequences offshore and elsewhere in East Yorkshire. It is proposed that the updated <b>Outline Onshore WSI</b> [APP-239] is provided at Deadline 4.</p>
REP1-059:6.5	<p>The suggested proposals for public benefit and engagement as it relates to the offshore part of the scheme are identified at [APP-246], paras 187 – 190. We consider that the suggested approach is limited and provided examples on page seven of our relevant representation [RR-022] of opportunities to broaden public engagement and benefit. A further example in relation to the Butt Farm Gunsite is provided as an appendix below. We remain willing to assist the Applicants in the formulation of an appropriate outreach and engagement scheme befitting the scale of the project and have referred to this in our answer to the ExA's questions of 10th January 2025, question ISH 2.10.14.</p> <p>Historic England considers that the historic environment has generally been addressed appropriately in this application. We have identified where harm will be caused to the historic environment, and the ExA will need to balance this harm against the public benefits of the Project (and other relevant issues) in coming to its decision.</p>	<p>Paragraphs 187 - 190 of the <b>Outline WSI (Offshore)</b> [APP-246] sets out the Applicants' commitment to developing an approach, in consultation with key stakeholders, including Historic England, to engagement with academic and industry-wide research initiatives to deliver public benefit through data sharing and enhancement of the marine archaeological record. Paragraph 231 of the <b>Outline WSI (Offshore)</b> [APP246] recognises that the results of the archaeological works also have potential to generate significant public interest and, depending upon the significance of the results, sets out the Applicants' commitment to consideration of a programme of public outreach. Paragraph 231 also refers to the programme of public outreach and community engagement proposed in the <b>Outline Onshore WSI</b> [APP-239] and explains that opportunities to integrate both onshore and offshore archaeology in this programme would be explored post-consent.</p> <p>The Applicants would like to highlight that some community engagement work is already under way. The Applicants have shared Archaeological Survey updates in Project newsletters of Winter 2022, Autumn 2023, Spring 2024, Summer 2024 and Autumn 2024. The newsletters have been published on the Projects' website and sent electronically to all host and neighbouring Parish Councils and shared with members of the Stakeholder Database. In addition, representatives from the Applicants archaeological consultants attended Local Liaison Committee meetings in February and July 2024 where updates on the archaeological survey programme were shared with representatives from Parish and Town Councils along the cable route. In addition, an archaeology page is now live on RWE's Dogger Bank South Project specific website, which provides a summary of the trial trenching work undertaken to date on the Projects, and the Projects would be keen to develop and expand this presence.</p> <p>The Projects have previously suggested a number of enhancement measure options at the Butt Farm Site to Historic England which are in accordance with Historic England's proposals set out at Annex A. These were discussed at ISH2 <b>The Applicants' Summaries of Oral Submissions made at CAH1, ISH1 and ISH2</b> [REP1-049], and set out in <b>The Applicants' Responses to ISH2 Supplementary Agenda Questions</b> [REP1-050] at 2.10.13. The Applicants will update the engagement strategy in the <b>Outline Onshore WSI</b> [APP-239] WSI accordingly for submission to the examination at Deadline 4.</p>

I.D.	Written Representation	Applicants' Response
		The Applicants are engaging with Historic England to agree the approach to more detailed proposals should consent be granted. The detailed proposals will be included in the final WSI(s) to be submitted and approved post-consent in accordance with Requirement 18 of the <b>Draft DCO (Revision 5)</b> [REP1-004].
REP1-059:7	<p><b>7 Summary</b></p> <p>We consider that the outstanding onshore issues (definition and location of the Converter Station, landscaping, archaeological strategy and public benefit opportunities) can be resolved through discussion between ourselves, the Applicants and the local authority, and those solutions will help deliver an effective and creative exemplar for large scale green energy proposals.</p> <p>In the Offshore realm, we recognise that the offshore design plan is being further refined by the applicant, the aim of which further work is to reduce the maximum area disturbed by construction activities. We consider that, through the iterative seabed survey and investigation stages - with coordinated input from the retained marine archaeologist and advice sought from Historic England - the Proposals will be in a strong position to microsite around known heritage assets and reduce the prospect of irreversible impacts to unknown features of the historic environment - should consent be granted.</p>	The Applicants acknowledge these comments and have provided responses above as appropriate.

## 2.6 Marine Management Organisation (MMO)

- The Applicants note apparent inconsistencies between the naming of the documents submitted by MMO at Deadline 1 and the content of these documents. The document titled Responses to the Applicants' Response to RRs [PDA-013] and [AS-048] [REP1-074] states in the narrative therein that it is intended to be MMO's Written Representations (see page 1, paragraph 4 of this document). Therefore, it is not directly connected to MMO's Relevant Representations, although it should be noted that Annex I of this document does contain Responses to the Applicants Responses to MMO's Relevant Representations.
- Further, the document titled Written Representations including summaries if exceeding 1500 words [REP1-075] states that it is a summary of the Relevant Representations provided by the MMO in September 2024 [RR-030]. Thus, it is not directly connected to MMO's Written Representations.
- With this in mind, in this section, the Applicants have included responses MMO's Written Representations, as presented in Responses to the Applicants' Response to RRs [PDA-013] and [AS-048] [REP1-074], in this document (**Table 2-6**).
- The Applicants have included responses to Written Representations including summaries if exceeding 1500 words [REP1-075]], which is believed to be a summary of MMO's relevant representations, together with responses to the contents of Annex I of Responses to the Applicants' Response to RRs [PDA-013] and [AS-048] [REP1-074] where these have been deemed to be of value, within Tables 2-8 and Table 2-9 of **The Applicants' Responses to Deadline 1 Documents** [document reference 12.3].



Table 2-6 The Applicants' response to the MMO's Written Representation [REP1-074]

I.D.	Written Representation	Applicants' Response
REP1-074:1.1	<p>1.1 General Comments</p> <p>1.1.1 The MMO notes that a number of comments have been raised in relation to shipping, radar and impact to other industries. The MMO hopes the Applicant can resolve these comments and defers to the statutory Interested Party. The MMO will maintain a watching brief for any concerns where DML conditions may be required.</p>	The Applicants acknowledge this comment.
REP1-074:1.2.1	<p>1.2 Corporation of Trinity House of Deptford Strond (TH) (RR-008)</p> <p>1.2.1 The MMO notes that TH is likely to have further comments on the DCO(s)/DML(s) throughout the process and will be keeping a watching brief on TH's written representations.</p>	No response is required.
REP1-074:1.2.2	<p>1.2.2 The MMO notes that TH have provided the Applicant with preferred wording for the clauses relating to the provision of aids to navigation under the DCO(s)/DML(s) and for the associated development that may be consented in respect thereof.</p>	In a previous version of the <b>Draft Development Consent Order (DCO) (Revision 5)</b> [REP-004] the MMO requested a change to the wording regarding the colouring of structures to 'as agreed by Trinity House'. However, Trinity House has requested that the Applicants reinstate the original phrasing 'as directed by Trinity House'. The Applicants will look to amend the text in a future revision of the Draft DCO and seek agreement to the change with the MMO.
REP1-074:1.3	<p>1.3 East Riding of Yorkshire Council (RR-012)</p> <p>1.3.1 The MMO maintains a watching brief on the response from this Interested Party (IP).</p>	No response is required.
REP1-074:1.4.1	<p>1.4 Environment Agency (EA) (RR-015)</p> <p>1.4.1 The MMO notes that the EA are currently considering whether the disapplication of the Environmental Permitting Regulations (England &amp; Wales) 2016 (EPR), which relates to flood risk activities is appropriate or not. The MMO maintains a watching brief on the Environment Agency's written representations.</p>	No response is required.
REP1-074:1.4.2	<p>1.4.2 The MMO requests clarification on whether the cable crossings onshore are on sections of tidal rivers (E.g. below Mean High Water Springs (MHWS)) and whether they will be bored tunnels or trenches.</p>	The Applicants can confirm that there are no sections of tidal rivers which would be crossed by the Onshore Export Cable Corridor.
REP1-074:1.5.1	<p>1.5 Historic England (RR-022)</p> <p>1.5.1 Schedule 18 of the draft DCO (APP-027) contains provisions relating to habitats compensation. Associated with this are compensation plans relating to Kittiwake (APP-052) and Guillemot and Razorbill (APP-056), in addition to other documents. The MMO notes that Historic England is concerned that the compensation measures proposed may have an adverse effect on elements of the historic environment, which will need to be assessed and therefore have requested a Written Scheme of Investigation (WSI) is conducted in relation to the compensation measures proposed in the plans referred above. The MMO welcomes this.</p>	<p>Please see the Applicants' response to Historic England stated in <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] (RR-022: 1.1.1) below:</p> <p><i>'Any potential offshore artificial nesting structure (ANS) for kittiwake would be applied for under a separate marine licence outside of this Development Consent Order (DCO) application. The Applicants can confirm that that any proposals for habitat compensation would include the assessment of effects of any proposed work on the historic environment. It is anticipated that a Written Scheme of Investigation (WSI) for such works would be a condition of the corresponding marine licence and, to this end, a separate WSI for the pre-construction, construction, operation &amp; maintenance, and decommissioning phases of proposed locations for installation of the ANS would be submitted alongside the marine licence application for the ANS. As such, the Applicants' position is that the DCO does not need to include an obligation to conduct a WSI in relation to the compensation measures.'</i></p>
REP1-074:1.5.2	<p>1.5.2 The MMO notes that Historic England have requested that the present Outline Offshore WSI (APP-239) needs to appropriately consider mitigation and offsetting works in relation to</p>	Please see the Applicants' response to Historic England stated in <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] (RR-022: 1.1.3) below:

I.D.	Written Representation	Applicants' Response
	pre-construction, construction, operation & maintenance, and decommissioning phases of proposed locations for installation of the Artificial Nesting Structures (ANS) (as described in the above referenced Project-Level Kittiwake Compensation Plan). The MMO welcomes this.	<i>'The Applicants do not agree that the <b>Outline WSI (Offshore)</b> [APP-246] should be updated. Instead, a separate WSI for the pre-construction, construction, operation &amp; maintenance, and decommissioning phases of proposed locations for installation of the ANS would be submitted alongside a separate marine licence application for the ANS.'</i>
REP1-074:1.6.1	1.6 Lincolnshire Wildlife Trust (LWT) (RR-028)  1.6.1 The MMO note the LWT position that due to the cumulative impacts from the existing activities and developments, that there should be no further development on the Dogger Bank SAC, and that the LWT does not consider that compensation will be sufficient to address the adverse impact on site integrity. The MMO defers to Natural England on this matter.	The Applicants acknowledge this comment.
REP1-074:1.6.2	1.6.2 The MMO notes that LWT requested: <ul style="list-style-type: none"><li>That a minimum of 10% gain should be predicted using the Biodiversity Metric</li><li>A biodiversity plan should be submitted for approval.</li><li>Habitat should be secured for a minimum of 30 years via planning obligations and/conservation covenants</li></ul> The MMO defers to Natural England on this matter.	The Applicants acknowledge this comment.
REP1-074:1.6.3	1.6.3 The MMO notes that LWT request that adequate compensation is embedded within the project plan going forward. The MMO defers to NE on this matter.	The Applicants acknowledge this comment.
REP1-074:1.6.4	1.6.4 The MMO also notes that LWT request expert topic groups are consulted on the impact assessments and the strategic mitigation and/or compensation plan. The MMO would welcome this, and this should be included within any outline mitigation/compensation plan.	The Applicants will continue to consult with relevant stakeholders (including the MMO and LWT) regarding assessment updates and mitigation. Project-led compensation plans will be subject to agreement by the respective Steering Groups as prescribed in the DCO wording (Schedule 18 of the <b>Draft DCO (Revision 5)</b> [REP1-004]).
REP1-074:1.6.5	1.6.5 The MMO notes that the LWT 'disagree with the scoping out of direct damage and impacts to fish and shellfish, the limited consideration of potential cumulative impacts and the exclusion of appropriate consideration for disturbance from other noise sources and noise during operational/maintenance phases'.	Please see the Applicants' response to the LWT stated in <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] (RR-028: 3) below:  <i>'Direct damage and impacts to fish and shellfish has not been scoped out of the assessment and impacts to fish and shellfish are considered within the <b>Report to Inform Appropriate Assessment (RIAA) Habitats Regulations Assessment (HRA) Part 2 of 4</b> [APP-046].</i>  <ul style="list-style-type: none"><li>Damage and impacts to fish and shellfish is assessed in sections 6.4.2.1.1 (for Project Alone, which covers DBS East and DBS West together) and 6.4.2.1.2 (in-combination with other projects).</li><li>Impacts upon fish and shellfish are included within the above sections in terms of damage, and also included for consideration with regard to changes in suspended sediments (sections 6.4.2.2.1 (project alone) and 6.4.2.1.2 (in-combination)); electromagnetic field (EMF) changes (sections 6.4.2.3.1 (project alone) and 6.4.2.3.2 (in-combination)); Hydrocarbon etc contamination (section 6.4.2.4.1 (project alone)); and physical change (sections 6.4.2.6.1 (project alone) and 6.4.2.5.2 (in-combination). These sections refer to assessments undertaken upon fish and shellfish within the <b>Chapter 9 Benthic and Intertidal Ecology</b> [APP-085] and <b>Chapter 10 Fish and Shellfish Ecology</b> [APP-091] which place impacts in the wider context of the southern North Sea and refer to <b>RIAA Appendix B Sandeel Habitat Potential in the Dogger Bank SAC and Southern North Sea SAC</b> [APP-060] which presents figures of the areas of modelled suitability for the presence of sandeel within the context of the Dogger Bank SAC boundary.</li></ul>

I.D.	Written Representation	Applicants' Response
		<p><i>Direct impacts on potential sandeel habitat within the Dogger Bank SAC will occur during all phases of the Projects' lifetimes, however the potential area of habitat affected within the site is a small fraction of that available (as shown in the figures within <b>RIAA Appendix B - Sandeel Habitat Potential in the Dogger Bank SAC and Southern North Sea SAC</b> [APP-060]). The habitat within the Dogger Bank SAC is not unique in its potential to support sandeel, with areas of similar potential surrounding the site and present across the Southern North Sea. In addition, the presence of sandeel is not relevant to the boundaries of the SAC which was designated on the basis of bathymetry and benthic communities.</i></p> <p><i>With regard to recovery times of the sandbank habitat, this is evidenced in section 6.4.2.1.1 of the <b>RIAA</b> [App-046] which includes a review of historic evidence from the offshore wind industry and Cefas studies as well as site specific information from within the Dogger Bank SAC (<b>Appendix 8-2 Met Mast Survey Analysis</b> [APP-083]). In addition, the Applicants intend to provide further evidence of habitat recovery (again from within the Dogger Bank SAC) at Deadline 1.</i></p> <p><i>The Applicants reiterate that a robust assessment has been undertaken both for Environmental Impact Assessment (EIA) and Habitats Regulation Assessment (HRA) considerations and mitigation (in the form of reduced seabed footprint, via the exclusion of gravity base foundations and suction bucket jacket foundations) has been applied.'</i></p>
REP1-074:1.6.6	1.6.6 The MMO notes that LWT has raised concerns regarding impacts to the sandeel stock within Dogger Bank SAC and that management strategies are implemented before irreversible damage occurs.	See response to REP1-074:1.6.5 above. Further to the above, it should be noted that the implementation of management strategies for the Dogger Bank Special Area of Conservation (SAC) sandeel population is not something that the Applicants could deliver and would need to be developed and delivered by the relevant regulatory bodies and public bodies. Sandeel management measures were considered by the Dogger Bank Steering Group as a potential strategic compensation measure, however the measure was ultimately not selected in the final library of strategic compensation measures.
REP1-074:1.6.7	1.6.7 LWT strongly disagrees with the Applicant's decision to lower the appraised sensitivity to habitat disturbance, arguing that this is based on inaccurate recovery times for sandeel. With the majority of the DBS West array located within areas of high spawning potential for sandeel, LWT advises that both the direct and cumulative impacts of this development on this ecologically and economically important fish species be carefully considered. Ongoing measures aimed at improving population health and resilience for sandeel should also be taken into account in any decisions, and LWT expects that all perceived and anticipated impacts to the Dogger Bank sandeel population will be meticulously evaluated within the mitigation hierarchy, with proper due diligence given at each level'. The MMO generally defers to NE in relation to sandeel as prey but may provide further comments on this matter in due course.	See response to REP1-074:1.6.5 above. The Applicants also acknowledge that the MMO may provide further comments on this matter in due course.
REP1-074:1.6.8	1.6.8 LWT ask that the impacts of dredging and the disposal of dredged material be properly evaluated due to concerns regarding the direct impact and loss of important habitat for sandeel posed by these activities. The need for dredging within the Dogger Bank SAC should be minimised and the disposal of any dredged material should be either outside of the SAC or outside of important spawning seasons for both sandeel and Atlantic herring. LWT echoes and strongly supports Natural England's concerns regarding the planned submission timescales for this project. They do not feel that that Applicant is allowing for enough time to properly assess various aspects of the project and their potential harm on receptors. In summary, LWT has serious concerns about the potential impacts of this development on the Dogger Bank SAC, particularly regarding the sandeel population, habitat disturbance, and cumulative effects from	<p>Please see the Applicants' response to the LWT stated in <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] (RR-028: 4) below:</p> <p><i>'All of the designated sites listed by LWT are assessed in either the <b>RIAA</b> [APP -045, APP -046, APP -047 and APP -048] or the <b>Stage 1 Marine Conservation Zone Assessment</b> [APP-240].</i></p> <p><i>For the sandbank feature of the Dogger Bank SAC and the kittiwake feature of the Flamborough and Filey (FFC) SPA the assessment has concluded that adverse effects on integrity (AEOI) of those sites from in-combination effects cannot be ruled out and compensation measures have been proposed in line with the Plan Level HRA. In addition, a conclusion of AEOI has not been ruled out for guillemot feature of the FFC SPA again as a result of in-combination effects. Compensation measures for all these features are therefore proposed in the Appendices to <b>Habitats Regulations Derogation: Provision of Evidence</b> [APP -051]; namely <b>Appendix 1 Project Level Kittiwake Compensation Plan</b> [APP</i></p>

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	multiple projects. The MMO generally defers to NE on the marine protected area aspect but will continue to be part of the discussions in relation to fish and when designating the disposal sites.	<p>-052], <b>Appendix 2 Guillemot [and Razorbill] Compensation Plan [APP -056] and Appendix 3 Project Level Dogger Bank Compensation Plan [APP -059].</b></p> <p><i>In addition, in recognition of the developing position with in-combination effects for razorbill feature of FFC SPA, and the potential for the Secretary of State to conclude AEOI for that feature, without prejudice measures have been proposed <b>Appendix 2 Guillemot [and Razorbill] Compensation Plan [App-056].</b></i></p> <p><i>As discussed above (RR-028: 3) an assessment has been undertaken on potential impacts upon sandeel in the context of the Dogger Bank SAC and Southern North Sea SAC (<b>Appendix B Sandeel Habitat Potential in the Dogger Bank SAC and Southern North Sea SAC [APP-060].</b>)</i></p> <p><i>Dredging and disposal is considered within the <b>Disposal Site Characterisation Report [App-242].</b> The Projects' Array Areas and part of the Offshore Export Cable Corridor are within the Dogger Bank SAC, any sediment removed from within the Dogger Bank SAC during construction activities will be disposed of within the Offshore Development Area located within the SAC boundary, ensuring no sediment is lost from the sandbank habitat, as has been requested by Natural England. The proposed disposal sites for the Projects are shown in Figure 3-1 of the <b>Disposal Site Characterisation Report [APP-242].</b></i></p>
REP1-074:1.7.1	<p>1.7 Maritime and Coastguard Agency (MCA) (RR-031)</p> <p>1.7.1 The MMO notes that the turbine layout will require MCA agreement prior to construction to minimise the risk to surface vessels, including rescue boats, and Search and Rescue aircraft operating within the site. As such, MCA will seek to ensure all structures are aligned in straight rows and columns, including any platforms. Any additional navigation safety and/or Search and Rescue requirements, as per MGN 654 Annex 5, will be agreed at the post consent stage. The MMO welcomes this.</p>	The Applicants acknowledge this comment. Please see the Applicants' response to REP1-060:10 ( <b>Table 2-7</b> ) from the MCA regarding layout design.
REP1-074:1.7.2	1.7.2 Further, MCA will seek to ensure any turbine numbering system follows a 'spreadsheet' principle and is consistent with other windfarms in the UK. All lighting and marking arrangements will need to be agreed with MCA and Trinity House. The MCA requires all aviation lighting to be visible 360° and compatible with night vision imaging systems, as detailed in CAP 764 and MGN 654 Annex 5. The MMO notes and welcomes this.	The Applicants acknowledge this comment. Please see the Applicants' response to REP1-060:11 ( <b>Table 2-7</b> ) from the MCA regarding marking and lighting.
REP1-074:1.7.3	1.7.3 The MMO notes that the MCA have stated that MGN 654 requires that hydrographic surveys should fulfil the requirements of the International Hydrographic Organisation (IHO) Order 1a standard, with the final data supplied as a digital full density data set, and survey report to the MCA Hydrography Manager. Further information can be found in MGN 654 Annex 4 supporting document titled 'Hydrographic Guidelines for Offshore Developers', available on our website: <a href="https://www.gov.uk/guidance/offshore-renewable-energy-installationsimpact-on-shipping">https://www.gov.uk/guidance/offshore-renewable-energy-installationsimpact-on-shipping</a> . This includes surveys during the pre-construction, post-construction and post decommissioning stages. We would like to highlight the need to provide the data in either GSF or CARIS format and that Total Vertical and Horizontal Uncertainty (TVU & THU) calculations must be provided. The MMO welcome this.	The Applicants acknowledge this comment.
REP1-074:1.7.4	1.7.4 Particular attention should be paid to cabling routes and where appropriate burial depth for which a Burial Protection Index study should be completed and subject to the traffic volumes, an anchor penetration study may be necessary. Particular attention to burial depths and protection	The Applicants acknowledge this comment. Please see the Applicants' response to REP1-060:14 ( <b>Table 2-7</b> ) from the MCA.



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	measures (if needed) will be required. It is noted in the embedded mitigation listed in Table 14.3 of Chapter 14 (APP-121) that a Cable Burial Risk Assessment (CBRA) will be carried out to inform this. If cable protection measures are required e.g. rock bags or concrete mattresses, the MCA would be willing to accept a 5% reduction in surrounding depths referenced to Chart Datum. This will be particularly relevant where depths are decreasing towards shore and potential impacts on navigable water increase, such as at the HDD location.	
REP1-074:1.7.5	1.7.5 In an update to the project since PEIR it was noted that the Export Cable will now be High Voltage Direct Current (HVDC). Regarding HVDC there is a potential impact on ships compasses from the electro-magnetic field generated. It is noted in section 13.6 of the NRA (APP-124), Table 13-1, that mitigations to address this have been considered. However, a pre-construction compass deviation study may still be required on the expected electro-magnetic field. Should this go ahead, we would be willing to accept a three-degree deviation for 95% of the cable route. For the remaining 5% of the cable route no more than five-degree deviation will be attained. If this requirement cannot be met, further mitigation measures may be required including a post installation deviation survey of the cable route. This data must then be provided to the MCA and UKHO, as a precautionary notation may be required on the appropriate Admiralty Charts regarding possible magnetic anomalies along the cable route. The MMO requests that this detail is identified and agreed during examination so this can be set out within the DMLs.	<p>The Applicants acknowledge this comment and confirm that post-consent cable design will be considered within the 'Cable Statement' and will include compliance with the requirements of MGN 654. Conditions 15 /13 /11 of the DMLs secure the Construction Method Statement, which includes the Cable Specification and Installation Plan.</p> <p>The Applicants also confirm that 'compass deviation requirements' are secured by the 'Offshore Safety Management' conditions (18/ 16/ 12) in each Deemed Marine Licence (DML) which demands compliance with the requirements of MGN 654 as per the following text</p> <p><i>'Any part of the authorised scheme must not be commenced until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN654 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" (or any equivalent guidance that replaces or supersedes it) and its annexes.'</i></p>
REP1-074:1.8	<p>1.8 National Federation of Fisherman's Organisations (NFFO) (RR-034)</p> <p>1.8.1 The MMO maintains a watching brief on the response from this Interested Party (IP).</p>	No response is required.
REP1-074:1.9.1	<p>1.9 Natural England (NE) (RR-039)</p> <p>1.9.1 The MMO notes and supports Natural England's (NE) concerns regarding indirect effects on seabirds and marine mammals with regards to lack of assessments on prey abundance and distribution within the foraging areas of Annex I and Annex II species from designated sites.</p>	<p>Please see the Applicants response to NE stated in <b>Response to Natural England's Relevant Representations</b> [AS-048] (RR-039: NE12) below:</p> <p><i>'Indirect effects to predators such as marine mammals due to changes to prey have been assessed in sections 11.6.1.7 and 11.6.2.6 of <b>Chapter 11 Marine Mammals</b> [APP-095]. Due to the wide foraging ranges of marine mammals the significance was assessed as negligible or minor adverse, therefore Not Significant in EIA terms.</i></p> <p><i>Impacts upon prey are considered in the Plan Level Habitat Regulations Assessment (HRA) (RIAA Appendix I Marine Mammal Array Assessment Part 2; The Crown Estate, 2022.<sup>1</sup>) under the following pressures P1 Habitat Loss / Gain, P2 Direct Physical Damage and P3 Indirect Physical Damage. The HRA concludes that:</i></p> <p><i>The effect of this habitat loss will be to reduce the area available for foraging and also the extent of habitat for species which form prey. However, all marine mammal species forage widely within the marine environment and the predicted loss of habitat represents a very small proportion of the foraging habitat available. Any impact on marine mammal features is, therefore, considered to be negligible at any meaningful population scale and would not make an appreciable difference to any in-combination impact.</i></p> <p><i>Damage to physical habitats could affect prey species, or benthic communities upon which these are dependent. However, all marine mammal species forage widely within the marine environment and the predicted loss of habitat represents a very small proportion of the foraging habitat available. Any impact on marine mammal features is,</i></p>

<sup>1</sup> The Crown Estate (2022). RIAA Appendix I Marine Mammal Array Assessment Part 2. Available at: <https://www.marinedataexchange.co.uk/details/TCE-3582/2022-the-crown-estate-2020-offshore-wind-round-4-plan-habitats-regulations-assessment/packages/10650?directory=%2F&type=Report#downloads>

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		<p>therefore, considered to be negligible at any meaningful population scale and would not make an appreciable difference to any in-combination impact.</p> <p>The Habitats Assessment (Appendix J) notes that indirect physical damage cannot be quantified at present, but some effects are expected. Based on evidence presented in Appendix J which suggests that such effects will be relatively localised and generally accounted for within areas attributed to habitat loss it is considered that the scale of effects will not be significant in the context of possible impacts upon supporting habitats for marine mammals. Any impact on marine mammal features is, therefore, considered to be negligible at any meaningful population scale and would not make an appreciable difference to any in-combination impact.</p> <p>Although the overall effect of habitat loss will be to reduce the area available for foraging and the extent of habitat for prey species, habitat loss effects will be negligible given the small proportion of habitat occupied by the structures compared to the large foraging ranges of the protected features, as indicated by the distances used in relation to screening. Similarly, although offshore wind structures may provide new foraging opportunities for some species (e.g. Clausen et al, 2021<sup>2</sup>; Russel et al, 2014<sup>3</sup>) habitat gain effects are expected to be negligible in the context foraging ranges.</p> <p>Impacts upon prey are also considered in the Plan Level HRA (RIAA Appendix H – Ornithology Array Assessment Part 2; The Crown Estate, 2022<sup>4</sup>) under the following pressures P1 Habitat Loss / Gain, P2 Direct Physical Damage and P3 Indirect Physical Damage. In all cases the HRA concludes that:</p> <p>"All seabird species screened in forage widely within the marine environment and the predicted area of habitat damaged represents a very small proportion of the foraging habitat available. Any impact is, therefore, considered to be negligible and would not make an appreciable difference to any in-combination impact."</p> <p>The Applicants consider there to be good evidence that seabird populations will be very little affected by any impacts on their prey, even during construction which is the period when there is the most risk of effects on prey species (and for which consideration was made in the assessment). For example, the impact of seabirds on their prey stock biomass is very small (estimated across five ecosystems to average about 1% of the primary forage fish being consumed by all seabird species (Saraux et al. 2020<sup>5</sup>)). Furthermore, forage fish stock biomass varies enormously from year to year while seabird population sizes change much more slowly. Thus, two things are apparent from this: fish stock fluctuations are not caused by seabird population fluctuations and seabird populations are little affected by the inter-annual variations in their prey. Population fluctuations are typical of forage fish species because their survival is very low while recruitment varies very widely from year to year. These factors taken together therefore indicate that small changes in prey stock biomass, as assessed in the Fish and Shellfish assessment (<b>Chapter 10 Fish and Shellfish Ecology</b> [APP-091]), will have undetectable effects on the seabird populations which prey on those stocks, and even if prey stocks are affected more widely than currently assessed, this would still not result in seabird population impacts.'</p>

<sup>2</sup> Clausen, K.T., Teilman, J., Wisniewska, D.M., Balle, J.D., Delefosse, M. & van Beest, F.M. (2021). Echolocation activity of harbour porpoises, Phocoena phocoena, shows seasonal artificial reef attraction despite elevated noise levels close to oil and gas platforms. Ecol Solut Evid. 2021; 2: e 12055. DOI: 10.1002/2688-8319.12055

<sup>3</sup> Russell, Deborah J. F., Sophie M. J. M. Brasseur, Dave Thompson, Gordon D. Hastie, Vincent M. Janik, Geert Aarts, Brett T. McClintock, Jason Matthiopoulos, Simon E. W. Moss, and Bernie McConnell. (2024). Marine Mammals Trace Anthropogenic Structures at Sea. Current Biology 24, no. 14 (July 21, 2014): R638–39. <https://doi.org/10.1016/j.cub.2014.06.033>

<sup>4</sup> The Crown Estate (2022). RIAA Appendix H Ornithology Array Assessment Part 2. Available at: <https://www.marinedataexchange.co.uk/details/TCE-3582/2022-the-crown-estate-2020-offshore-wind-round-4-plan-habitats-regulations-assessment/packages/10650?directory=%2F&type=Report#downloads>

<sup>5</sup> Saraux C, Sydeman WJ, Piatt J, et al. (2020). Seabird-induced natural mortality of forage fish varies with fish abundance: Evidence from five ecosystems. Fish and Fisheries. 2020;00:1–18. <https://doi.org/10.1111/faf.12517>



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REP1-074:1.9.2	1.9.2 The MMO notes and supports NE's concerns regarding the lack of robustness in consideration of ornithology impacts in the Applicants designing of the post-Preliminary Environmental Information Report (PEIR) reductions of the array areas.	<p>Please see the Applicants response to NE stated in the <b>Response to Natural England's Relevant Representations</b> [PDA-006] (RR-039: NE18) below:</p> <p><i>'Mitigation relating to air gaps has been applied in accordance with the Round 4 plan level Habitats Regulation Assessment (The Crown Estate 2022) whereby, to reduce potential collisions with birds in flight (particularly kittiwakes), the clearance of the blades above the water was set at a minimum 34m above MSL. This mitigation measure has been adhered to within the design envelopes of the Projects.</i></p> <p><i>As part of the progression of project design from the Preliminary Environmental Information Report to the application stage the array area boundaries were reduced and refined. A number of factors, including bird distribution data, were considered as part of the boundary refinement exercise. Density mapping data based on the site-specific aerial survey data was collated and examined to indicate areas within The Crown Estate lease options that showed higher and lower densities of birds, and this was used alongside other environmental and technical information to enact the boundary change. An outline of the factors considered in the boundary refinement exercise was presented as part of the minutes from the ornithology ETG meeting 6/2/24. The refinements to the array area boundaries was, therefore, undertaken to help reduce impacts on important bird populations.'</i></p>
REP1-074:1.9.3	1.9.3 The MMO notes NE's advice that baseline wave condition modelling should be updated to reflect the design parameters of the project being applied for.	<p><b>Appendix 8-3 Marine Physical Processes Modelling Technical Report (Revision 2)</b> [AS-135] was issued alongside the <b>Project Change Request 1 – Environmental Assessment Update</b> [AS-141]. This updated version of the report detailed the updated marine physical processes modelling undertaken due to <b>Project Change Request 1 – Offshore and Intertidal Works</b> [AS-141], which included the removal of gravity-based structure foundations and a reduction in the Array and Inter Platform cable lengths which reduced the total volumes of sediment released during cable installation. The modelling results presented in this report reflect the new design parameters.</p> <p>However, a further amendment has now been made to the report as it was noted that the values in Table 8.3.12 and 8.3.13 had not been updated to reflect the design changes and new modelling undertaken. The amendments are included in <b>Appendix 8-3 Marine Physical Processes Modelling Technical Report (Revision 3)</b> [document reference 7.8.8.3] submitted at Deadline 2.</p>
REP1-074:1.9.4	1.9.4 The MMO notes NE's advice that Dobber Bank SAC should be included as a receptor in the Marine Physical Environmental EIA.	<p>Please see the Applicants response to NE stated in the <b>Response to Natural England's Relevant Representations</b> [AS-048] (RR-039: B32) below:</p> <p><i>'The principal receptors with respect to the marine physical environment are coastal or marine features with an inherent geological or geomorphological value or function which may be affected by the Projects. As the conservation objectives of SACs and Marine Conservation Zones (MCZs) are driven by their ecological functioning, they are not considered as receptors for the marine physical environment and are assessed in the relevant chapters. However, a designated site may have a morphological component. For example, the Dogger Bank SAC comprises part of the Dogger Bank which is a topographic high and a geomorphological feature. Therefore, Dogger Bank itself is included as a receptor in this assessment, but not the Dogger Bank SAC. Potential effects on the Dogger Bank SAC are detailed in <b>RIAA HRA Part 2 of 4</b> [APP-046].'</i></p>
REP1-074:1.9.5	1.9.5 The MMO notes NE's advice that Dogger Bank D should be included in the in-combination assessment for impacts to Spurn Point.	<p>Please see the Applicants response to NE stated in the <b>Response to Natural England's Relevant Representations</b> [AS-048] (RR-039: B48) below:</p>

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		<i>'The Scoping Report for Dogger Bank D.<sup>6</sup>, publicly released following the submission of the Projects <b>Draft DCO</b> [APP-027] Application in June 2024, does not state the potential location or indicative proportions of any cable protection measures to be used within that projects offshore export cable corridor. As such, there is insufficient information available at this time to include Dogger Bank D in the Projects cumulative assessment on the Spurn Head geological feature.'</i>
REP1-074:1.9.6	1.9.6 The MMO notes NE advice that the worst-case predictions values for suspended sediment concentrations arising from the ECC should be updated in the EIA and/or RIAA	<p>Please see the Applicants response to NE stated in the <b>Response to Natural England's Relevant Representations</b> [AS-048] (RR-039: C33) below:</p> <p><i>'Paragraph 177 of <b>Chapter 9 Benthic and Intertidal Ecology</b> [APP-085] refers to the 1,000 - 1,500 mg/l range in reference to the potential sediment disturbance range from the Offshore Export Cable Corridor. The Applicants can confirm this is incorrect. This 1,000 - 1,500 mg/l range could occur only within the centre of the DBS East Array Area in the worst case, resulting from Array Cable trenching (see section 8.3.4.5.2 of <b>Marine Physical Processes Modelling Technical Report (Revision 2)</b> [document reference: 7.8.8.3] for further information). For the Offshore Export Cable Corridor, the worst case suspended sediment concentration is up to 750mg/l within the direct footprint of the cable trenching activities. It should be noted that this correction does not alter the assessment conclusions reached in either <b>Chapter 9 Benthic and Intertidal Ecology</b> [APP-085] or the <b>RIAA HRA Part 2 of 4</b> [APP-046].'</i></p>
REP1-074:1.9.7	1.9.7 The MMO notes and supports NE's concerns that levels of compensation cannot be agreed until adequate impact assessments have been provided in line with Statutory nature conservation bodies (SNCB) advice. Additionally, the MMO supports that feasibility assessments for the predator eradication for guillemot and razorbill shortlisted should be provided as a matter of urgency.	<p>The Applicants issued <b>Chapter 12 Offshore Ornithology (Revision 2)</b> [AS-057] and <b>RIAA HRA Part 4 of 4 – Marine Ornithological Features (Revision 3)</b> [AS-086] in November 2024. These document updates addressed NE's Relevant Representations regarding the guidance used to inform the assessment. The Applicants await NE's response to these documents.</p> <p>The Applicants have provided updates on the site shortlisting for guillemot and razorbill within the <b>Guillemot and Razorbill Compensation Site Shortlist Refinement Report</b> [PDB-008] following surveys in the summer of 2024. The Applicants are currently undertaking site specific surveys at both Middle Mouse and Worms Head to inform the feasibility of predator eradication at these sites. The results of these surveys will be presented in an update to the <b>Guillemot [and Razorbill] Compensation Plan (Revision 3)</b> [AS-089] at Deadline 3.</p>
REP1-074:1.9.8	1.9.8 The MMO notes NE's concerns that the construction and operation of DBS OWF will adversely affect the extent and distribution of Dobber Bank SAC Annex 1 sandbank features which would further hinder the restore objective.	<p>Please see the Applicants response to NE stated in <b>Response to Natural England's Relevant Representations</b> [AS-048] (RR-039: B1) below:</p> <p><i>'Changes to the sediment composition and distribution of the Dogger Bank Special Area of Conservation (SAC) Annex I sandbank feature would be driven by changes to marine physical processes (tidal currents and waves), which control sediment transport. Project and site specific marine physical processes modelling has been undertaken, see <b>Appendix 8-3 Marine Physical Processes Modelling Technical Report</b> [APP-084].</i></p> <p><i>The results predict a maximum change in current speeds due to the array structures of +/-0.01m/s to +/-0.02m/s. This is approximately 2-6% of the baseline speeds. The maximum changes to wave height are predicted to be between 0.04m and 0.06m. These are less than 1.5% of baseline wave heights. Given these results, tidal currents are the dominant driver of bedload sediment transport across the array areas, and hence changes in tidal current velocities (bed shear stress) induced by the infrastructure could potentially change sediment transport.</i></p> <p><i>The bed shear stress model outputs predict that (in general) the infrastructure would induce a reduction in sediment transport rates across the south of the array areas with a predicted increase across the north of the array areas. However, these changes to bed shear stress would not lead to significant changes to sediment composition and distribution because the changes in bed shear stress are less than 3% of the baseline bed shear stress and would then</i></p>

<sup>6</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/ENo10144/ENo10144-000069-ENo10144 - Scoping Report - Part 1.pdf>

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		<p>remain constant during the operational lifespan. Change of this magnitude would have no significant long-term effects on the mobilisation and sediment transport characteristics of the seabed sediments across the Dogger Bank SAC Annex I sandbank feature.</p> <p>The assessment undertaken in section 8.7 of <b>Chapter 8 Marine Physical Environment</b> [APP-080] determined that there would be no likely significant effects (in Environmental Impact Assessment (EIA) terms) to the Dogger Bank sandbank feature. As such, the Applicants consider the mitigation embedded in the Projects' design (detailed in Table 8-3 of <b>Chapter 8 Marine Physical Environment</b> [APP-080] to be proportionate to the potential magnitude of this impact.</p> <p>Additionally, the Applicants are in the process of preparing a change request relating to the relevant design parameters. The Examining Authority (ExA) was notified of the Applicants' intention to make this change request on the 8<sup>th</sup> October 2024 (<b>Change Notification Letter</b> [PDA-012]). It is expected that the change request will be submitted to the ExA in early January 2025 following targeted consultation. The change request relates to the removal of an intertidal Horizontal Directional Drill (HDD) exit from the Projects' Design Envelope, the removal of all platforms from the Offshore Export Cable Corridor, reductions in the number of platforms in the Array Areas and overall reductions in cable lengths within the Array Areas. The change request will be supported by the <b>Request for Design Change – Environmental Assessment Update</b> [document reference C1.1] which will describe any resultant changes to the assessment conclusions presented in the ES, thus informing a consultation with relevant stakeholders (as agreed by the ExA) as part of the change request process. All the changes are expected to be positive i.e. reducing or removing impacts. These factors, if the change request is accepted, may result in changes to the values discussed above. However, although the quantum of impact will be reduced the significance of effect will remain the same.'</p>
REP1-074:1.9.9	1.9.9 The MMO note NE's comments that clarity is required on the use of cable protection at the Horizontal Direction Drilling (HDD) exit pits on the nearshore and clarification on the worst-case scenario in relation to landfall works (e.g. cofferdam usage).	<p>Please see the Applicants response to NE stated in the <b>Response to Natural England's Relevant Representations</b> [AS-048] (RR-039: C9) below:</p> <p>'Deemed Marine Licences (DMLs) 3 and 4 presented within the <b>Draft DCO</b> [APP-027] contain conditions (Condition 3 within each DML) which restrict the deposition of cable protection entirely between Mean High Water Springs and 350 metres seaward of Mean Low Water Spring. Within the area between 350 metres seaward of MLWS and the 10 metre depth contour as measured against Lowest Astronomical Tide (as at the date of commencement of construction of the licensed activities), no more than 10% of the length of the Offshore Export Cables will be protected. These conditions taken together provide clarity on the limits of protection that will be used within nearshore areas, including in the vicinity of HDD exit pits.'</p> <p>It should be noted that the accepted <b>Project Change Request 1 – Offshore and Intertidal Works</b> [AS-141] includes the removal of the short trenchless crossing at the landfall, and therefore removes the need for trenchless transition exit pits in the intertidal area. Cofferdams are not proposed.</p>
REP1-074:1.9.10	1.9.10 The MMO notes NE's concerns that the conservation objectives for the Holderness Inshore MCZ would be hindered regarding cable protection being placed on the nearshore causing permanent disruption to nearshore and longshore sediment transport on the Holderness Coast and impact features of the Holderness Inshore MCZ, the Humber Estuary SAC and Smithic Bank.	<p>Please see the Applicants response to NE stated in <b>Response to Natural England's Relevant Representations</b> [AS-048] (RR-039: NE3) below:</p> <p>'The Applicants' position is that any Offshore Export Cables associated with the Projects will be buried beneath the intertidal zone at the landfall, and 350m seaward of mean low water spring (MLWS). No seabed cable protection will be used within these areas. Cable protection will be limited to 10% of the cumulative length of all cables laid between 350m seaward of MLWS and the 10m depth contour as measured against the lowest astronomical tide before the commencement of construction. This is secured in condition 3 of the dMLs 3 and 4 of the <b>Draft DCO</b> [APP-027]. The final locations and volumes of cable protection will not be known until later in the project development cycle. The assessment presented in section 8.7.4.5 of <b>Chapter 8 Marine Physical Environment</b> [APP-080], which identified no likely significant effects in EIA terms, is based on the application of these embedded mitigation measures, with the receptors assessed</p>



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		<p>being informed by the Benthic Ecology and Physical Processes Expert Topic Group (ETG) held on 29<sup>th</sup> January 2024 (see record of the minutes from this meeting in <b>Appendix F1 - Minutes of meetings – ETG</b> [APP-043].'</p> <p>The assessment presented in section 8.7.4.5 of <b>Chapter 8 Marine Physical Environment</b> [APP-080] considers the effect of cable protection in relation to bedload transport and states: "if the protection does present an obstruction to this bedload transport the sediment would first accumulate on one side or both sides of the obstacle (depending on the gross and net transport at that location) to the height of the protrusion (up to 1.4m). With continued build-up, it would then form a 'ramp' over which sediment transport would eventually occur by bedload processes, thereby bypassing the protection. The gross patterns of bedload transport across the export cables would therefore not be affected significantly."</p>
REP1-074:1.9.11	1.9.11 The MMO notes NE's concerns the presence of cable protection measures on Dogger Bank may modify the hydrodynamic regime and further justification is needed for the volumes of predicted external cable protection within Dogger Bank SAC.	<p>Please see the Applicants' response to NE stated in the <b>Response to Natural England's Relevant Representations</b> [AS-048] (RR-039: NE4), specifically the section below:</p> <p><i>'The scale of impacts from cable installation and cable protection is fully justified within the worst case Table 6-3 within the <b>Report to Inform Appropriate Assessment (RIAA) HRA Part 2 of 4</b> [APP-046].</i></p> <p><i>Appendix J-1 of the Round 4 Plan Level HRA<sup>7</sup> assumed a maximum 10% of cable length requiring protection within the Dogger Bank SAC. Due to the Projects array cable and Inter-Platform Cable layouts not yet being finalised at the time of submission, it was required to assess a potential worst-case distance of cabling that may require external cable protection measures. As such, to ensure the parameters assessed did not exceed those detailed within the Round 4 Plan Level HRA and to ensure the absolute worst case was assessed, this 10% of cable length requiring protection within the Dogger Bank SAC footprint was chosen.</i></p> <p><i>However, the Applicants are in process of preparing a change request relating to a number of design parameters. The Examining Authority (ExA) was notified of the Applicants intention to make this change request on the 8<sup>th</sup> October 2024 (<b>Change Notification Letter</b> [PDA-012]). It is expected that the change request will be submitted in early January 2025 following targeted consultation. The change request will be supported by the <b>Project Design Change 1 – Environmental Assessment Update</b> [document reference: C1.1] which will describe any resultant changes to the assessment conclusions presented in the ES and RIAA. This information will be consulted upon with relevant stakeholders prior to the submission of the change request in early January. All the changes are expected to be positive i.e. reducing or removing impacts.</i></p> <p><i>The change proposed of relevance to this comment is the reduction in number of offshore platforms and reduction in cabling required in the Array Areas. Such changes would reduce the footprint of infrastructure and cable requirement on the seabed. Although the quantum of impact will be reduced the significance will remain the same.'</i></p> <p><b>Project Change Request 1- Offshore and Intertidal Works</b> [AS-141] has subsequently been submitted and then accepted into examination by the Examining Authority. As a result, the reductions in cabling, and consequently reductions of the maximum volumes of cable protection, have been manifested in the application.</p>
REP1-074:1.9.12	1.9.12 The MMO notes NE's concerns regarding Flamborough Front and that the Applicant should monitor potential changes to stratification, currents and primary productivity during pre-construction, post construction and the lifetime of the projects.	<p>Please see the Applicants response to NE stated in the <b>Response to Natural England's Relevant Representations</b> [AS-048] (RR-039: NE5) below:</p> <p><i>'As noted in section 8.7.4.3 (Changes to Water Circulation (Flamborough Front) due to the Presence of Infrastructure (Wind Turbines and Offshore Platforms)) of <b>Chapter 8 Marine Physical Environment</b> [APP-080], the structures could</i></p>

<sup>7</sup>The Crown Estate (2022) Record of the Habitats Regulations Assessment Undertaken under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 and Regulation 28 of The Conservation of Offshore Marine Habitats and Species Regulations 2017 Offshore Wind Leasing Round 4

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		<p><i>potentially create turbulent wakes at a local foundation scale which could locally change tidal mixing processes which may locally perturb the Flamborough Front and across the width of the array areas. However, the Flamborough Front is a strongly stratified regional feature in spring and summer and the high buoyancy forces associated with the stratification would not be destabilised by the local and relatively small turbulent wakes generated in the near field of each foundation.</i></p> <p><i>The North Sea within and around the array areas is stratified for less than 40 days a year and they are within a region categorised as intermittently stratified. The nearest seasonally stratified region (stratified for greater than 120 days) is located 17km west of the Array Areas. The Flamborough Front may be present occasionally at the array areas, but for most of the time the water is well-mixed.</i></p> <p><i>With minimum spacings of 830m between monopile foundations across the array, it is unlikely that wake to wake interactions would occur, and individual wakes would remain independent of each other and quickly dissipate away from each foundation (in the order of minutes and tens to hundreds of metres).</i></p> <p><i>Given that the Flamborough Front is highly dynamic and ephemeral landscape-scale feature, it would not be affected by localised, small-scale changes in water column turbulence induced by individual near-field wakes at foundation locations, especially if the strength of stratification (due to buoyancy forces) was sufficient to overcome any increased mixing.</i></p> <p><i>Based on this, no monitoring is proposed to be undertaken for changes to stratification, currents, and primary productivity.'</i></p>
REP1-074:1.9.13	1.9.13 The MMO notes NE's concerns regarding a lack of commitment to the removal of cable/scour protection during decommissioning and that the worst-case scenario should assess the impacts of leaving assets in situ if the DCO does not commit to removing them.	<p>Please see the Applicants response to NE stated in the <b>Response to Natural England's Relevant Representations</b> [AS-048] (RR-039: NE7) below:</p> <p><i>'The Applicants acknowledge this comment. The Applicants understand the sensitivities of the benthic habitats of the Offshore Development Area. In recognition of these sensitivities the Applicants have committed to embedded mitigation to minimise use of scour and external cable protection where practicable. Cable and scour protection methods and designs will be developed post-consent. The Applicants will give due consideration to the use of removable cable and scour protection measures during the detailed design stages of the Projects post-consent.'</i></p>
REP1-074:1.9.14	1.9.14 The MMO notes NE's advice that disposal options are explored to ensure sediment is deposited in similar sediment types.	<p>Please see the Applicants response to Action Point 12 of Table 4-1 stated in <b>The Applicants' Responses to January 2025 Action Points</b> [REP1-051] below:</p> <p><i>'There are two types of dredging methods that could be considered:</i></p> <ul style="list-style-type: none"> <li><i>Using a backhoe dredger mounted on a barge. This method uses a bucket on the end of a mechanical arm (a boom) to remove sediments from the seabed. This method is typically used in shallower harbour conditions. It not suitable for the water depths encountered along the DBS export cable corridor due to limitations of arm lengths.</i></li> <li><i>Using a Trailing Suction Hopper Dredger (TSHD). This is the preferred method seabed preparation in the offshore wind industry and it is the preferred method for the Projects. Further information on TSHD is provided below.</i></li> </ul>



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		<p>A TSHD vessel is positioned along the theoretical centre line of the burial trench. A suction pipe with a drag head attachment is lowered to the seabed, the dredge pumps are started and pre-sweep operations commence, with sediment and sea water sucked up the suction pipe and passed into a hold or hopper aboard the vessel. After a layer of material is dredged, the dredging vessel repositions itself and lowers the drag head to begin the next pass. On each pass the height of the seabed is reduced. The operation is repeated until the desired depth, or a desired shape within the seabed, has been achieved. Note that during the dredging phase, the TSHD is following the drag head path in a linear fashion. The dredged material along that line, which may well be heterogenous (mixed) in character both laterally and / or vertically, will be subject to further mixing within the hopper. Given that the substrate itself can consist of heterogenous deposits on the sea floor which are subject to further mixing along the suction pipe and in the dredger's hopper it is not possible to sort and separate "like" sediments of a specific character for disposal.</p> <p>With regards to disposal methods, it is important to clarify that fall pipes are not practicable for the disposal of dredged material as they would not be equipped on a TSHD. Fall pipes are typically used to deliver rock to the seabed during the installation of scour and cable protection. Thus, fall pipes are normally found on rock installation vessels and not dredgers. In terms of disposal from TSHD vessels, there are three main options:</p> <ol style="list-style-type: none"> <li>1. A floating pipe - This involves the use of a floating pipe managed by a tug boat which discharges sediment close to the water's surface. It is generally used close to a land location that has materials similar to the material that was dredged. This method is not suitable for sand wave clearance along an export cable corridor that runs 100km+ away from the coast.</li> <li>2. Rainbowing – This involves spraying a jet of water and sediment from the dredge vessel in an arc through the air onto the sea surface. The Applicants have indicated that they would not do this as this process was not considered in the worst case design scenario.</li> <li>3. Bottom deposition/open door disposal - This involves opening bay doors (hatches) on the underside of the vessel which lead to the hopper, allowing the sediment to be released from the underside of the TSHD. This is the preferred method for sand wave clearance operations. It does not require additional support vessels, it is comparatively quick, which will help to reduce the overall duration of the dredging campaign, and it can be done in a controlled way over a distance, rather than discharging in one go in a concentrated fashion. It is usually done in close proximity to the area from which the sediment was obtained. To reiterate, the use of a fall pipe to dispose of sediment after dredging is not practicable. Further, they are not typically found on TSHD vessels.</li> </ol> <p>The Applicants' preferred method of dredging is to carry out seabed preparation using a Trailing Suction Hopper Dredger to prepare the seabed for construction activities where necessary and to use the technique of bottom deposition to discharge the sediments within the consented disposal grounds. The Applicants' preferred method is in alignment with the worst case scenario considered within <b>Chapter 8 Marine Physical Environment</b> [APP-o8o] and the marine physical process modelling which informed this chapter 7.8.8.3 <b>Appendix 8-3 – Marine Physical Processes Modelling Technical Report</b> [APP-o84]. With embedded mitigation in place, the assessment of the effects of seabed preparation for cable and foundation installation (dredging works) as informed by the modelling undertaken identified a negligible effect. As a result, no additional mitigation for sediment disposal is deemed necessary by the Applicants.'</p>
REP1-074:1.9.15	1.9.15 We have reviewed and acknowledged NE responses and will keep a watching brief and will continue to review during the examination process.	The Applicants acknowledge this comment.
REP1-074:1.10	1.10 RSPB (RR-049)	The Applicants acknowledge this comment.

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	1.10.1 The MMO defers to the Statutory Nature Conservation Body (SNCB) on these matters (NE).	
REP1-074:1.11	1.11 UK Chamber of Shipping (RR-0052) 1.11.1 The MMO will keep a watching brief on any written representations submitted by the UK Chamber of Shipping.	The Applicants acknowledge this comment.
REP1-074:1.12.1	1.12 The Wildlife Trusts (TWT) (RR-057) 1.12.1 The MMO notes that TWT is still in the process of reviewing the application. The Wildlife Trusts will provide a more detailed view on their position in future deadlines. The MMO will keep a watching brief on any further written representations submitted by TWT.	The Applicants acknowledge this comment. Further written representation has been received from TWT [REP1-088] and the Applicants' response is provided in (Table 2-17).
REP1-074:1.12.2	1.12.2 The MMO notes that TWT only support site extension as compensation for the impacts to the SAC. This is the only measure that will ensure that recovery of Dogger Bank SAC will not be hindered and will meet legal obligations including: <ul style="list-style-type: none"> <li>The coherence of the UK National Sites network, as required under 36 of the Offshore Habitats Regulations</li> <li>A well-managed and ecologically coherent network of Marine Protected Areas as required under Section 123 and 126 of the Marine and Coastal Access Act and international agreements such as OSPAR.</li> <li>Environment Act MPA targets.</li> </ul> To be effective, site extension as a compensation must sit within a wider package of measures including: <ul style="list-style-type: none"> <li>The implementation of the management of activities within any site extension.</li> <li>The development and implementation of a Dogger Bank SAC site recovery plan which should include: <ul style="list-style-type: none"> <li>A moratorium on all future development on Dogger Bank SAC and any site extension in the future. The SAC is in unfavourable condition, has reached carrying capacity and requires space to recover.</li> </ul> </li> </ul> Enhanced protection to ensure there will not be a chain of compensation requirements in the future	<p>The Applicants support designation of a new site / extension of an existing site as compensation for adverse effect on integrity of the Dogger Bank SAC. The Applicants have been heavily involved in the Plan Level Compensation Steering Group and undertook extensive seabed surveys of the area to the north of the existing Dogger Bank SAC in 2023 (this was provided to the Steering Group and is appended to <b>Round 4 Dogger Bank Strategic Compensation Plan</b> [APP-060]).</p> <p>The designation of any site would require development of conservation objectives and management measures aligned with these, covering the points made by TWT. Note that the Interim Guidance from the Department for Energy Security and Net Zero (DESNZ) (29<sup>th</sup> January 2025<sup>8</sup>) includes (at paragraph 15) the following:</p> <p><i>"It is recognised that the detailed information usually expected by DESNZ Secretary of State may not be fully available until the Government's MPA designation/extension programme is complete. The WMS [Written Ministerial Statement] therefore commits to the production of high-level Implementation and Monitoring Plans, which should be obtained from Defra by the applicant and provided to the DESNZ Secretary of State before works which give rise to the adverse effect for which compensation is required can commence. These plans will contain the following information:</i></p> <ul style="list-style-type: none"> <li>High level explanation as to how designation of an MPA will compensate for effects on each relevant habitat and, where possible, ratios used.</li> <li>Implementation timetable and an explanation of the MPA designation process.</li> <li>Information on current monitoring, long term management and reporting of MPAs, and any differences for MPAs designated for compensation purposes.</li> <li>Information on how the effectiveness of the MPA designation would be maintained in terms of enforcement and adaptive management.</li> </ul> <p>Commitment to providing an updated IMP as the designation process continues and detail is resolved."</p>
REP1-074:1.12.3	1.12.3 The MMO notes that TWT does not agree with the Applicant's position on no Adverse Effect on Integrity (AEIOI) on Dogger Bank SAC due to the impact of physical damage on the subtidal sandbank feature from the Project. The plan level assessment undertaken by The Crown Estate in April 2022 (The Crown Estate, 2022) and signed off by the Secretary of State in July	The Applicants direct TWT and the MMO to the <b>Review of evidence on recovery of sandbank habitat following habitat damage</b> [AS-025] report (issued in November 2024) which provides additional evidence regarding the impact of physical damage on the subtidal sandbank and observed speed of recovery with site-specific examples.

<sup>8</sup> <https://www.gov.uk/government/publications/strategic-compensation-measures-for-offshore-wind-activities-marine-recovery-fund-interim-guidance/strategic-compensation-measures-for-offshore-wind-activities-marine-recovery-fund-interim-guidance>

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	2022 (DESNZ, 2022) concluded habitat damage of 32.209km <sup>2</sup> which would delay restoration, which is contrary to the conservation objectives of the SAC	
REP1-074:1.12.4	1.12.4 The MMO notes that TWT has an interest in the potential for the project to cause underwater noise impacts to the Southern North Sea SAC, both alone and in-combination with other activities. They will provide further details on this matter at the examination stage. The MMO will keep a watching brief on any written representations submitted by The Wildlife Trusts.	The Applicants acknowledge this comment. Further written representation has been received from TWT [REP1-o88] and the Applicants' response is provided in (Table 2-17).
REP1-074:1.13	1.13 Yorkshire Wildlife Trust (RR-059) 1.13.1 The MMO will keep a watching brief on any written representations submitted by Yorkshire Wildlife Trust	The Applicants acknowledge this comment.
REP1-074:2.1	2.1 General Comments 2.1.1 The MMO has reviewed the following documents: <ul style="list-style-type: none"> <li>PDA-013 – The applicants Responses to Relevant Representations Revision 1</li> <li>RR-039 – Natural England's Relevant Representation</li> <li>APP-095 - ES Chapter 1 – Marine Mammals</li> <li>APP-100 - ES Appendix 11-4 Interim Population Consequence of Disturbance (iPCoD) Modelling</li> <li>APP-101 - ES Appendix 11-5 – Cumulative Effects Assessment (CEA) Screening</li> <li>AS-028 – 8.24 Outline Offshore Operations and Maintenance Plan (revision 02) (Tracked)</li> <li>AS-052 - 6.1 Report to Inform Appropriate Assessment Habitats Regulations Assessment Part 2 of 4 - Annex I Offshore Habitats and Annex II Migratory Fish (Revision 3) (Tracked)</li> <li>AS-056 - 7.11.11.6 Environmental Statement Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment (Revision 2) (Tracked)</li> <li>AS-081 - 8.27 Outline Scour Protection Plan (Revision 2) (Tracked)</li> <li>AS-083 - 8.28 Outline Fisheries Liaison and Co-existence Plan (Revision 2) (Tracked)</li> <li>AS-101 - 8.25 Outline Marine Mammal Mitigation Protocol (Revision 2) (Tracked)</li> <li>AS-103 – 8.26 In Principle Site Integrity Plan for the Southern North Sea Special Area of Conservation (Revision 2) (tracked)</li> <li>AS-104 - 10.38 Benthic Ecology Technical Note (Revision 1)</li> <li>AS-105 - 10.41 Heat Mapping Report: Atlantic Herring and Sandeel (Revision 1)</li> <li>AS-142 Appendix A Fish and Shellfish Ecology Environmental Statement</li> <li>AS-143 Appendix B Marine Mammal Environmental Statement Update</li> <li>AS-144 - Appendix C Marine Mammal Report to Inform Appropriate Assessment Update</li> <li>AS-136 - 7.8.8.3 – Appendix 8-3 Marine Physical Process Modelling Technical Report</li> <li>AS-138 - 7.11.11.3 Appendix 11-3 Underwater Noise Modelling Report (revision 2)</li> <li>AS-140 - 7.11.11.4 Appendix 11-4 Interim Population Consequence of Disturbance iPCoD Modelling (Revision 2) (Tracked)</li> </ul> 2.1.2 AS-052, AS-105 and AS-142 are still being reviewed and a response will be provided in Deadline 2	No response is required.

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REP1-074:2.2.1	<p>2.2 Benthic Ecology</p> <p>2.2.1 The MMO notes that the Applicant confirms in Table 4.6.1 Section RR-030: 5.4.2 of the responses to relevant representations that suitable pre-construction surveys will inform appropriate micro-siting project infrastructure around Annex I / UK Biodiversity Action Plan (BAP) Priority Habitats.</p>	The Applicants acknowledge this comment.
REP1-074:2.2.2	<p>2.2.2 The MMO understands that details of post-construction monitoring will be confirmed based on results of the pre-construction survey. Currently, the proposed strategy will be to repeat the pre-construction sampling (i.e. revisit the same location pre- and post-construction). However, the Applicant will take an adaptive approach to sampling effort and duration of the monitoring required. The MMO welcomes this commitment and notes that development of a suitable design to objectively monitor potential changes in e.g., the condition or extent of Annex I reef, must be completed prior to construction activities to correctly attribute any observed changes to the proposed development.</p>	The Applicants acknowledge this comment.
REP1-074:2.2.3	<p>2.2.3 Statutory advice regarding compensation measures, as well as designated features and sites, is provided by the relevant Statutory Nature Conservation Body. The MMO defers to their expertise and recommendations on these matters.</p>	The Applicants acknowledge this comment.
REP1-074:2.2.4	<p>2.2.4 The MMO also has comments held within Annex 1: Table 1: Points: 29, 82-85 which relate to Benthic Ecology.</p>	No response is required.
REP1-074:2.3.1	<p>2.3 Coastal processes</p> <p>2.3.1 The MMO notes that NE has suggested that the need for 10% of cumulative cable length to be protected within the nearshore zones could be reduced and named examples from Northern Endurance Partnership and Hornsea Project Four where this has been done successfully. The MMO agrees that the cable protection should be reduced as much as possible to prevent any disruption within the nearshore zone. It has also been suggested that beach profile change monitoring should be undertaken regardless of the location of the trenchless technique to confirm beach recovery and monitor cable burial success. The MMO also agrees that this should be undertaken.</p>	<p>The Applicants acknowledge this comment and can confirm that the use of remedial cable protection will be minimised as far as is practicable, evidencing its use, where it might be deemed necessary, through Cable Burial Risk Assessments supported by site information obtained through field surveys. The evidence that the Applicants hold relating to ground conditions in the nearshore section of the Offshore Export Cable Corridor suggest that cable protection may be needed in this location.</p> <p>The Applicants note that the DBS Projects make landfall in a location that is different to those used by the projects named. It might reasonably be expected that ground conditions are also different at these locations, as the composition of the sea floor can vary greatly across small spatial scales. Thus, the Applicants suggest that limited parallels of relevance to DBS can be drawn from these projects.</p> <p>As part of <b>Project Change Request 1 – Offshore and Intertidal Works</b> [AS-141], the Projects have removed the short trenchless crossing at landfall. Therefore, the trenchless bore exit pits will not be located on the beach so there will be no recovery from cable installation activities at Landfall as there is no impact. Therefore, the Applicants disagree with the need to monitor beach recovery. The bore will be located at a sufficient depth below the beach to ensure it is not exposed during the lifetime of the Project.</p> <p>An assessment of beach platform lowering over a 16 year period was undertaken and the results outlined in the <b>Coastal Erosion Rate Technical Note</b> (AS-116). The results show that there is both erosion and accretion over short time scales (&lt;5 years). Over the medium term (16 years) the morphology of the intertidal area remained relatively unchanged. The study covered a 2km stretch of the coast and will be used to support the approach to trenchless cable installation at the landfall.</p>



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REP1-074:2.3.2	2.3.2 The MMO notes that originally re-powering was discussed in Chapter 5 of the ES, where it states that this may be considered at or near the end of the design life of the Project. The MMO agrees that if the re-powering were to be considered an option for this site at decommissioning that further consent or new EIA would be necessary even with similar design scenarios. This is because in 30 years' time, the baseline conditions may differ significantly and there may be new projects which are causing cumulative impacts on the area which will have not been considered within this ES. Also, the impacts of the updated turbines/engineering involved in a re-powering project over the new lifespan would not have been considered within this project ES. This should be committed to within the Application documents.	<p>If the specifications and designs of the new turbines and / or foundations were outside the existing maximum design scenario, or the impacts of constructing, operating, and decommissioning them were to fall outside those considered in this Environmental Statement (ES), repowering would require further consent (and EIA).</p> <p>Given the uncertainty regarding the technical specifications around any potential repowering and potential levels of impacts, repowering was not assessed in the ES, nor are powers for repowering being applied of as part of the Development Consent Order sought by the Applicants.</p> <p>As any repowering of the Projects that utilised updated parameters / engineering techniques would require further consent and EIA (as noted above), the Applicants' do not believe it appropriate to include such commitments within the application documents of Projects at this time. The Applicants note that other recently consented offshore wind farms such as Hornsea Project Four and the Sheringham Shoal and Dudgeon Extension Projects did not include any reference to re-powering in their projects' DCOs.</p>
REP1-074:2.3.3	2.3.3 Re-powering was not discussed further within the Marine Physical Environment chapter in decommissioning discussions and only discussion of the removal of wind turbine components and structures was mentioned. The MMO requests that mention of possibility for structures to be left in as a re-powering project would be beneficial for clarity. However, impacts should be properly assessed in an updated EIA over the lifetime of the project.	See response to 2.3.2 above.
REP1-074:2.3.4	2.3.4 The MMO acknowledges the Applicants response in Table 4.6.1 Section RR-030 in 5.2.2 and 5.2.3. However more consideration is needed following the 30 -year lifespan of the project and how the changes of sediment gradients might change the baseline at the end of the project. The sediment gradients have been discussed in terms of the array area and the possibility of a potential of accretion of the seabed in the south with erosion of the seabed in the north of the area. Small changes such as these in this area could have the potential to have a wider impact over 30-year span to seabed features.	<p>Detailed review of the model outputs for bed shear stress show that most changes are localised within 1km of the individual turbines and both an increase and decrease in bed shear stress occurs which at a local scale offsets one another leading to no net change in sediment transport.</p> <p>At a more regional scale, there is a weak relationship between the morphology of the Dogger Bank and the changes in bed shear stress. Along the bank margins where the water deepens, there is an increase in bed shear stress due to the Projects which could theoretically mobilise coarser grains leading to erosion. However, the maximum modelled change in bed shear stress is <math>0.02\text{Nm}^2</math> which would not significantly change the grain size of sediment that could be mobilised. For example, the threshold to mobilise fine sand is <math>0.157\text{Nm}^2</math> and the threshold to mobilise medium sand is <math>0.195\text{Nm}^2</math>. The difference in bed shear stress required to mobilise these two grain size fractions is <math>0.04\text{Nm}^2</math>. Therefore, a maximum change in bed shear stress of <math>0.02\text{Nm}^2</math> would not significantly change the potential for sediment to be transported having limited to no effect on sediment transport pathways.</p> <p>Once the Projects have been constructed, the change in tidal regime will be the same for the duration of the operation phase. Therefore, there will be no additional changes to bed shear stress over the lifespan of the Projects that could manifest in changes to sediment transport pathways.</p> <p>As a worst case, if long term changes did occur that led to erosion along the Dogger Bank margins resulting in a reduction in sediment supply to the northwest (as residual sediment transport is from the southeast to northwest), there would be no wider impacts as there are no morphological receptors or other projects located to the northwest of the Array Areas.</p>
REP1-074:2.3.5	2.3.5 The MMO notes that the changes have been summarised by the Applicant in 3.1 of the Project Change Request as "The proposed changes would reduce the worst-case parameters assessed for Chapter 8 Marine Physical Environment. However, the extent of the reduction does not result in any changes to the outcomes of the original assessment presented within Chapter 8."	The Applicants acknowledge this comment.



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REP1-074:2.3.6	2.3.6 The MMO notes that the modelling report has been changed for gravity base structure foundations and reduction of offshore platforms. However, in Section 8.3.4.2 (Construction activities and Sediment release) of the modelling document; the tables haven't been updated accordingly to the new array and inter-platform cabling lengths. The MMO requests clarity on why these aspects haven't been updated within the report?	The Applicants acknowledge this comment and have updated the values in Table 8.3.12 and Table 8.3.13 of the report submitted at Deadline 2 ( <b>Appendix 8-3 Marine Physical Processes Modelling Technical Report (Revision 3)</b> [document reference 7.8.8.3]).
REP1-074:2.3.7	2.3.7 The MMO also has comments within Annex 1: Table 1: Points: 70-75 which relate to Coastal Processes.	The Applicants acknowledge this comment and note the MMO will provide further comments in due course.
REP1-074:2.4	2.4 Fisheries and Shellfisheries 2.4.1 The MMO will provide a response at Deadline two or three for comments relating to Fisheries and Shellfish.	The Applicants acknowledge this comment. The Applicants would welcome any comments at the earliest opportunity in order for there to be sufficient time during Examination for these to be considered and addressed (noting that the ExA requested these by Deadline 1) and delays will limit a chance for these to be examined as part of the ExA's First Written Questions.
REP1-074:2.5.1	2.5 Underwater Noise 2.5.1 The MMO acknowledges the Applicant's process of preparing a change request relating to the relevant design parameters (Change Notification Letter - application reference 10.2) in relation to the removal of an intertidal HDD exit from the Projects Design Envelope, the removal of all platforms from the Offshore Export Cable Corridor, reductions in the numbers of platforms in the Array Areas and overall reductions in cable lengths within the Array Areas. The MMO notes that the DML conditions will be updated to address concerns if the Applicant's change request is accepted by the ExA.	The Applicants acknowledge this comment and note that the change request was accepted into examination by the Examining Authority, as detailed in the Rule 9 and 17 letter - Procedural Decision and Request for further information dated 21 <sup>st</sup> January 2025 [PD-012]. The <b>Draft DCO (Revision 4)</b> [AS-130] was updated to reflect Project <b>Change Request 1 - Offshore and Intertidal Works (Revision 1)</b> [AS-141].
REP1-074:2.5.2	2.5.2 The MMO acknowledges the Applicant's commitment to undertake underwater noise monitoring of the first four piles of each piled foundation type and that monitoring locations would be confirmed within post-consent monitoring plans that will be submitted prior to the commencement of piling. The MMO will review the post-consent monitoring plans and provide comments in due course.	The Applicants acknowledge this comment.
REP1-074:2.5.3	2.5.3 The MMO acknowledges that Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment (APP-102) will be updated with regards to potential mitigation options, including noise abatement systems (NAS) and the MMO will review when this is available.	Mitigation measures for underwater noise from UXO clearance are presented in section 2.2 in the <b>Outline Marine Mammal Mitigation Plan (MMMP) (Revision 3)</b> [document reference 8.25] and have been updated, where relevant, to align with the JNCC (2025) guidance and submitted at Deadline 2. Following from this, minor updates will be made to <b>Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment (Revision 2)</b> [AS-055], which will be submitted at Deadline 3.
REP1-074:2.5.4	2.5.4 The MMO welcomes the Applicant's clarification on the columns presented in Table 11-6-3 of Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment [APP-102].	The Applicants acknowledge this comment.
REP1-074:2.5.5	2.5.5 The MMO acknowledges the incorrect referral to Table 11-6-5 of Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment (APP-102) and the correct table is 11-6-6. The MMO welcomes that this report will be updated.	The Applicants direct the MMO to <b>Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment (Revision 2)</b> [AS-055], which was published on 22 <sup>nd</sup> November 2024 and includes updates to Table 11-6-5 and Table 11-6-6.
REP1-074:2.5.6	2.5.6 The MMO welcomes that the Applicant will update Table 6-9 within Appendix 11-3 Underwater Noise Modelling Report [APP-099] with the correct source level for low yield.	The Applicants direct the MMO to <b>Appendix 11-3 Underwater Noise Modelling Report (Revision 2)</b> [AS-137], which was submitted alongside the <b>Project Change Request 1 – Offshore and Intertidal Works</b> [AS-141] and accepted into

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		Examination on 21 <sup>st</sup> January 2025. This update included a correction to the source level for low yield as referred to in this comment.
REP1-074:2.5.7	2.5.7 The MMO acknowledges that Table 4-2 of Appendix 11-3 Underwater Noise Modelling Report [APP-099] will be revised to be "7,500 strikes over 6 hours 20 mins per pile".	<p>The Applicants direct the MMO to <b>Appendix 11-3 Underwater Noise Modelling Report (Revision 2)</b> [AS-137], which was submitted alongside the <b>Project Change Request 1 – Offshore and Intertidal Works</b> [AS-141] and accepted into Examination on 21<sup>st</sup> January 2025.</p> <p>To clarify the original text of "7,500 strikes over 5 hours 20 mins per pile" is correct. However, the duration for a 6,000J hammer energy was incorrect, this has been amended to 4 hours 10 mins, rather than 5 hours 10 mins.</p>
REP1-074:2.5.8	2.5.8 The MMO acknowledges the Applicant's response in Table 4.6.1 Section RR-030 5.7.5 with regards to the von Pein et al. (2022) study. However, the MMO considers that it is important to highlight recent and relevant findings from the peer-reviewed literature. The MMO highlights that when comparing the noise levels corresponding to strikes of different energies, it is essential to keep all the other relevant parameters (e.g., penetration depth, water depth) constant, and to refer to the same piling location and piling sequence, otherwise the change in noise levels will be determined by multiple other factors, not only the change in hammer strike energy. The MMO understands that the measurement data in von Pein et al. is intended only as an overall, statistical validation of scaling laws and is not suitable for deriving empirical trends directly from observation, such as the differences between the 3.5 metres (m) vs the 7.8 m piles or the apparent trend reversal at larger pile diameters. Establishing such trend details with any confidence directly from the measurements would require much more comprehensive datasets.	The Applicants acknowledge the comments relating to von Pein <i>et al.</i> (2022) and the complexity of modelling in general. While the paper does contribute to the overall knowledge of piling noise, Subacoustech has developed a model adjusted and validated using a very large dataset of piling noise in UK waters.
REP1-074:2.5.9	2.5.9 The MMO acknowledges that the validation of the von Pein et al. scaling laws is limited to observations of piles measuring up to 8.1 m diameter (while for the FEM models the upper limit was 12 m). Extrapolating this law to piles of 15 m would indicate an increase of 9-10 decibels (dB) in noise levels, compared to 4 m pile (however, this increase is about 4.5 dB when compared to an 8 m pile and only 1.5 dB over a 12 m pile). The MMO notes that Subacoustech's research indicates that pile diameter, although contributory, has a relatively small effect on noise emission. However, the MMO understands the details of this research has not been disclosed to the scientific community, while the currently available observational datasets do not extend to the pile diameter values anticipated for this development.	The Applicants agree and acknowledge that available empirical data does not exist for the larger piles of the scale that could be installed at DBS. All assessments undertaken for future offshore windfarm projects necessarily require noise modelling that extrapolates from existing knowledge to the effect of much larger designs and based on the data and modelling undertaken by Subacoustech. The use of the scaling factor predicted by the FEM model used in von Pein <i>et al.</i> appears to risk significantly overestimating the actual effect of pile diameter alone, that goes well beyond precautionary, and against the principles of reducing conservatism in assessments that the industry is currently attempting.
REP1-074:2.5.10	2.5.10 The MMO notes the study of von Pein et al. acknowledges the various limitations of their modelling and analysis (including limitations of the available validation datasets). However, the MMO highlighted this study as the potential implications of diameter scaling law on the modelling predictions and the magnitude of their impacts can be quite considerable. The MMO requests that this is updated.	<p>The Applicants do not agree that the assessment requires updating on the basis of von Pein <i>et al.</i> (2022). There are many models available for prediction of underwater noise; von Pein <i>et al.</i> (2022) is one, and as noted above, the Applicants believe that use of the scaling 'laws' it presents would lead to results that would be beyond precautionary, and likely unrealistic.</p> <p>The underwater noise model utilised by the Applicants is Subacoustech Environmental's INSPIRE model. This semi-empirical model is widely used for offshore wind farm assessments and regularly updated based on empirical data. For example, it has been used and validated at, for example, Triton Knoll, Hornsea Project 2 and Dogger Bank B near to Dogger Bank South, as well as at most other constructed and authorised offshore wind farms in English waters.</p>
REP1-074:2.5.11	2.5.11 The MMO thanks the Applicant for the clarification regarding Table 4.6.1 Section RR-030 5.7.7 on single/monopile installation in the Offshore Export Cable Corridor and the potential impact to grey seals. The MMO notes that the potential effects of underwater noise will be	The Applicants acknowledge this comment and note that the change request has been accepted into examination by the ExA, as detailed in the Rule 9 and 17 letter - Procedural Decision and Request for further information dated 21 <sup>st</sup>

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	reassessed in the Request for Design Change – Environmental Assessment Update document and submitted during Examination.	<p>January 2025 [PD-012]. The change request includes the removal of the Electrical Switching Platform which removes piling in the Offshore Export Cable Corridor.</p> <p>The Applicants direct the MMO to <b>Project Change Request 1 – Offshore and Intertidal Works</b> [AS-141], <b>Appendix B Marine Mammal Environmental Statement Update</b> [AS-143], <b>Appendix C Marine Mammal Report to Inform Appropriate Assessment (RIAA) Habitats Regulations Assessment (HRA) Update</b> [AS-144] and <b>Appendix 11-4 Interim Population Consequence of Disturbance (iPCoD) Modelling (Revision 2)</b> [AS-139] for further information regarding the updates to the marine mammal assessments.</p> <p>The proposed removal of the platform in the Offshore Export Cable Corridor would not cause any change to the magnitudes or significance of effect of concurrent piling of jacket pin piles for PTS. However, the proposed removal of the platform in the Offshore Export Cable Corridor would reduce the significance of effect for TTS due to the cumulative exposure of concurrent jacket pin pile installations at multiple piling locations for grey seal, from major adverse (significant in EIA terms) to minor adverse (not significant in EIA terms).</p>
REP1-074:2.5.12	2.5.12 The MMO acknowledges the comment by the Applicant in Table 4.6.1 Section RR-030 5.7.8 and welcomes that large ranges will be monitored to test the validity of the underwater noise modelling in regards to Multi-leg foundations.	The Applicants acknowledge this comment.
REP1-074:2.5.13	2.5.13 The MMO welcomes the Applicant's comments in Table 4.6.1 Section RR-030 5.7.9 that the In Principle Monitoring Plan will be updated in future revisions in regards to monitoring at large ranges during the construction phase would be required to validate any predictions from the underwater noise modelling presented in Appendix 11- 3.	The updated <b>In Principle Monitoring Plan (Revision 2)</b> [document reference 8.23] has been submitted at Deadline 2, with text added to section 1.6.6.3 regarding monitoring at large ranges.
REP1-074:2.5.14	2.5.14 The MMO acknowledges the Applicant's response in Table 4.6.1 Section RR-030 5.7.10 that the underwater noise modelling includes the Projects worst case scenarios without mitigation, which the MMO considers appropriate. However, alongside the worst-case modelling, the MMO requests modelling the effect of noise abatement technologies, so that the MMO and other regulators are informed of the risk reduction options available. This is particularly important for the assessment of cumulative impact from multiple activities, where the MMO and other regulators need to be informed of the measures available to reduce cumulative risk for specific populations and habitats.	The Applicants have ensured that the underwater noise modelling has included the Projects worse case scenarios without mitigation. Noise reduction systems, such as NAS, are being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters. Where necessary, underwater noise modelling and assessments will be updated post-consent to determine the mitigation required for the Projects; this will include the finalised Projects design (primary measures) and secondary noise reduction measures (such as NAS requirements) to provide the most accurate potential impact ranges. Modelling outputs with the final project design and mitigation proposals put forward for agreement will be presented at this juncture also. This work will be undertaken to inform the final MMMP and SIP, and allow the MMO to be satisfied that appropriate mitigation is in place.
REP1-074:2.5.15	2.5.15 The MMO acknowledges the Applicant's response in Table 4.6.1 Section RR-030 5.7.19 that they will be considering additional mitigation methods such as NAS to reduce the impact area and NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters. The MMO considers that the Applicant should be considering NAS at the earliest opportunity.	By including noise reduction systems, such as NAS, within the Projects' procurement strategy as an optional element, it is allowing the Projects to consider the use of NAS at the earliest point during the procurement process. This would allow the Projects to utilise this mitigation, should it be required based on the final project design post-consent.
REP1-074:2.5.16	2.5.16 The MMO notes the Applicant's response in Table 4.6.1 Section RR-030 5.7.20 that the Applicant's are considering additional mitigation methods, such as NAS, that are listed in the Outline MMMP [APP-249] and in the In Principle SIP for the SNS SAC [APP-250], should this be required once the final project design is available post-consent. Additionally, NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters. The MMO notes that the	<p>The Applicants acknowledge the MMO's comment.</p> <p>Following comments in the relevant representations, updates were made to the <b>MMMP (Revision 2)</b> [AS-100] and <b>In Principal SIP for the SNS SAC (Revision 2)</b> [AS-102], submitted on 29<sup>th</sup> November 2024. However, further updates to these documents have been submitted at Deadline 2 following acceptance of <b>Project Change Request 1 –</b></p>

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	Applicant plans to make amendments to the MMMP and therefore will keep a watching brief on NAS updates.	<b>Offshore and Intertidal Works</b> [AS-141] into the examination and review of Defra's recent policy paper on marine noise.
REP1-074:2.5.17	2.5.17 The MMO notes the Applicant has stated in Annex 1, Table 1 point 132 that changes will be made to Peak Sound Pressure Level (SPL <sub>peak</sub> ) source level as it should have been 273.4 dB and not 281.9dB based on a charge weight of 0.75 kilograms (kg). Along with the single strike Sound Exposure Level (SEL <sub>ss</sub> ) source level is also incorrect.	The Applicants direct the MMO to the updated <b>Appendix 11-3 Underwater Noise Modelling Report (Revision 2)</b> [AS-137] which includes the corrections to these values. This was submitted alongside the <b>Project Change Request 1 – Offshore and Intertidal Works</b> [AS-141] and accepted into Examination on 21 <sup>st</sup> January 2025.
REP1-074:2.5.18	2.5.18 The MMO notes that Table 11-6-5 and Table 11-6-6 have been updated to include the predicted Permanent Threshold Shift (PTS) and TTS impact ranges for low yield for each marine mammal species considered. The predicted ranges appear somewhat larger than anticipated. Although this is not a significant issue as the ranges are overestimates rather than underestimates and thus more precautionary, the Applicant should review these values for accuracy. Please see Annex 1, Table 1, Point 132 as the Applicant states this will be updated and the MMO will keep a watching brief on this.	<p>The Applicants acknowledge the MMO's comment and assume the MMO is directing them to point 129 rather than 132. The Applicants updated response is provided in Table 2-9 of <b>The Applicants' Responses to Deadline 1 Documents</b> [document reference 12.3]. <b>Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment (Revision 2)</b> [AS-055] was published on 22<sup>nd</sup> November 2024 and includes updates to Table 11-6-5 and Table 11-6-6.</p> <p>However, the document will be updated at Deadline 3 in response to REP1-074:2.5.3 above.</p> <p>The Applicants acknowledge that the predicted PTS and TTS impact ranges for low yield for each marine mammal species is larger than expected. The Applicants have reviewed these values again for accuracy and confirm that all predicted impact ranges presented in Table 11-6-5 and Table 11-6-6 in <b>Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment (Revision 2)</b> [AS-055] align with those presented in Table 6-10, Table 6-11 and Table 6-12 in <b>Appendix 11-3 Underwater Noise Modelling report (Revision 2)</b> [AS-137].</p> <p>If required, further underwater noise modelling will be undertaken prior to the UXO clearance marine licence application to reflect any updates in the methodology.</p>
REP1-074:2.5.19	2.5.19 The MMO did previously highlight that the impact ranges presented for both monopile and pin pile foundations are significant, and the risk of potential impact is not going to be sufficiently mitigated using the standard measures that are typically employed (i.e., ADDs). At this stage in the process, and considering the sizable predictions, it is somewhat disappointing to see that no modelling has been presented to show the effect of noise abatement technologies (i.e., bubble curtains). This comment still stands.	The Applicants acknowledge this comment. Please see response to REP1-074:2.5.14 above.
REP1-074:2.5.20	2.5.20 The MMO defers to NE for comments on the iPCoD modelling as well as for the information presented in Appendix C Marine Mammal Report to Inform Appropriate Assessment (RIAA).	The Applicants acknowledge this comment.
REP1-074:2.6.1	<p>2.6 Outline Marine Mammal Mitigation Protocol (MMMP) – AS-101</p> <p>2.6.1 The MMO notes that Table 11-6-5 and Table 11-6-6 have been updated to include the predicted PTS and TTS impact ranges for low yield for each marine mammal species considered. The predicted ranges appear somewhat larger than anticipated. Although this is not a significant issue as the ranges are overestimates rather than underestimates and thus more precautionary, the Applicant should review these values for accuracy.</p>	The Applicants acknowledge this comment. Please see response to REP1-074:2.5.18 above.
REP1-074:2.6.2	2.6.2 The MMO notes that the Applicant is updating the MMMP with regards to noise mitigation and piling. The MMO will keep a watching brief on this. Please see Annex 1, Table 1, Points 64-68 for more information.	The Applicants acknowledge this comment, and have made changes to the <b>Outline Marine Mammal Mitigation Protocol (MMMP) (Revision 3)</b> [document reference: 8.25] in response to relevant representations. Further updates to the Outline MMMP have been submitted at Deadline 2 following acceptance of <b>Project Change Request 1 –</b>



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		<b>Offshore and Intertidal Works</b> [AS-141] into the examination and upon review of Defra's recent policy paper on marine noise.
REP1-074:2.7.1	<p>2.7 Dogger Bank South Compensation Plans</p> <p>2.7.1 The MMO generally defers to NE as the SNCB in relation to compensation. The MMO agrees in principle with 6.1.1 (APP-049) that individual projects requiring compensation where ecologically feasible compensation can only be delivered strategically or those requiring measures under development should have clarity on the process of quantifying the respective compensation required for each project.</p>	The Applicants acknowledge this comment and welcome the MMO's agreement.
REP1-074:2.7.2	<p>2.7.2 6.1 (APP-048) sets out a reasonable methodology for quantifying an appropriate allocation however, 6.1 does not take into consideration the bounds and caveats of strategic compensation measures in development, notably Marine Protected Area designations/extensions particularly with regard to the cost implications setting compensation levels may bring. The logic set out in 6.1 may not be (depending on the development pathway of strategic compensation measures) directly applicable as written, should the selected compensation measure be required to meet certain criteria for ecological, economic, practicable, legal purposes that would necessarily enlarge the total compensation delivered. Figure 6.1 may therefore need to be amended to accommodate implications of (as yet unknown) criteria necessary to ensure practicable implementation of strategic compensation measures.</p>	<p>The Applicants note that this comment refers to <b>Round 4 Dogger Bank Strategic Compensation Plan</b> [APP-060] which was produced on behalf of The Crown Estate and cannot be amended.</p> <p>The Written Ministerial Statement<sup>9</sup> from Defra (29<sup>th</sup> January 2025) makes clear that Defra is responsible for the designation process and these points should be considered as part of that process.</p>
REP1-074:2.7.3	<p>2.7.3 It is acknowledged that paragraph 6.1.2 (APP-050) references the methodology's intention to 'enable an adaptable approach to accommodate the compensation measures that is/are ultimately implemented'. The MMO takes it that this statement ensures the proposed methodology is not restrictive to accommodating such amendments. The need for government led agreement on how to share costs across multiple projects referenced at the end of 9.2.1 further confirms the MMO's reading of this statement.</p>	The Applicants note that this comment refers to <b>Round 4 Dogger Bank Strategic Compensation Plan</b> [APP-060] which was produced on behalf of The Crown Estate and cannot be amended.
REP1-074:2.7.4	<p>2.7.4 "Any such additional monitoring, should be appropriate to the monitoring of similar habitats within the MPA network". The MMO suggests this sentence is amended to accommodate reasonable strategic monitoring requirements that may be requested in support of strategic compensation implementation.</p>	The Applicants note that this comment refers to <b>Round 4 Dogger Bank Strategic Compensation Plan</b> [APP-060] which was produced on behalf of The Crown Estate and cannot be amended.
REP1-074:2.8.1	<p>2.8 Outline Project Environmental Management Plan – Volume 8.21 – APP-245</p> <p>2.8.1 The MMO notes that the onshore works have an invasive species management plan. The MMO understands invasive species management measures for the offshore works will be secured within the Project Environment Management Plan (PEMP) and Marine Pollution Contingency Plan (MPCP) and welcomes this approach</p>	The Applicants acknowledge this comment and welcome the MMO's agreement.
REP1-074:2.8.2	<p>2.8.2 The MMO requests a Legislative and Regulatory Compliance section is included within the document.</p>	The Applicants acknowledge this comment and direct the MMO to the updated <b>Outline Project Environmental Management Plan (PEMP) (Revision 2)</b> [document reference 8.21] submitted at Deadline 2 which includes the MMO's request.

<sup>9</sup> [Written statements - Written questions, answers and statements - UK Parliament](#)



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REP1-074:2.8.3	2.8.3 The MMO notes the Applicant has not committed to the check clean dry practice within section 6.3 - Invasive non native species. The MMO request the Applicant follows this procedure as best practice and this should be within the document.	The Applicants acknowledge this comment and direct the MMO to the updated <b>Outline Project Environmental Management Plan (PEMP) (Revision 2)</b> [document reference 8.21] submitted at Deadline 2 which includes the MMO's request.
REP1-074:2.8.4	2.8.4 Section 6.4.1 - Vessel good practice – the MMO notes that this is set out as best practice. The MMO understands flexibility is required in case of emergency issues but this is standard and the commitment should be more than "where possible".	The Applicants consider this wording to be sufficient in providing a commitment to reduce vessel collision risk with marine mammals, and note that the same wording was accepted in the Outline PEMP for the consented Sheringham Shoal and Dudgeon Extension Projects <sup>10</sup> .
REP1-074:2.8.5	2.8.5 The Applicant has stated that designated members of the project team and the regulation must review the dropped object procedure before contractors may begin works. The MMO agrees with this.	The Applicants acknowledge this comment and welcome the MMO's agreement.
REP1-074:2.8.6	<p>2.8.6 The MMO notes section 1.4 Review process states that the 'Outline PEMP will be formally reviewed and updated at least three months prior to construction commencing and the final version will be submitted to the MMO for approval. It will also be reviewed within three months of any significant changes. Significant changes may include:</p> <ul style="list-style-type: none"> <li>• Progression of the Project(s) into the operation and maintenance or decommissioning phases;</li> <li>• Changes in roles and responsibilities of the Project Team;</li> <li>• Changes in legislative or other requirements; and</li> <li>• Changes to processes within the Projects' EMS or associated parent documentation'</li> </ul> <p>The MMO requests the PEMP is submitted at least 6 months prior to construction commencing.</p> <p>The MMO also requests the wording above is updated to clarify the document will be updated and submitted to the MMO to approve any changes. All plans associated with the project must be up to date at the post consent stage to ensure the compliance team have the most up to date plans when conducting inspections.</p>	The Applicants acknowledge this comment and direct the MMO to the updated <b>Outline Project Environmental Management Plan (PEMP) (Revision 2)</b> [document reference 8.21] submitted at Deadline 2 which includes the MMO's request. The <b>Draft DCO (Revision 4)</b> [AS-130] was updated for Deadline 1 which incorporated that the PEMP will be submitted six months in advance of commencement of construction activities.
REP1-074:2.9.1	<p>2.9 Outline Scour Protection Plan – Volume 8.27 – APP-251</p> <p>2.9.1 The MMO notes that the Applicant plans to update the Outline Scour Protection Plan for Deadline 2. The MMO plans to review the updated document and provide comments.</p>	The Applicants have updated this document and submitted the <b>Outline Scour Protection Plan (Revision 3)</b> [document reference 8.27] at Deadline 2.
REP1-074:2.9.2	2.9.2 The MMO notes that the DCO permits the use of "cable protection measures such as the placement of rock and/or concrete mattresses, with or without frond devices;" (Work No 9A- B). Frond lines may be secured to a polyester webbing and whilst frond mats installed in the North Sea in 1984 remain in place today and have required no maintenance since being deployed, these are plastics. In addition, in Schedule 10 - 14 (Marine Licence 1-5) section 4, the substances and objects authorised for deposit at sea are - (g) plastics and synthetic material and (k) marine coatings, other chemicals and timber. Therefore, the Applicant should consider the risks of placing plastic infrastructure into the marine environment, should they degrade. This should be discussed in the Outline Scour Protection Plan (document 8.26).	The Applicants acknowledge this comment. Text has been added relating to the use of frond lines and mats and any associated plastic degradation to revision 3 of the <b>Outline Scour Protection Plan (Revision 3)</b> [document reference 8.27] submitted at Deadline 2.

<sup>10</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010109/EN010109-002010-9.10 Outline Project Environmental Management Plan \(Revision D\) \(Clean\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010109/EN010109-002010-9.10 Outline Project Environmental Management Plan (Revision D) (Clean).pdf)

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REP1-074:2.9.3	2.9.3 The MMO notes the document is titled Outline Scour Protection Plan. However, within section 1.1 purpose of the document it states 'This Outline Scour Protection and Cable Protection Plan'. The document does not go into detail regarding the cable protection plan therefore the MMO requests clarity on the contents of the report. If cable protection is intended to be within this report a separate subheading should be added to separate the cable protection from the scour protection comments.	The Applicants acknowledge this comment. Text referring to cable protection has been removed from this sentence in revision 3 of the <b>Outline Scour Protection Plan (Revision 3)</b> [document reference 8.27] submitted at Deadline 2.
REP1-074:2.9.4	2.9.4 The MMO requests that a table outline the impacts to the presence of scour and cable protection is provided signposting where this has been assessed within the ES. Please see Norfolk Boreas Scour Protection and Cable Protection Plan as an example.	The Applicants acknowledge this comment. The table requested has been added to revision 3 of the <b>Outline Scour Protection Plan (Revision 3)</b> [document reference 8.27] submitted at Deadline 2.
REP1-074:2.9.5	2.9.5 Please also include a description of the DML conditions that are linked to this plan or are related to any known cable protection/scour protection mitigation measures secured as a condition.	The Applicants acknowledge this comment. Text referring to the DML conditions that are linked to this plan has been added to revision 3 of the <b>Outline Scour Protection Plan (Revision 3)</b> [document reference 8.27] submitted at Deadline 2.
REP1-074:2.9.6	2.9.6 The MMO requests that a map of the project area is added to the outline plan and a commitment to include a map of the proposed scour (and if applicable cable protection) is provided in the final plan.	The Applicants acknowledge this comment. The figure requested has been added to revision 3 of the <b>Outline Scour Protection Plan (Revision 3)</b> [document reference 8.27] submitted at Deadline 2.
REP1-074:2.9.7	2.9.7 The MMO notes the Applicant has provided maximum parameters for the scour protection which is welcomed and noted that scour protection may be required. It would be beneficial if a high-level summary of the instances when scour protection is expected to be needed is provided.	The Applicants acknowledge this comment and confirm that a high-level summary of the instances when scour protection is expected to be needed has already been provided in section 1.2 of the <b>Outline Scour Protection Plan (Revision 3)</b> [document reference 8.27]. Essentially scour protection material may be required around the base of some or all foundations to provide protection from currents and wave action, thus ensuring structural integrity is not compromised.
REP1-074:3	3. Initial Statements of Common Ground (SoCG) 3.1.1 The MMO has worked with the Applicant to prepare a SoCG which will be submitted at Deadline 1. The MMO will continue to work with the Applicant outside of the written process to ensure issues are being moved to resolution where possible.	The Applicants acknowledge this comment and welcome the MMO's continued engagement in seeking to resolve the remaining outstanding matters of discussion.
REP1-074:4.1.1	4. Comments from Issue Specific Hearing 1 (ISH1) & ISH2 4.1.1 The MMO has reviewed EV4-003 Action Points from ISH1 (Day 1) held on Wednesday 15 January 2025 and will maintain a watching brief on Action Point 22.	The Applicants acknowledge this comment.
REP1-074:4.1.2	4.1.2 The MMO has reviewed EV5-003 Action Points from ISH2 (Day 1) held on Wednesday 15 January 2025 and has the provided comments below.	No response is required.
REP1-074:4.1.3	4.1.3 The MMO has reviewed EV5-009 Recording of ISH2 - Session 3 - 15 January 2025 and EV5-010 Transcript of ISH2 - Session 3 - 15 January 2025 and notes the ExA has points in which require MMO comments. The MMO notes that Action Points 29, 30, 33 and 35 all relate to the following agenda item:  8. Underwater noise	No response is required.

I.D.	Written Representation	Applicants' Response
	<p>8.1 Maximum hammer energies, noise abatement systems, the Marine Mammal Mitigation Protocol and the Site Integrity Plan.</p> <p>8.2 Worst case piling scenario.</p> <p>8.3 HRA assessment conclusions for Southern North Sea (SNS) Special Area of Conservation (SAC), Humber Estuary SAC and Berwickshire North Northumberland Coast SAC.</p> <p>The MMO will take each topic in turn to answer action points directed to the MMO (30, 33 and 35).</p>	
REP1-074:4.1.4	<p>Action Point 29 - Maximum hammer energies</p> <p>4.1.4 The MMO notes that the ExA queried the 6000 kilojoule (kJ) maximum hammer energy for hammer piling with the Applicant and that this is higher than similar projects within the area. The MMO understands Dogger Bank A, B, C have a hammer energy of 4000kJ and Norfolk Boreas and Vanguard has a hammer energy of 5000 kJ. The MMO also notes that Outer Dowsing is proposing 6500kJ.</p>	<p>Please see the Applicants response to Action Point 29 of Table 4-1 stated in <b>The Applicants' Responses to January 2025 Action Points (Revision 2)</b> [AS-155] below:</p> <p><i>'The Applicants have assessed for proposed maximum hammer energies at 6,000kJ for monopile foundations as a worst-case scenario, which was reduced from 7,000kJ following feedback on the PEIR. The requirement for a maximum hammer energy of 6,000kJ is based on assumed maximum pile geometries and ground conditions at the DBS site. There may be further opportunities to reduce the hammer energy again once detailed design of the foundation concept has been completed and the final foundation installation method is selected post-consent.</i></p> <p><i>Sheringham Shoal and Dudgeon Extension Projects, now approved, applied for a similar hammer energy of 5,500kJ. There are other offshore wind farm projects that are currently in the consenting process that have similar or higher maximum hammer energies in their draft DCOs compared to the Dogger Bank South Projects. For example, Five Estuaries are proposing a maximum hammer energy of 7,000kJ, Morecambe are proposing a maximum hammer energy of 6,600kJ, Outer Dowsing are proposing a maximum hammer energy of 6,600kJ, and North Falls are proposing a maximum hammer energy of 6,000kJ.'</i></p>
REP1-074:4.1.5	<p>4.1.5 The MMO notes that the maximum hammer energies are stipulated within the DMLs (Condition 15(7)) and should the noise monitoring set out in Condition 21 shows a breach above the hammer energy or that the worst case piles that may be yet to be completed would breach the maximum hammer energy then the MMO would look to do a compliance check and potentially stop the works until the MMO was content the works would be under the maximum hammer energy. If this was not possible then the Applicant would require a variation to the DCO/DML to allow a higher hammer energy. The MMO notes the Applicant is providing more information and will review these comments and provide a response at Deadline 2.</p>	<p>The Applicants acknowledge this comment. The Applicants aren't proposing to submit any further information in relation to this specific point. This was not included as a specific action point from Issue Specific Hearing 2.</p>
REP1-074:4.1.6	<p>Noise abatement systems</p> <p>4.1.6 The MMO believes NAS should be considered as standard to reduce noise at source. If NAS is to be used then this commitment should be on the DML and not within a plan (MMMP or SIP). There should also be stronger wording within the plans in relation to the procurement and availability of NAS and that this would not stop the use of NAS at the post consent stage. The MMO understands the Applicant is providing more information on the use of NAS at Deadline 1, the MMO will review these comments and provide a response at Deadline 2.</p>	<p>The Applicants maintain that they are considering the use of noise reduction systems (such as NAS) as mitigation for underwater noise. The Applicants do not consider it appropriate to include a condition in the DMLs because Condition 15 of DMLs 1 and 2, Condition 13 of DMLs 3 and 4 and Condition 11 of DML 5 (regarding the final MMMP) and Condition 16 of DMLs 1 and 2, Condition 14 of DMLs 3 and 4 (regarding the SIP), which require approval of these documents in writing by the MMO in consultation with relevant statutory nature conservation bodies prior to commencement of piling activities, have been included in the <b>Draft DCO</b> [REP1-004]. Incorporating measures into management plans allows for more flexibility to include potential advances in technology/innovation or new research results in underwater noise management and allow potential updates to mitigation measures without requiring a variation to the DMLs should one of the other mitigation measures be more appropriate in the future. The final MMMP and SIP must be in accordance with the <b>Outline MMMP (Revision 3)</b> [document reference 8.25] and <b>In Principle SIP for the SNS SAC (Revision 3)</b> [document reference 8.26], which both make reference to the potential use of noise reduction systems, such as NAS, as mitigation for underwater noise. The Applicants therefore consider</p>

I.D.	Written Representation	Applicants' Response
		<p>that these conditions already provide the MMO with sufficient control over the mitigation measures that will be implemented. The approach taken throughout the DCO and DMLs is not to list all the potential mitigation measures set out in the various management plans that are secured; to do so would be entirely disproportionate and result in an extraordinarily lengthy DCO.</p> <p>The Applicants have submitted an updated <b>Outline MMMP (Revision 3)</b> [document reference 8.25] and <b>In Principle SIP for the SNS SAC (Revision 3)</b> [document reference: 8.26] at Deadline 2 following acceptance of the change request into the examination and review of Defra's recent policy paper published on the 21<sup>st</sup> January 2025 on marine noise.</p>
REP1-074:4.1.7	<p>4.1.7 The MMO highlights to the Applicant and ExA that the Department for Environment Food and Rural Affairs (DEFRA) has issued a policy on reducing noise at source. This policy can be found at this web address:</p> <p>Reducing marine noise - GOV.UK.</p> <p>The MMO will submit a PDF version of the webpage at Deadline 2 if this is not submitted by NE or the Applicant at Deadline 1. The MMO would like to understand the Applicant's position on Noise Abatement Systems on the back of reviewing the published policy and the MMO will provide further comments in response to this.</p>	<p>The Applicants are aware that the Defra Policy Paper on Reducing Marine Noise has been published on the 21<sup>st</sup> January 2025. The Applicants have reviewed the paper and associated documents and submitted an updated <b>Outline MMMP (Revision 3)</b> [document reference 8.25] and <b>In Principle SIPSNSSAC (Revision 3)</b> [document reference: 8.26] at Deadline 2 in response to this policy development. The Applicants have not made any amendments that substantially change the existing approach taken in these documents as the approach set out within the documents was already largely compliant with the new policy.</p> <p>Updates to <b>Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment (Revision 2)</b> [AS-055] will be submitted at Deadline 3 in response to this policy development.</p>
REP1-074:4.1.8	<p>MMMP &amp; SIP</p> <p>4.1.8 Please find comments on the MMMP in Annex 1, Table 1, points 66-70. The MMO will review any changes to these documents on the back of the DEFRA policy.</p>	<p>The Applicants acknowledges the MMO's response to points 66-68 of Annex 1 in their summary of written relevant representation [REP1-075], and will review their comments on the documents in due course.</p> <p>Please see the response to point 6g in Table 2-9 of <b>The Applicants' Responses to Deadline 1 Documents</b> [document reference 12.3].</p> <p>The Applicants are aware that the Defra Policy Paper on Reducing Marine Noise has been published on the 21<sup>st</sup> January 2025. The Applicants have reviewed the paper and associated documents and submitted an updated <b>Outline MMMP (Revision 3)</b> [document reference 8.25] and <b>In Principle SIPSNSSAC (Revision 3)</b> [document reference: 8.26] at Deadline 2 in response to this policy development. The Applicant has not made any amendments that substantially change the existing approach taken in these documents as the approach set out within the documents was already largely compliant with the new policy</p>
REP1-074:4.1.9	<p>Worst case piling scenario</p> <p>4.1.9 The MMO will review the Applicant's comments in relation to the worst case piling scenario. The MMO supports NE's comments.</p>	<p>The Applicants acknowledge this comment.</p>
REP1-074:4.1.10	<p>HRA assessment conclusions</p> <p>4.1.10 The MMO defers to NE in relation to the HRA conclusions. The MMO would highlight that for the SNS SAC the in combination is managed through the SNS SAC SIP. The MMO would highlight that without NAS it is getting increasingly difficult for the MMO to manage noise at the post consent stage and would request NAS is included at this stage</p>	<p>The Applicants acknowledge this comment.</p> <p>The Applicants acknowledge that with the current Maximum Design Parameters, the mitigation measures listed in section 5.1 of the <b>In Principle SIP for the SNS SAC (Revision 3)</b> [document reference: 8.26] would have to be sufficient to keep the in-combination assessment under the spatial thresholds and acknowledges that there needs to be effective and appropriate mitigation measures in place and is committed to this requirement.</p> <p>Noise reduction systems (such as NAS) are already considered in the Outline MMMP and Outline SIP as optional mitigation measures. The Applicants have submitted an updated <b>Outline MMMP (Revision 3)</b> [document reference</p>



I.D.	Written Representation	Applicants' Response
		8.25] and <b>In Principle SIPSNSSAC (Revision 3)</b> [document reference: 8.26] at Deadline 2 following review of Defra's policy paper on marine noise and its associated documents.
REP1-074:5	5. Response to Applicants responsible to Relevant rep (PDA-013 and AS-048) 5.1.1 All comments are provided in Table 1 of Annex 1.	The Applicants acknowledge the MMO's comments to <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] and <b>Response to Natural England's Relevant Representations</b> [AS-048] and note where the MMO intends to provide comments to other documents at future Deadlines.  Where further information can be provided on individual points, these have been transposed into Table 2-9 of <b>The Applicants' Responses to Deadline 1 Documents</b> [document reference 12.3] and an updated response provided.
REP1-074:6	6. Remaining DCO/DML comments not agreed with Applicant 6.1.1 The MMO is currently reviewing the most recent version of the draft DCO and will provide a response at Deadline 2.	The Applicants acknowledge this comment and will review the MMO's response at Deadline 2.

## 2.7 Maritime and Coastguard Agency (MCA)

Table 2-7 The Applicants' response to MCA's written representation [REP1-060]

I.D.	Written Representation	Applicants' Response
REP1-060:1	<u>Examination Timetable – Deadline 1 – Written Representation</u>  The Maritime and Coastguard Agency (MCA) is an Executive Agency of the Department for Transport and is responsible throughout the UK for implementing and developing the UK Government's maritime safety and environmental protection policy. This includes co-ordinating maritime Search and Rescue (SAR) through His Majesty's Coastguard 24 hours a day, and checking that ships meet UK and international safety rules. The MCA works to prevent the loss of lives at the coast and at sea, to ensure that vessels are safe, and to prevent coastal pollution. The UK Technical Services Navigation Branch is responsible for UK radiocommunication and navigation policy. This primarily covers SOLAS Convention (Safety of Life at Sea Convention 1974, as amended) Chapters IV and V; the COLREG Convention (International Regulations for Preventing Collisions at Sea 1972, as amended); and the ITU Convention (International Telecommunications Convention 1932, as amended). The Navigation Risk Assessment (NRA), the Shipping and Navigation chapter of the Environmental Impact Report and draft DCO have been reviewed and we would like to comment as follows:	No response is required.
<b>7.14 Environmental Statement Chapter 14 – Shipping and Navigation (APP-121) and 7.14.14.2 Environmental Statement Appendix 14.2 – Navigation Risk Assessment (APP-124).</b>		
REP1-060:2	Dogger Bank South windfarm is considered in three distinct sections namely, Dogger Bank South (east), Dogger Bank South (west) which are referred to collectively as Dogger Bank South Offshore Windfarms, and the Offshore Export Cable Corridor. A fourth area of focus from the applicant includes a subsection of the Offshore Export Cable Corridor and concerns the Export Cable Platform Search Area.	The Applicants acknowledge this comment, noting that the Export Cable Platform Search Area has been removed from the application following the acceptance of Project Change Request 1. See <b>Project Change Request 1 - Offshore and Intertidal Works</b> [AS-141] for further details.



I.D.	Written Representation	Applicants' Response
REP1-060:3	The MCA is content that a full marine traffic survey of 28 days duration has been undertaken as per MGN 654 requirements for each of these sections in summer and winter of 2022 and summer and winter of 2023 for the Export Cable Platform Search Area. The dates of the surveys are presented in Table 14-5 of the Shipping and Navigation chapter and Table 5-1 of the NRA. In addition, Supplementary AIS data was gathered for 79 days in 2022 for the combined Dogger Bank South (DBS) East and DBS West study areas. This data was used to validate the summer and winter vessel traffic surveys recorded for each of the DBS array study areas.	This aligns with the agreement within the <b>MCA Statement of Common Ground (SoCG)</b> [REP1-033] that vessel traffic surveys meet the requirements of Marine Guidance Note (MGN) 654.
REP1-060:4	We note that there are a variety of construction scenarios considered by the applicant as detailed in Chapter 5, paragraph 14 and table 5-1(APP-071). We are content that for each scenario adequate information has been provided for assessing the risks for each approach and applying relevant and effective mitigation to reduce the identified risks to As Low as Reasonably Practicable (ALARP).	This aligns with the agreement within the <b>MCA SoCG</b> [REP1-033] that the methodology meets the requirements of MGN 654 and that risk are ALARP.
REP1-060:5	It was noted in paragraph 587 and 588 of the NRA and paragraph 260 and 261 of chapter 14 Shipping and Navigation regarding the cumulative effect of vessel displacement, that collision risk has been summarised as 'frequent', with a severity of consequence of 'moderate' thus concluding a significance of effect of 'Tolerable with Mitigation'. The combination of 'frequent' and 'moderate' is also presented in table 14-32 of Chapter 14 on three occasions (relating to construction, operation and decommissioning phases) and again concluded as 'Tolerable with Mitigation'. If the significance of effect matrix in Table 14-9 of Chapter 14 is followed this should result in a risk classification of 'Unacceptable'.	See the response to REP1-060:6 below.
REP1-060:6	Based on the information and data provided in both the NRA and Chapter 14, The MCA is not of the opinion that these scenarios are 'unacceptable' and agree with the applicant that the significance of effect is 'Tolerable with Mitigation'. We consider, again based on the information and data provided, that the frequency of occurrence falls in the 'Reasonably Probable' category and not the 'frequent' one, thus resulting in an outcome of 'Tolerable with Mitigation.' Clarification from the applicant on this matter would be appreciated and we would accept an amendment in the Cumulative Risk Assessment in due course.	<p>The Applicants welcome agreement with the MCA on this matter. Clarification was provided by the Applicants in response to Action Item 28 of Table 4-1 within <b>The Applicants' Responses to January 2025 Hearing Action Points (Revision 2)</b> [AS-155] below:</p> <p><i>'The significance of effect associated with this impact is Tolerable with Mitigation based on the findings of the Navigational Risk Assessment (NRA) process. This assertion is made on the basis that the frequency of occurrence should read reasonably probable. When a reasonably probable frequency of occurrence is considered alongside a moderate severity of consequence this results in a Tolerable with Mitigation significance of effect which is As Low As Reasonably Practicable (ALARP). Justification for this frequency of occurrence is based on the Main Commercial Route deviations anticipated for both the in isolation and cumulative scenarios. The presence of other nearby offshore wind farms under construction (Dogger Bank A, Dogger Bank B, Sofia, and Dogger Bank C) has already displaced commercial routeing in the baseline environment in a manner which reduces interaction with the DBS Array Areas. Subsequently, additional deviations required in the cumulative scenario compared to the in isolation scenario are limited to two routes. The table presented in Appendix B – Shipping and Navigation Cumulative Vessel Deviation which is an amalgamation of Table 15-1 and Table 15-3 in Appendix 14-2 Navigational Risk Assessment [APP124]) highlights these two routes. Additionally, the mean positions of these two routes can be observed in Appendix 14-2 Navigational Risk Assessment [APP-124] across the pre wind farm, post wind farm, and cumulative post wind farm scenarios in Figure 11-2, Figure 15-1, and Figure 15-3, respectively. Therefore, only these two routes may contribute to an increase in the frequency of occurrence for the cumulative effect, with an average of 7 to 8 vessels per week (Route 2) and 2 to 3 vessels per week (Route 5), respectively. However, these routes do not interact with the DBS Array Areas, are not anticipated to do so following displacement and are only referenced within the NRA because they are located within the 10nm study area. Therefore, effects associated with these deviations do not directly relate to the Projects and should not be considered in the determination of the</i></p>

I.D.	Written Representation	Applicants' Response
		<p><i>frequency of occurrence. As described in Paragraph 255 of Chapter 14 Shipping and Navigation [APP-121], the severity of consequence is considered to be greater than that assessed for the in isolation scenario given the increased route distances, but still within moderate parameters given the increased distances relative to the length of the routes as a whole. Therefore, the resulting significance of effect is Tolerable with Mitigation which is ALARP and not significant in EIA terms. This is supported by engagement with the Maritime and Coastguard Agency (MCA) and Trinity House in October 2024 to discuss and progress their respective SoCG. In both cases there was agreement that the conclusions of the assessment of significance undertaken for the in isolation and cumulative scenarios is appropriate and considered not significant in Environmental Impact Assessment (EIA) terms. This is reflected in each SoCG which has have been submitted at Deadline 1. Additionally, the Applicants have discussed this response with the MCA ahead of Deadline 1 subsequent to ISH2 on the 15th January with the MCA confirming that it was content with the justification provided.'</i></p> <p>Given that the outcome of the cumulative risk assessment is unchanged with this clarification, and that the Applicants and the MCA are in agreement on this matter, the Applicants consider it unnecessary and excessive to formally amend the cumulative risk assessment.</p>
REP1-060:7	Key and appropriate stakeholders were identified, and the MCA is content that suitable consultation took place via a hazard identification workshops and dedicated meetings. A completed MGN 654 Checklist has been provided as part of the NRA, and we are content the recommended NRA process has been followed.	This aligns with the agreement within the <b>MCA SoCG</b> [REP1-033] that the methodology meets the requirements of MGN 654.
REP1-060:8	<p>We would like to comment as follows on the NRA and Shipping &amp; Navigation Chapter of the EIA Report:</p> <p><u>1. Navigable Sea Room</u></p> <p>The changes to the Red Line Boundary (RLB) since the initial scoping report have led to an overall increase in the navigable sea room available in the area of proposed development. The current planned boundaries of the East and West arrays as presented in Figure 14-1 of Chapter 14 (APP-122) and Figure 3-2 of the NRA (APP-124), has considered concerns from Stakeholders regarding commercial routing and reduced sea space leading to an increased risk of encounter with other vessels and thus increase in collision risk. Although collision risk has increased as summarised in table 16-1 of the NRA, this increase has been mitigated by the adjustments made by the applicant to the array's respective RLBs. MCA welcomes these changes.</p> <p>Guidance from MGN 654 has been used to show the minimum width required for the approximate 5NM long 'corridor' created with the southern boundary of the Dogger bank A development and the gap between the Dogger Bank South East and West array areas is compliant.</p>	The Applicants acknowledge this comment.
REP1-060:9	<p><u>2. Shipping and Navigation Mitigation Measures</u></p> <p>As aforementioned, the changes post scoping and development of these changes post PEIR, although not specific mitigation measures, will contribute to the reduction of overall risk to shipping and navigation in the area. Regarding specific mitigation measures, we are content that the list of mitigation measures in Table 20-1 of the NRA and Table 14-3 of the Shipping and navigation Chapter are relevant and appropriate and will serve to reduce identified risks to ALARP.</p>	The Applicants acknowledge this comment and confirm that the 'Offshore Safety Management' condition (Conditions 18 /16/ 12 of the Deemed Marine Licences (DMLs)) adequately secures the completion of the ERCoP post consent - 'Any part of the authorised scheme must not be commenced until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN654 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" (or any equivalent guidance that replaces or supersedes it) and its annexes.'

I.D.	Written Representation	Applicants' Response
	<p>Additionally, it should be noted that the requirement for an Emergency Response Cooperation Plan (ERCoP), as referenced in Table 14-3 of the Chapter 14 Shipping and Navigation, will be secured in the DCO/DML under the condition for complying with MGN 654. There will not be a specific condition for the completion of an ERCoP.</p>	
REP1-060:10	<p><u>3. Layout Design</u></p> <p>We appreciate that the layout as presented in Figures 6-2 and 6-3 of the NRA are currently indicative of a 'worst case' and the Applicant has been engaged with the MCA regarding the layout design. Typically, refinements to this design will be on going throughout the examination and if granted, post consent. The turbine layout design must be compliant with MGN 654 and it will require MCA and Trinity House approval prior to construction to minimise the risks to surface vessels, including rescue boats, and search and rescue aircraft operating within the site. MCA will seek to ensure all structures are aligned in straight rows and columns with a minimum of two lines of orientation. Mitigation listed in table 14-3 of Chapter 14 and Table 20-1 of the NRA, confirms the intention to continue discussions with the MCA and Trinity House. Further advice will be provided once the layout discussions have started.</p>	<p>The Applicants acknowledge this comment and confirm that the '<i>Offshore Safety Management</i>' (Conditions 18 /16/ 12 of the DMLs) and the '<i>Pre-construction Plans and Documentation</i>' (Conditions 15 /13 /11 of the DMLs) conditions adequately secure that '<i>a layout plan setting out proposed details of the authorised scheme</i>' will be submitted and approved in writing by the Marine Management Organisation (MMO) in consultation with Trinity House and the MCA.</p>
REP1-060:11	<p><u>4. Marking and Lighting.</u></p> <p>MCA will seek to ensure the turbine numbering system follows a 'spreadsheet' principle and is consistent with other windfarms in the UK. All lighting and marking arrangements will need to be agreed with MCA and Trinity House. The MCA requires all aviation lighting to be visible 360° and compatible with night vision imaging systems, as detailed in CAP 764 and MGN 654 Annex 5.</p>	<p>The Applicants acknowledge this comment and confirm that the '<i>Offshore Safety Management</i>', (Conditions 18 /16 /12 of the DMLs) the '<i>Aids to Navigation</i>' (Conditions 10 /8 /6 of the DMLs) and '<i>Aviation Safety</i>' (Conditions 12 /10 /8 of the DMLs) conditions adequately secure lighting and marking in line with MCA and Trinity House requirements including '<i>all aviation lighting to be visible 360° and compatible with night vision imaging systems, as detailed in CAP 764 and MGN 654 Annex 5</i>'.</p>
REP1-060:12	<p><u>5. Emergency Response and Search and Rescue.</u></p> <p>There is an expectation that the presence of wind farms will increase the likelihood of the requirement for emergency response, not just from navigational incidents but from other incidents such as medical evacuation or pollution. This is acknowledged by the applicant in Chapter 14: Shipping and Navigation (APP-121) section 14.8.6.</p> <p>A SAR checklist based on the requirements in MGN 654 Annex 5 will need to be completed in agreement with MCA before construction starts. This will include the requirement for an approved Emergency Response Co-operation Plan (ERCoP).</p> <p>During SAR discussions, particular consideration will need to be given to the implications of the site size and location. Attention should be paid to the level of radar surveillance, AIS and shore-based VHF radio coverage and give due consideration for appropriate mitigation such as radar, AIS receivers and in-field, Marine Band VHF radio communications aerial(s) (VHF voice with Digital Selective Calling (DSC)) that can cover the entire wind farm sites and their surrounding areas. It will be expected that the applicant will provide this AIS and VHF capability to the MCA with direct access to HM Coastguard systems.</p> <p>Chapter 13 of the NRA regarding lessons learned within the offshore industry references SAR helicopter trials at the North Hoyle offshore wind farm in 2005. This is now a dated document and while references may still be made, there may be more benefit in referring to documents</p>	<p>The Applicants acknowledge this comment and confirms that the '<i>Offshore Safety Management</i>' (Conditions 18 /16 /12 of the DMLs) condition adequately secures the completion of a MGN 654 Annex 5 Search and Rescue (SAR) checklist and the ERCoP post consent. The 2019 MCA reports noted by the MCA are acknowledged and will be considered when developing the final array layout and ERCoP post consent.</p>

I.D.	Written Representation	Applicants' Response
	written by the MCA in 2019, titled: "MCA report following aviation trials and exercises in relation to offshore windfarms" and "MCA report following aviation trials at Hornsea Project 1 windfarm".	
REP1-060:13	<p><u>6.Construction scenarios.</u></p> <p>We would expect to see some form of linear progression of the construction programme avoiding disparate construction sites across the development area, and the consent needs to include the requirement for an agreed construction plan to be in place ahead of any works commencing.</p>	<p>The Applicants acknowledge this comment and notes that the MCA confirm that, with regards to construction scenarios, they <i>'are content that for each scenario adequate information has been provided for assessing the risks for each approach and applying relevant and effective mitigation to reduce the identified risks to As Low as Reasonably Practicable (ALARP)'</i> (see REP1-060:4). The Applicants also highlight that phasing of the Projects' offshore construction will be governed by the offshore works phasing scheme required to be submitted to and approved by the MMO under Conditions 6 /4 /2 of the DMLs.</p>
REP1-060:14	<p><u>7.Cable Routes and Cable protection</u></p> <p>Particular attention should be paid to cabling routes and where appropriate burial depth for which a Burial Protection Index study should be completed and subject to the traffic volumes, an anchor penetration study may be necessary. Particular attention to burial depths and protection measures will be required. It is stated in paragraph 545 of the NRA that 'up to 20% of all sub-sea cables may require alternative cable protection with a height (including for crossings) of 1.0m for array cables and 1.4m for inter platform and offshore export cables.' We note in the embedded mitigation listed in Table 14.3 of Chapter 14 that a Cable Burial Risk Assessment (CBRA) will be carried out to inform this. A 'Cable Statement' has been provided by the Applicant giving further details in Volume 8 (APP-244).</p> <p>As cable protection measures are required e.g. rock bags or concrete mattresses, the MCA would be willing to accept a 5% reduction in surrounding depths referenced to Chart Datum. This will be particularly relevant where depths are decreasing towards shore and potential impacts on navigable water increase, such as at the HDD location.</p> <p>In an update to the project since PEIR it was noted that the Export Cable will now be High Voltage Direct Current (HVDC). Regarding HVDC there is a potential impact on ships compasses from the electro-magnetic field generated. It is noted in section 13.6, Table 13-1 of the NRA that mitigations to address this have been considered. However, a pre-construction compass deviation study may still be required on the expected electro-magnetic field. Should this go ahead, we would be willing to accept a three-degree deviation for 95% of the cable route. For the remaining 5% of the cable route no more than five-degree deviation will be attained.</p> <p>If this requirement cannot be met, further mitigation measures may be required including a post installation deviation survey of the cable route. This data must then be provided to the MCA and UKHO, as a precautionary notation may be required on the appropriate Admiralty Charts regarding possible magnetic anomalies along the cable route.</p>	<p>The Applicants acknowledge this comment and confirm that post consent cable design will be considered within the 'Cable Statement' and will include compliance with the requirements of MGN 654.Conditions 15 /13 /11 of the DMLs secure the construction method statement, which includes the Cable Specification and Installation Plan.</p> <p>The Applicants also confirm that 'compass deviation requirements' are secured by conditions 18/ 16/ 12 in the DMLs which requires compliance with the requirements of MGN 654 as per the following text; <i>'Any part of the authorised scheme must not be commenced until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN654 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" (or any equivalent guidance that replaces or supersedes it) and its annexes.'</i></p>
REP1-060:15	<p><u>8. Safety Zones.</u></p> <p>The requirement and use of safety zones as detailed in the application as embedded mitigation in Table 14-3 of chapter 14 and Table 20-1 of the NRA is noted, and MCA will comment on the safety zone application once submitted, as a statutory consultee. Safety zones during the construction, maintenance and decommissioning phases are supported. A detailed justification</p>	<p>The Applicants acknowledge this comment and confirms that a Safety Zone Application will be made post consent. The <b>Safety Zone Statement (Revision 2)</b> [document reference 8.19] has been submitted at Deadline 2 and presents the details of the Applicants' proposals in this regard. The <b>Other Consents and Licences (Revision 3)</b> [REP1-023] notes the need for Safety Zone Applications.</p>



I.D.	Written Representation	Applicants' Response
	would be required for a 50m operational safety zone, with significant evidence from the construction phase in addition to the baseline NRA required supporting the case. Safety zones triggered by a Service Operation Vessel connecting to a wind turbine will not be supported as there is no clear benefit for reducing risk in addition to good watchkeeping, communications, seamanship and COLREG.	
<b>Draft Development Consent Order (DCO) (APP-027) - Schedules 10 and 11 Part 2. Marine Licence 1 and 2: DBS East and West Projects Offshore Generation. Works 1,4 and 7 (A and B).</b>		
REP1-060:16	<p>The below comments apply to both schedules 10 and 11 part 2 as the numbering and layout are the same.</p> <ul style="list-style-type: none"> <li>9(7)(b) amend to: 'as soon as reasonably practicable and no later than 24 hours of completion of all offshore activities.'</li> </ul>	The Applicants are willing to make the requested change to the <b>Draft Development Consent Order (DCO) (Revision 5)</b> [REP1-004] but will replace "offshore activities" with "DBS East Project offshore works" or "DBS West Project offshore works" (as appropriate for each of the DMLs) as the term "offshore activities" is not used in the DMLs.
REP1-060:17	9(10) add 'MCA' for notification.	The Applicants will make the requested change to the <b>Draft DCO (Revision 5)</b> [REP1-004] at Deadline 3.
REP1-060:18	9(11) amend to: ' <i>In case of damage to, or destruction or decay of, the authorised project seaward of MHWS or any part thereof, excluding the exposure of cables, the undertaker shall as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House, UKHO, the Kingfisher Information Service of Seafish and regional fisheries contacts.</i> '	<p>The Applicants do not propose making the requested change. It is not necessary to amend "authorised scheme" to "authorised project seaward of MHWS" because the definition of "authorised scheme" in each DML includes reference to the relevant Work Nos. that are licensed by that DML. It would not be appropriate to refer to the "authorised project", which is a much wider definition.</p> <p>The Applicants do not think that "regional fisheries contacts" is a sufficiently certain term to include within the DML wording. The Applicants have instead submitted an update to the <b>Outline Fisheries Liaison and Co-existence Plan (Revision 3)</b> [document reference 8.28] to include the requested notification requirements for fisheries contacts at Deadline 2.</p>
REP1-060:19	9(12) add: 'and regional fisheries contacts' after 'Kingfisher Information Service of Seafish'	The Applicants do not think that "regional fisheries contacts" is a sufficiently certain term to include within the DML wording. The Applicants have instead submitted an updated <b>Outline Fisheries Liaison and Co-existence Plan (Revision 3)</b> [document reference 8.28] to include the requested notification requirements for fisheries contacts at Deadline 2.
REP1-060:20	13(10) amend to: ' <i>All dropped objects must be reported to the MMO, UKHO and HMCG using the Dropped Object Procedure Form as soon as reasonably practicable and no later than 6 hours of the undertaker becoming aware of an incident. Immediate notification should be made to HM Coastguard via telephone where there is a perceived danger or hazard to navigation. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.</i> '	The Applicants submit that the wording of this condition, which requires dropped objects to be reported "as soon as reasonably practicable and in any event within 24 hours" is appropriate and is preceded in many other offshore wind farm DCOs. The Applicants are not aware of any examples where a 6- hour requirement has been included and are not aware of any justification for reducing this time period. No amendments to the <b>Draft DCO (Revision 5)</b> [REP1-004] are proposed.
REP1-060:21	15(1)(a)(i) and(ii) add: ' <i>substations and meteorological masts.</i> '	The DMLs use the term "Offshore Converter Platform" rather than "Substation" and the Applicants will update the relevant DML conditions in the <b>Draft DCO (Revision 5)</b> [REP1-004] to include reference to Offshore Converter Platform at Deadline 3. However, no meteorological masts are proposed for the Projects and so it is not necessary to include reference to them.



I.D.	Written Representation	Applicants' Response
REP1-060:22	20(4)(b) amend to: 'A swath bathymetric survey to IHO Order 1a of the area within the Offshore Order Limits extending to an appropriate buffer around the site, must be undertaken. The survey shall include all proposed cable routes. This should fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developers', which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications. This must be submitted as soon as possible, and no later than [three months] prior to construction. The Order Limit shapefiles must be submitted to MCA. The Report of Survey must also be sent to the MMO.'	<p>The Applicants do not think that that it is necessary to update the <b>Draft DCO (Revision 5)</b> [REP1-004] to include all of the wording suggested by the MCA because most of what is being requested is already provided for within the existing wording of the relevant condition.</p> <p>The condition as currently drafted requires the area(s) within the Order Limits in which it is proposed to carry out construction works to be subject to the relevant survey, which would include the proposed cable routes. The condition also already includes reference to surveying an appropriate buffer around the location of each work.</p> <p>The wording also already includes reference to meeting the requirements of "MGN654 and its annexes" (the supporting document referenced by the MCA is one of the annexes to MGN654). Condition 20(5) in DMLs 1 and 2 requires the undertaker to carry out the pre-construction surveys agreed as part of the approved construction programme and monitoring plan (under condition 15(1)(b) of DMLs 1 and 2). The monitoring plan must include the timings for undertaking the surveys and, in relation to the pre-construction surveys, must be submitted to the MMO for approval at least six months prior to the first survey (as per condition 15(1)(b)(iii) (aa) in DMLs 1 and 2). The MMO must consult with the MCA (and others) when approving these details.</p> <p>Condition 20(6) also requires that a survey report for any surveys carried out must be submitted to the MMO following completion of the relevant survey.</p> <p>Therefore, the Applicants submit that the only part of the requested wording that is missing from the current drafting is a requirement to submit shapefiles of the Order Limits to the MCA. The Applicants are not aware of any precedent for including such a requirement within the DMLs and do not propose to update the wording but will share the relevant shapefiles with the MCA during the course of examination.</p>
REP1-060:23	22(3)(b) amend to: 'a full sea floor coverage swath-bathymetry survey to IHO order 1a that meets the requirements of MGN654 and its annexes'.	The Applicants will update the <b>Draft DCO (Revision 5)</b> [REP1-004] with this amendment at Deadline 3.
REP1-060:24	22(3)(d) amend to: 'Post construction monitoring must include vessel traffic monitoring by automatic identification system for a duration of three consecutive years following the completion of construction of authorised project, unless otherwise agreed in writing by the MMO. An appropriate report must be submitted to the MMO, Trinity House and the MCA at the end of each year of the three year period.'	The Applicants will update the <b>Draft DCO (Revision 5)</b> [REP1-004] to incorporate a requirement for the post-construction monitoring to be undertaken for a duration of three consecutive years and to provide for annual reporting at Deadline 3.
REP1-060:25	24(1)(a) amend to: 'the final number of installed wind turbine generators;	The Applicants will update the <b>Draft DCO (Revision 5)</b> [REP1-004] with this amendment at Deadline 3.
REP1-060:26	24(1)(d) amend to: 'latitude and longitude coordinates of the centre point of the location for each wind turbine generator and offshore platform, substation, booster station and meteorological mast; provided as Geographical Information System data referenced to WGS84 datum.'	The DMLs use the term "Offshore Converter Platform" rather than "Substation" and the Applicants will update the relevant DML conditions in the <b>Draft DCO (Revision 5)</b> [REP1-004] to include reference to Offshore Converter Platform at Deadline 3. However, no booster stations or meteorological masts are proposed for the Projects and so it is not necessary to include reference to them.
<b>Draft Development Consent Order (DCO) (APP-027) - Schedules 12 and 13 Part 2. Marine Licence 3 and 4: DBS East and West Projects Offshore Transmission. Works 2,3,6,7 and 8 (A and B)</b>		
REP1-060:27	The below comments apply to both schedules 12 and 13 part 2, as the numbering and layout are the same.	The Applicants are willing to make the requested change to the <b>Draft DCO (Revision 5)</b> [REP1-004] but will replace "offshore activities" with "DBS East Project offshore works" or "DBS West Project offshore works" (as appropriate for each of the DMLs) as the term "offshore activities" is not used in the DMLs.

I.D.	Written Representation	Applicants' Response
	7(7)(b) amend to: ' <i>as soon as reasonably practicable and no later than 24 hours of completion of all offshore activities.</i> '	
REP1-060:28	7(10) add 'MCA' for notification.	The Applicants will make the requested change to the <b>Draft DCO (Revision 5)</b> [REP1-004] at Deadline 3.
REP1-060:29	7(11) amend to: ' <i>In case of damage to, or destruction or decay of, the authorised project seaward of MHWS or any part thereof, excluding the exposure of cables, the undertaker shall as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House, UKHO, the Kingfisher Information Service of Seafish and regional fisheries contacts.</i> '	<p>The Applicants do not propose making the requested change. It is not necessary to amend "authorised scheme" to "authorised project seaward of MHWS" because the definition of "authorised scheme" in each DML includes reference to the relevant Work Nos. that are licensed by that DML. It would not be appropriate to refer to the "authorised project", which is a much wider definition.</p> <p>The Applicants do not think that "regional fisheries contacts" is a sufficiently certain term to include within the DML wording. The Applicants have instead submitted an updated <b>Outline Fisheries Liaison and Co-existence Plan (Revision 3)</b> [document reference 8.28] to include the requested notification requirements for fisheries contacts at Deadline 2.</p>
REP1-060:30	7(12) add: ' <i>and regional fisheries contacts</i> ' after ' <i>Kingfisher Information Service of Seafish</i> '	The Applicants do not think that "regional fisheries contacts" is a sufficiently certain term to include within the DML wording. The Applicants have instead submitted an updated <b>Outline Fisheries Liaison and Co-existence Plan (Revision 3)</b> [document reference 8.28] to include the requested notification requirements for fisheries contacts at Deadline 2.
REP1-060:31	11(10) amend to: ' <i>All dropped objects must be reported to the MMO, UKHO and HMCG using the Dropped Object Procedure Form as soon as reasonably practicable and no later than 6 hours of the undertaker becoming aware of an incident. Immediate notification should be made to HM Coastguard via telephone where there is a perceived danger or hazard to navigation. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.</i> '	The Applicants submit that the wording of this condition, which requires dropped objects to be reported "as soon as reasonably practicable and in any event within 24 hours" is appropriate and is preceded in many other offshore wind farm DCOs. The Applicants are not aware of any examples where a 6- hour requirement has been included and are not aware of any justification for reducing this time period. No amendments to the <b>Draft DCO (Revision 5)</b> [REP1-004] are proposed.
REP1-060:32	18(4)(b) amend to: ' <i>A swath bathymetric survey to IHO Order 1a of the area within the Offshore Order Limits extending to an appropriate buffer around the site, must be undertaken. The survey shall include all proposed cable routes. This should fulfil the requirements of MGN654 which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications. This must be submitted as soon as possible, and no later than [three months] prior to construction. The Order Limit shapefiles must be submitted to MCA. The Report of Survey must also be sent to the MMO.</i> '	<p>The Applicants do not think that that it is necessary to update the <b>Draft DCO (Revision 5)</b> [REP1-004] to include all of the wording suggested by the MCA because most of what is being requested is already provided for within the existing wording of the relevant condition.</p> <p>The condition as currently drafted requires the area(s) within the Order Limits in which it is proposed to carry out construction works to be subject to the relevant survey, which would include the proposed cable routes. The condition also already includes reference to surveying an appropriate buffer around the location of each work.</p> <p>The wording also already includes reference to meeting the requirements of "MGN654 and its annexes" (the supporting document referenced by the MCA is one of the annexes to MGN654). Condition 18(5) in DMLs 3 and 4 requires the undertaker to carry out the pre-construction surveys agreed as part of the approved construction programme and monitoring plan (under condition 13(1)(b) of DMLs 3 and 4). The monitoring plan must include the timings for undertaking the surveys and, in relation to the pre-construction surveys, must be submitted to the MMO for approval at least six months prior to the first survey (as per condition 13(1)(b)(iii) (aa) in DMLs 3 and 4). The MMO must consult with the MCA (and others) when approving these details.</p> <p>Condition 18(6) also requires that a survey report for any surveys carried out must be submitted to the MMO following completion of the relevant survey.</p>

I.D.	Written Representation	Applicants' Response
		Therefore, the Applicants submit that the only part of the requested wording that is missing from the current drafting is a requirement to submit shapefiles of the Order Limits to the MCA. The Applicants will therefore update condition 18(1) of DMLs 3 and 4 to include this requirement at Deadline 3.
REP1-060:33	20(3)(b) amend to: <i>'a full sea floor coverage swath-bathymetry survey to IHO order 1a that meets the requirements of MGN654 and its annexes'.</i>	The Applicants will update the <b>Draft DCO (Revision 5)</b> [REP1-004] with this amendment at Deadline 3.
REP1-060:34	20(3)(d) amend to: <i>'Post construction monitoring must include vessel traffic monitoring by automatic identification system for a duration of three consecutive years following the completion of construction of authorised project, unless otherwise agreed in writing by the MMO. An appropriate report must be submitted to the MMO, Trinity House and the MCA at the end of each year of the three year period.'</i>	The Applicants will update the <b>Draft DCO (Revision 5)</b> [REP1-004] to incorporate a requirement for the post-construction monitoring to be undertaken for a duration of three consecutive years and to provide for annual reporting at Deadline 3.
<b>Draft Development Consent Order (DCO) (APP-027) - Schedule 14 Part 2. Marine Licence 5: DBS East and West Projects Offshore Transmission. Works 5A, 5B,7A and 7B</b>		
REP1-060:35	5(7)(b) amend to: <i>'as soon as reasonably practicable and no later than 24 hours of completion of all offshore activities.'</i>	The Applicants are willing to make the requested change to the <b>Draft DCO (Revision 5)</b> [REP1-004] but will replace "offshore activities" with "DBS East Project offshore works" or "DBS West Project offshore works" (as appropriate for each of the DMLs) as the term "offshore activities" is not used in the DMLs.
REP1-060:36	5(10) add 'MCA' for notification.	The Applicants will make the requested change to the <b>Draft DCO (Revision 5)</b> [REP1-004] at Deadline 3.
REP1-060:37	5(11) amend to: <i>'In case of damage to, or destruction or decay of, the authorised project seaward of MHWS or any part thereof, excluding the exposure of cables, the undertaker shall as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House, UKHO, the Kingfisher Information Service of Seafish and regional fisheries contacts.'</i>	<p>The Applicants do not propose making the requested change. It is not necessary to amend "authorised scheme" to "authorised project seaward of MHWS" because the definition of "authorised scheme" in each DML includes reference to the relevant Work Nos. that are licensed by that DML. It would not be appropriate to refer to the "authorised project", which is a much wider definition.</p> <p>The Applicants do not think that "regional fisheries contacts" is a sufficiently certain term to include within the DML wording. The Applicants have instead submitted an updated <b>Outline Fisheries Liaison and Co-existence Plan (Revision 3)</b> [document reference 8.28] to include the requested notification requirements for fisheries contacts at Deadline 2.</p>
REP1-060:38	5(12) add: <i>'and regional fisheries contacts'</i> after <i>'Kingfisher Information Service of Seafish'</i>	The Applicants do not think that "regional fisheries contacts" is a sufficiently certain term to include within the DML wording. The Applicants have instead submitted an updated <b>Outline Fisheries Liaison and Co-existence Plan (Revision 3)</b> [document reference 8.28] to include the requested notification requirements for fisheries contacts at Deadline 2.
REP1-060:39	9(10) amend to: <i>'All dropped objects must be reported to the MMO, UKHO and HMCG using the Dropped Object Procedure Form as soon as reasonably practicable and no later than 6 hours of the undertaker becoming aware of an incident. Immediate notification should be made to HM Coastguard via telephone where there is a perceived danger or hazard to navigation. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.'</i>	The Applicants submit that the wording of this condition, which requires dropped objects to be reported "as soon as reasonably practicable and in any event within 24 hours" is appropriate and is preceded in many other offshore wind farm DCOs. The Applicants are not aware of any examples where a 6- hour requirement has been included and are not aware of any justification for reducing this time period. No amendments to the <b>Draft DCO (Revision 5)</b> [REP1-004] are proposed.

I.D.	Written Representation	Applicants' Response
REP1-060:40	14(4)(b) amend to: 'A <i>swath bathymetric survey to IHO Order 1a of the area within the Offshore Order Limits extending to an appropriate buffer around the site, must be undertaken. The survey shall include all proposed cable routes. This should fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developers', which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications. This must be submitted as soon as possible, and no later than [three months] prior to construction. The Order Limit shapefiles must be submitted to MCA. The Report of Survey must also be sent to the MMO.'</i>	<p>The Applicants do not think that that it is necessary to update the <b>Draft DCO (Revision 5)</b> [REP1-004] to include all of the wording suggested by the MCA because most of what is being requested is already provided for within the existing wording of the relevant condition.</p> <p>The condition as currently drafted requires the area(s) within the Order Limits in which it is proposed to carry out construction works to be subject to the relevant survey, which would include the proposed cable routes. The condition also already includes reference to surveying an appropriate buffer around the location of each work.</p> <p>The wording also already includes reference to meeting the requirements of "MGN654 and its annexes" (the supporting document referenced by the MCA is one of the annexes to MGN654). Condition 14(5) in DML5 requires the undertaker to carry out the pre-construction surveys agreed as part of the approved construction programme and monitoring plan (under condition 11(1)(b) of DML5). The monitoring plan must include the timings for undertaking the surveys and, in relation to the pre-construction surveys, must be submitted to the MMO for approval at least six months prior to the first survey (as per condition 11(1)(b)(iii) (aa) in DML5). The MMO must consult with the MCA (and others) when approving these details.</p> <p>Condition 14(6) also requires that a survey report for any surveys carried out must be submitted to the MMO following completion of the relevant survey.</p> <p>Therefore, the Applicants submit that the only part of the requested wording that is missing from the current drafting is a requirement to submit shapefiles of the Order Limits to the MCA. The Applicants will therefore update condition 14(1) of DML5 to include this requirement at Deadline 3.</p>
REP1-060:41	16(3)(b) amend to: 'a <i>full sea floor coverage swath-bathymetry survey to IHO order 1a that meets the requirements of MGN654 and its annexes'</i> .	The Applicants will update the <b>Draft DCO (Revision 5)</b> [REP1-004] with this amendment at Deadline 3.
REP1-060:42	16(3)(d) amend to: 'Post construction monitoring must include vessel traffic monitoring by automatic identification system for a duration of three consecutive years following the completion of construction of authorised project, unless otherwise agreed in writing by the MMO. An appropriate report must be submitted to the MMO, Trinity House and the MCA at the end of each year of the three year period.'	The Applicants will update the <b>Draft DCO (Revision 5)</b> [REP1-004] to incorporate a requirement for the post-construction monitoring to be undertaken for a duration of three consecutive years and to provide for annual reporting at Deadline 3.
REP1-060:43	MCA contact details in Schedules 10,11,12,13, and 14 Parts 1 to be amended to: Maritime and Coastguard Agency UK Technical Services Navigation Spring Place 105 Commercial Road Southampton SO15 1EG Email: navigationsafety@mcga.gov.uk	The Applicants will update the <b>Draft DCO (Revision 5)</b> [REP1-004] with this amendment at Deadline 3.
REP1-060:44	The Applicant has provided a comprehensive overview of the risk. The comments detailed above are to highlight items to be addressed by the applicant in consultation with the MCA and navigation stakeholders to ensure the risk to the safety of navigation and the impact on SAR capability remains low.	The Applicants welcome the MCA's comment and will continue to engage with the MCA and navigation stakeholders during the post-consent phase.



## 2.8 Ministry of Defence

Table 2-8 The Applicants' response to Ministry of Defence's written representation [REP1-062]

I.D.	Written Representation	Applicants' Response
REP1-062:1	<p>I write to provide the Ministry of Defence's (MOD) Relevant Representations (RR's) with regard to the application for an order granting development consent for the Dogger Bank South Offshore Wind Project.</p> <p>The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.</p> <p>The proposed development would comprise up to 200 wind turbines, each with a maximum height to blade tip of up to 394.08 metres above Mean Low Water Springs (MHWS), the development would be located in the North Sea on the Dogger Bank. In addition to the turbine structures, there will be offshore platforms, including offshore Collector Platforms (CPs) and / or converter platforms (OCPs), an Electrical Switching Platform (ESP) and an Accommodation Block; foundation structures for wind turbines and offshore platforms; array cables; Inter-platform cables; offshore Export Cables from the Array Areas to the landfall; landfall works seaward of Mean Low Water Springs (MLWS) for a long trenchless crossing; and scour/cable protection (where required). The onshore components from the landfall location near Skipsea, travel west before reaching the Onshore Substation Zone located at Beverley Road along the A1079 and A164.</p>	<p>No response is required.</p>
REP1-062:2	<p>The principal concerns of the MOD with respect to this proposed wind farm relate to the impact of the development on the operation and capability of air defence radar systems, and the potential to create a physical obstruction to air traffic movements.</p> <p>At this time the MOD must object to the proposed development on the basis that the scheme would have a significant and detrimental impact on the effective operation and capability of an Air Defence (AD) radar deployed at Remote Radar Head (RRH) Staxton Wold.</p>	<p>The Applicants recognise the potential unmitigated impacts of DBS West on the Radar Line of Sight (RLoS) of the Primary Surveillance Radar (PSR) at Remote Radar Head (RRH) Staxton Wold and concluded the impact to be Not Significant in <b>Chapter 15 Aviation and Radar</b> [APP-125], following the application of additional mitigation. In order to ensure that additional mitigation would be secured prior to the operation of DBS West, and in anticipation of the objection received from the Defence Infrastructure Organisation (DIO), a draft requirement (Requirement. 31) was included within the <b>Draft Development Consent Order (DCO) (Revision 5)</b> [REP1-005] which requires appropriate mitigation to be agreed with the DIO.</p> <p>Since the representation was made by the DIO [AS-002] and following submission of the Projects' DCO application, the UK Government have released a new policy for delivery and funding of air defence radar mitigation within the Clean Power 2030 Action Plan (released in December 2024). The Applicants understand that an enduring radar mitigation solution will be delivered via Programme Njord by the MoD with government funding, removing the funding requirement for a radar mitigation solution from offshore wind developers.</p> <p>The Applicants have made numerous attempts to engage with the MoD across the development stages of the Projects since the submission of the Preliminary Environmental Information Report (PEIR). Efforts have been intensifying since early January 2025. The Applicants have expressed that they are keen to understand the basis for agreeing appropriate mitigation for impacts to Staxton Wold PSR within Programme Njord. The Applicants proposed to progress discussions via a call and are awaiting a response from the DIO to confirm a suitable date and time for mitigation discussions to commence. The Applicants will continue to try and progress these discussions.</p>



I.D.	Written Representation	Applicants' Response
		<p>The purpose of these discussions will primarily be to agree the wording (if any) of a Requirement to be included within the <b>Draft DCO (Revision 5)</b> [REP1-005] to an extent that will allow DIO to withdraw its objection. In addition, discussions will be held in relation to the designs of, and programme for, the Projects to allow MoD to consider what mitigation options may be appropriate. The Applicants look forward to progressing discussions with the MoD on this matter at their earliest convenience</p> <p>The Applicants wish to reiterate that no infrastructure within the DBS East Array Area would be in the RLoS of the PSR at RRH Staxton Wold, and therefore mitigation discussions relate to DBS West only.</p>
REP1-062:3	<p><u>Air Defence (AD) radar</u></p> <p>The proposed turbines would be located approximately 123.2km from, detectable by, and will cause unacceptable interference to, the AD radar at RRH Staxton Wold.</p> <p>Wind turbines have been shown to have detrimental effects on the operation of radar. These include the desensitisation of radar in the vicinity of the turbines, and the creation of “false” aircraft returns. The probability of the radar detecting aircraft flying over or in the vicinity of the turbines would be reduced, hence turbine proliferation within a specific locality can result in unacceptable degradation of the radar’s operational integrity. This would reduce the RAF’s ability to detect and deter aircraft in United Kingdom sovereign airspace, thereby preventing it from effectively performing its primary function of Air Defence of the United Kingdom.</p> <p>Our assessments have determined that, when operational, the proposed wind farm will cause unacceptable and unmanageable interference to the effective operation of the air defence radar deployed at RRH Staxton Wold.</p> <p>Therefore, on the basis of the information provided, and until a suitable mitigation scheme has been submitted, assessed, and accepted, the MOD must object to this proposal due to the impact it will have on the AD radar at RRH Staxton Wold.</p>	<p>Please see the response to AS-002:2 in The Applicants’ Responses to Relevant Representations [PDA-013]:</p> <p><i>‘The Applicants acknowledge this comment. As noted in Chapter 15 Aviation and Radar [APP-125] a range of mitigation measures are likely to be available. The Applicants will continue engagement with the MOD to seek to agree suitable mitigation for the potential impact of the Projects on the Air Defence radar at Remote Radar Head Staxton Wold (RRH). Requirement 31 of the Draft Development Consent Order (DCO) [APP-027] provides that the Secretary of State, after consulting the MOD, must be satisfied that appropriate mitigation will be implemented to address any unacceptable effects on the air defence radar capability of RRH Staxton Wold. This confirmation is required prior to operation of the Projects.’</i></p>
REP1-062:4	<p>The applicant’s response to Relevant Representations (RRs) in PDA-013 (dated October 2024 revision 01) acknowledges the AD radar objection and have confirmed mitigation is required. The MOD welcomes engagement on this matter. It is the applicant’s responsibility to provide a technical mitigation solution to the MOD. Unless, and until, a mitigation is submitted and accepted by the MOD, the MOD is unable to remove the objection or agree to a Requirement to address this issue.</p>	<p>The Applicants have made numerous attempts to engage with the MoD across the development stages of the Projects since the submission of the PEIR. Efforts have been intensifying since early January 2025, with the Applicants expressing that they are keen to understand the basis for agreeing appropriate mitigation for impacts to RRH Staxton Wold. The Applicants proposed to progress discussions via a call and are still awaiting a response from the MoD to confirm a suitable date and time for mitigation discussions to commence. The Applicants will continue to try and progress these discussions.</p> <p>The purpose of these discussions will primarily be to agree the wording (if any) of a Requirement to be included within the <b>Draft DCO (Revision 5)</b> [REP1-005] to an extent that will allow the MoD to withdraw its objection. In addition, discussions will be held in relation to the designs of, and programme for, the Projects to allow MoD to consider what mitigation options may be appropriate.</p> <p>It is the Applicants understanding that a new policy for the delivery and funding of air defence radar mitigation was released by the UK Government in December 2024 within the Clean Power 2030 Action Plan. The Plan presented an outline of the MoD’s Programme Njord which will deliver an enduring radar mitigation solution via government funding. Therefore, it is understood by the Applicants that the mitigation solutions required for any impacts of the Projects on air defence military radar at RRH Staxton Wold will be for the MoD to select and bring forward, including</p>

I.D.	Written Representation	Applicants' Response
		<p>via their Programme Njord, based on design details and project timelines provided by the Applicants. The Applicants input into the development of mitigation solutions is likely to be very limited from any technical perspective.</p> <p>The Applicants look forward to progressing discussions with the MoD on this matter at their earliest convenience.</p>
REP1-062:5	<p><u>Physical Obstruction</u></p> <p>In this case the development falls within Low Flying Area 11 (LFA 11). Within these areas fixed wing aircraft may operate as low as 250 feet or 76.2 metres above ground level to conduct low level flight training. The addition of turbines in this location would introduce a physical obstruction to low flying aircraft operating in the area.</p> <p>As this development includes structures that exceed a height of 60m above Highest Astronomical Tide (HAT) it would be subject to the lighting requirements set out in the Air Navigation Order 2016. In addition to any CAA requirements, the MOD will require the submission, approval, and implementation of an aviation safety lighting specification that details the installation of MOD accredited aviation safety lighting.</p> <p>In the event that the applicant is able to overcome the Air Defence Radar objection detailed above, MOD would require that Requirements are added to any consent issued requiring the submission, approval and implementation of an aviation lighting scheme, and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction.</p>	<p>The Applicants understand that Low Flying Area 11 includes northeast Lincolnshire, northeast Nottinghamshire and East Yorkshire. It does not extend offshore. The Applicants can confirm that there will be no turbines located in this area. Wind turbines will be sited offshore only. The tallest structures that the Applicants would install onshore would be developed in the Onshore Substation Zone. These structures would be no taller than 27m, their highest point being lightning masts. The tallest building is the Valve Hall, which could reach up to 24m as detailed in <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009].</p> <p>Please see the response to AS-002:3 in <b>The Applicants' Responses to Relevant Representations</b> [PDA-013]:</p> <p><i>'Mitigation of the potential impacts on military low flying aircraft involves the notification and lighting of obstructions, as captured by the Deemed Marine Licence conditions contained within the Draft DCO [APP-027]. Aviation safety and lighting requirements are secured by condition 12 of Marine Licences 1 and 2; condition 10 of Marine Licences 3 and 4; and condition 8 of Marine Licence 5.</i></p> <p><i>The Defence Infrastructure Organisation Safeguarding will be notified, at least 14 days before commencement of the offshore works, of the date of construction commencement, the date wind turbines are to be installed, the maximum height of construction equipment or vessels, the maximum height of each wind turbine, and the latitude and longitude of each wind turbine.</i></p> <p><i>Aviation safety lighting as required by the Air Navigation Order 2016 will be exhibited in consultation with the Defence Infrastructure Organisation Safeguarding.'</i></p>
REP1-062:6	<p>The applicant's response to RR's in PDA-013 (dated October 2024 revision 01) acknowledges the need for the turbines to be installed with Aviation Warning Lighting (AWL) and charted. In addition, the MOD would require that any other associated tall structures i.e. Offshore Platforms that exceed 60 metres above HAT are also installed with AWL and charted.</p>	<p>The Applicants acknowledge this comment and will make appropriate updates to the <b>Draft DCO (Revision 5)</b> [REP1-005] at Deadline 3.</p>
REP1-062:7	<p><u>Landfall and Onshore</u></p> <p>Amongst the additional information provided by the applicant is a map showing the position of the export cable landfall location, and the extent of the onshore area of interest. I can confirm that the area of interest identified is not covered by any statutory safeguarding zones. As the proposal matures, or any changes made, MOD should be consulted so any potential impact on safeguarded MOD assets can be identified and assessed.</p>	<p>The Applicants acknowledge this comment.</p>
REP1-062:8	<p>For the avoidance of any doubt, MOD objects to the proposal on the grounds of the unacceptable impact that the development would have on:</p> <p>Air Defence radar system sited at RRH Staxton Wold.</p>	<p>The Applicants acknowledge this comment.</p>

## 2.9 National Federation of Fishermen's Organisations (NFFO)

9. It should be noted that the Applicants have not provided a response to the NFFO submission **Any Post Hearing submissions or other documents requested by the ExA at the Hearings** [REP1-076], due to the responses being directed to the Examining Authority and not the Applicants.

Table 2-9 The Applicants' response to NFFO's written representation [REP1-077]

I.D.	Written Representation	Applicants' Response
REP1-077:1	<p>This written representation forms the response from the NFFO to key documentation of concern to the fishing industry that forms part of the examination of the Dogger Bank South offshore wind development.</p> <p>The National Federation of Fishermen's Organisation (NFFO) represents the interests of over 400 commercial fishing businesses in England and Wales. The Welsh Fishermen's Association (WFA) represents over 200 commercial fishing businesses in Wales.</p> <p>Commercial fisheries have existed in the proposed region for generations and are already faced with extensive spatial restrictions such as existing and proposed offshore wind developments, Marine Protected Areas and legislative restrictions in the region. The area is economically important to fishing fleets from all the devolved UK administrations, with a variety of gear type being deployed, both static and mobile. Further displacement of commercial fishing in the region will result in economic harm, through loss of earnings from the ground and additional operating costs due to increased steaming times during construction and operation of the project.</p> <p>The response below has been separated to specific concerns we have with regards the draft Fisheries Liaison and Co-existence Plan (FLCP) and the outline Cable Statement. It is acknowledged that the applicant has engaged with the NFFO on the draft FLCP prior to Deadline 1, however due to the NFFO liaising across all wind farm developments currently under examination it has not been possible to submit comments to the applicant prior to Deadline 1. These comments are in addition to concerns raised by the NFFO at the pre-examination and Relevant Representation submissions.</p>	The Applicants acknowledge this comment. No further action required by Applicants.
REP1-077:2	<p><b>Fisheries Liaison and Coexistence plan</b></p> <p>The comments below are specific to the Fisheries Liaison and Coexistence Plan, we reviewed the document submitted to the inspectorate dated 26th November 2024.</p> <p>The applicant has taken a portfolio approach to the FLCP for consistency across all the applicants developments A portfolio approach can be seen as efficient and create standardised liaison practices. However, it needs to be noted that regional variations in fisheries engagement and organisation need to be accounted for and understood.</p>	The Applicants acknowledge this comment.
REP1-077:3	<p>1.3. Paragraph 9. We advise that ESCA is currently developing new guidelines for cables and fisheries interactions (linear cables only), expected in 2025. It is recommended to include reference to including these guidelines when they become available for future revisions of the FLCP.</p>	The Outline Fisheries Liaison and Coexistence plan (OFLCP) has been developed in accordance with the legislation and guidance detailed within section 1.3 of the <b>OFLCP (Revision 3)</b> [document reference: 8.28], which includes European Subsea Cable Association (ESCA) guideline 01 – Fishing and Liaison (2016). The Applicants are committed to using the most up to date guidelines, and thanks the NFFO for raising this expected update to the ESCA guidelines. The Applicants have already committed to adhere to updated FLOWW best practice guidelines expected

I.D.	Written Representation	Applicants' Response
		<p>in 2025 and will endeavour to adhere to any other updated relevant guidelines as they become available, such as the ESCA guidelines on cables and fisheries interactions.</p> <p>The Applicants acknowledge this comment and a reference to the ESCA for cables and fisheries interactions has been added to Paragraph 9. Updates to the <b>OFLCP (Revision 3)</b> [document reference: 8.28], issued at Deadline 2, have taken account any revised guidance as applicable</p>
REP1-077:4	The Dogger Bank South projects propose two separate companies to act in the capacity of Fisheries Liaison Officers (Precision Marine Survey Limited) and Commercial Fisheries Advisor (MacAlister Elliott & Partners). Both of which have defined roles within the FLCP. Ordinarily we would only expect to see a single company responsible for the roles covered by both companies here. We do not question the right of the applicant to approach these roles differently to what is normal, however we wish to ensure that commercial fisheries are correctly informed of who has what responsibility to ensure any issues that arise are dealt with accordingly. Commercial fisheries in the region are liaising across multiple projects and several different FLO companies, a simplistic and transparent approach is recommended.	The Applicants acknowledge this comment and will ensure that clarity is provided to the fishing industry as to who should be contacted to discuss key issues.
REP1-077:5	Paragraph 23. NEIFCA is not a stakeholder, they are a government agency. We support their inclusion in the CFWG, but they should not be referred to as a stakeholder.	The Applicants acknowledge this comment. Relevant text has been added to Paragraph 23 of the updated OFLCP (Revision 3) [document reference: 8.28], issued at Deadline 2, to refer to NEIFCA as a government authority rather than a stakeholder.
REP1-077:6	Section 3.3. We would expect to see a commitment to use local expertise wherever possible when employing fisheries support vessels. This is a form of mitigation for those impacted and also local expertise can help deconflict issues quickly and efficiently as they arise. We acknowledge that suitable vessels are not always available, so the term "wherever possible" or "where available" allows for the inclusion but also acknowledges the challenges associated with securing local expertise and vessels.	The Applicants acknowledge this comment and text has been added to Paragraph 31 to state where possible, the Projects will employ local expertise to undertake or support these roles if available in the <b>OFLCP (Revision 3)</b> [document reference: 8.28], issued at Deadline 2.
REP1-077:7	Paragraph 36 (final bullet point). It is unclear what is meant by "piercing Project infrastructure and or vessels....". We require clarity on this point.	<p>The Applicants acknowledge this comment and can add clarity on the meaning of "piercing Project infrastructure and or vessels...". This is referring to any infrastructure that is above the sea surface such as the turbines or the offshore platforms. Section 3.5 of <b>OFLCP (Revision 3)</b> [document reference: 8.28] provides guidance for fishers and expectations of the fishing sector in relation to the Project. It is requested that commercial fishers active within the Project's Array Areas and Offshore Export Cable Corridor comply with a number of standards as detailed in section 3.5, including: <i>"once the Projects are constructed, refrain from deploying fishing gear within 50m of sea surface piercing Project infrastructure or any vessels conducting operational and maintenance activities, accounting for tidal flows and wind."</i> This request is most importantly made to avoid navigational safety impacts to fishing vessels in relation to snagging and collision with project vessels, as well as avoid commercial impacts in relation to damage of fishing vessels and/or gear and Project infrastructure.</p> <p>The wording within Paragraph 36 has been updated with examples to add clarity in <b>OFLCP (Revision 3)</b> [document reference: 8.28], issued at Deadline 2.</p>
REP1-077:8	We welcome the two-weeks minimum notice period for works described in Table 3-2. We would recommend including here that there are occasions where two-weeks' notice is not possible – urgent or emergency works for example.	The Applicants acknowledge this comment. Table 3-2 of the <b>OFLCP (Revision 3)</b> [document reference: 8.28] provides details of how information will be disseminated throughout the lifetime of the Project, noting that information will be distributed no less than two weeks prior to activities during the construction, pre/post-construction, operation and



I.D.	Written Representation	Applicants' Response
		<p>maintenance and decommissioning phases. This commitment is secured through conditions (15/13/11) of the Deemed Marine Licences (DMLs) of the <b>Draft DCO (Revision 5)</b> [REP1-004].</p> <p>As noted by the NFFO, the Applicants acknowledge that two weeks' notice is not always possible during urgent or emergency works. Therefore, text has been added to Table 3-2 section 3.6 of <b>OFLCP (Revision 3)</b> [document reference: 8.28] (issued at Deadline 2) accordingly, noting that if emergency or urgent works need to be undertaken, a 2 week notice period may not be possible.</p>
REP1-077:9	Paragraph 39. Please note the NFFO does not disseminate notices to our members.	The Applicants acknowledge this comment. Paragraph 39 of the <b>OFLCP (Revision 3)</b> [document reference: 8.28] (issued at Deadline 2) has been amended to state that a copy of the notification will be provided to the NFFO.
REP1-077:10	Paragraph 42. Please see above point for Section 3.3.	<p>The Applicants acknowledge this comment. Text has been added to bullet point 8 within Paragraph 42 of the <b>OFLCP (Revision 3)</b> [document reference: 8.28] (issued at Deadline 2) to say where possible, the Projects will employ local expertise to undertake or support these roles if available.</p> <p>The Applicants are committed to using the most up to date guidelines, such as the updated FLOWW best practice guidelines which are expected to be released in 2025. These will be reviewed and adhered to throughout the Project's lifetime where possible.</p>
REP1-077:11	Paragraph 42. The applicant commits to "appropriate communication" with the fishing industry in the event of a cable becoming exposed in the operational phase. We would expect to see reference to the mitigation strategy the applicant will put in place if this where to happen, reference to the cable burial risk assessment and appropriate remediation strategies.	<p>Appropriate communication, via the appointed FLO, OFLO, issue of Notice to Mariners, Kingfisher and KIS-ORCA updates will be actioned in the event of a cable exposure, dropped object or any other hazard to navigation, during the operational phase.</p> <p>The Applicants note that paragraph 42 states that, "<i>The Applicants will implement measures to minimise and mitigate as far as practicable, potential impacts to commercial fishers during the lifetime of the Projects</i>".</p> <p>Key mitigation to ensure the safety of fishing activity and to minimise the amount of fishing grounds lost includes reviewing and updating the cable burial risks assessments up to the point of construction, seeking to ensure effective cable burial as far as is practicable, thus reducing the risk of potential exposures and risks to fishers and their equipment in the first instance, as far as is practicable.</p> <p>Cable protection in areas where the minimum target burial depth of cable cannot be achieved shall be designed to minimise snagging hazards as far as possible. For example, minimising heights above seabed, smooth and shallower profiles, grade used for rock placement, type of rock (e.g. smoother edges). This is committed to within the <b>Cable Statement (Revision 3)</b> [document reference 8.20] and secured within Conditions 15/13/11 of the Deemed Marine Licences of the <b>Draft DCO (Revision 5)</b> [REP1-004]. Cable burial will be monitored throughout the life of the Projects and re-burial and / or protection of exposures will be attempted where necessary. Fishers will be notified as and when any remedial works have been completed with further relevant information provided to them.</p> <p>Final Cable Burial Risk Assessments and Cable Protection Plans will be produced in line with the detail provided in the <b>Cable Statement (Revision 3)</b> [document reference 8.20] that has been submitted with the DCO application, and in accordance with the DML conditions . Detail relating to the consideration of minimising snagging hazards has been added to the <b>Cable Statement (Revision 3)</b> [document reference 8.20] submitted at Deadline 2 in response to the representation.</p>
REP1-077:12	Paragraph 46, Table 4-1. Is this statement correct. Were commercial fisheries the governing factor that caused a refinement in the project area. We suspect not, if it was for other factors such as shipping and navigation this should be stated. Whilst there is a benefit to project area	Whilst the Applicants acknowledge this that commercial fisheries was not the only factor contributing to this mitigation measure, this is an embedded mitigation measure that has been included in multiple chapters where it



I.D.	Written Representation	Applicants' Response
	refinement to commercial fisheries, this is likely a secondary or tertiary benefit. A transparent and honest approach is needed to facilitate coexistence between the industries.	has reduced the impact on relevant receptors. This mitigation measure has reduced impact on certain commercial fisheries receptors and has therefore been included in the FLCP.
REP1-077:13	<p><b>Cable Statement</b></p> <p>The outline cable statement is lacking in detail on how the risk associated with cables and fishing will be assessed, conclusions drawn and mitigation strategies. All this document states are how the applicant plans to install the associated cables with minimal reference to mitigation or remediation concerns. Our comments are limited due to this lack of detail.</p> <p>Fisheries concerns do not form part of any decisions on to cable routing requirements for this development. It must be acknowledged that the "avoid" component of marine spatial planning has not been applied here.</p>	<p>The purpose of the Cable Statement is detailed in section 1.2 of the <b>Cable Statement (Revision 3)</b> [document reference 8.20], which notes that the document provides details of the proposed cable route, installation methods and consideration of cable route design. Risks associated with cables and commercial fisheries are assessed in section 13.6 of <b>Chapter 13 Commercial Fisheries</b> [APP-117] for the Projects alone during the construction, operation and decommissioning phases. This includes an assessment of loss or damage to fishing gear due to snagging and navigational safety impacts to commercial fishing receptor groups. Snagging and navigational safety are both assessed to be of a negligible to minor adverse residual significance of effect for all receptor groups during the operational phase, which is not significant in EIA terms. Mitigation in relation to these risks is also discussed in <b>Chapter 13 Commercial Fisheries</b> [APP-117].</p> <p>Fisheries concerns were used to help shape the routing of the Offshore Export Cable Corridor as part of the site selection and refinement process. It should be noted that data from project specific vessel traffic surveys and scouting surveys conducted during winter and summer of 2022-2023 have been used to provide information on fishing activity within the Offshore Export Cable Corridor and Export Cable Platform Search Area. A full list of the site-specific surveys is described in Table 13-8 of <b>Chapter 13 Commercial Fisheries</b> [APP-117]. This information, along with other considerations, has led to the refinement of the Offshore Export Cable Corridor at the PEIR stage. Information of relevance to avoiding impacts with fisheries was used during site selection to increase cable burial potential (i.e. through excluding areas of known hard ground as far as possible) and to shorten the cable route by 21 km/18 km for DBS West and 15km / 5km for DBS East. These measures taken together have both helped to avoid interactions with commercial fishers. Additionally, the number of Export Cable Platforms has been reduced from 2 to 1 and inter-platform cabling has been reduced from 192nm to 185nm. This information has been shared with the CFWG in an update held on 11 December 2023. These measures will also have helped to avoid and reduce interactions with commercial fishers.</p>
REP1-077:14	The comments submitted above are specific to the key documentation the NFFO reviews for commercial fisheries. We are also committed to further development of the SoCG and support the work of the Commercial Fisheries Working Group.	The Applicants acknowledge this comment and welcome further engagement with the NFFO throughout the Examination process.

## 2.10 National Gas Transmission Plc

Table 2-10 The Applicants' response to National Gas Transmission Plc's written representation [REP1-078]

I.D.	Written Representation	Applicants' Response
REP1-078:1.1	This written representation is submitted on behalf of National Gas Transmission plc (NGT)) in response to the application by RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited (Promoter) for the Dogger Bank South Offshore Wind Farms Development Consent Order (Draft Order) to enable the construction of the Dogger Bank South Offshore Wind Farm (Dogger Bank South Project) (defined in the Draft Order as the Authorised Development).	No response is required.

I.D.	Written Representation	Applicants' Response
REP1-078:2.1	As set out in NGT's relevant representation dated 3 September 2024 [RR-017], NGT has a number of assets that form an essential part of the gas transmission network in England, Wales and Scotland either within, or in close proximity to, the Dogger Bank South Project. These include the transmission pipelines set out below and shown on the plans at Appendix 1 (NGT Assets Plans):  a) FM29 – Ganstead to Asselby; and b) FMO6 – Burton Agnes to Paull (together, the NGT Assets).	The Applicants acknowledge this comment.
REP1-078:2.2	In respect of the NGT Assets (and any other NGT infrastructure located within the current Draft Order limits or in close proximity to the proposed Authorised Development and associated works), NGT will require protective provisions to be put in place to ensure that:  a) all NGT interests and rights, including rights of access both to the NGT Assets and any other NGT apparatus, are unaffected by the powers of compulsory acquisition, temporary possession, and the grant and/or extinguishment of rights as set out in the Draft Order; and b) appropriate protection for the NGT Assets and any other retained apparatus is maintained during and after construction of the Authorised Development in accordance with the Protective Provisions and the relevant safety standards as set out below.	The Applicants acknowledge this comment.
REP1-078:2.3	Discussions regarding site-specific interactions and impacts are ongoing between NGT and the Promoter and NGT reserves the right to raise further issues as these discussions progress.	The Applicants acknowledge this comment.
REP1-078:3.1	Relevant guidance in respect of standards and protocols for working in the vicinity of high pressure gas pipelines applies in the form of National Gas Transmission Guidance for Safe Working in the vicinity of High Pressure Pipelines T/SP/SSW/22 which is aimed at parties carrying out work in the vicinity of high pressure gas pipelines and associated installations and is provided to ensure that those planning and undertaking work take appropriate measures to prevent damage.	The Applicants acknowledge this comment.
REP1-078:3.2	The requirements in T/SP/SSW/22 are in accordance with IGEM (Institution of Gas Engineers and Managers) technical standard IGEM/SR/18 Edition 3 – Safe Working Practices to Ensure the Integrity of Gas Pipelines and Associated Installations and HSE's guidance document HS (G) 47 Avoiding Danger from Underground Services.	The Applicants' acknowledge this comment.
REP1-078:3.3	NGT requires specific protective provisions to be put in place to provide for an appropriate level of control and protection for all retained assets (including the NGT Assets) and assurance that industry standards will be complied with in connection with works to and in the vicinity of the same.	The Applicants acknowledge this comment.
REP1-078:4.1	NGT asserts that maintaining appropriate property rights to support its assets and protecting these from compulsory acquisition and related powers in the Draft Order is a fundamental safety issue.	The Applicants are seeking rights to install, operate and maintain cables. The Applicants do not intend to seek to extinguish National Gas Transmission Plc's (NGT) existing property rights and therefore considers that these rights can co-exist. The parties are negotiating the form of protective provisions which will provide an approvals mechanism prior to works taking place within proximity to NGT and which will ensure the works are undertaken in accordance with NGT safety guidance and therefore does not agree that there is a fundamental safety issue.

I.D.	Written Representation	Applicants' Response
REP1-078:4.2	<p>Insufficient property rights would have the following safety implications:</p> <ul style="list-style-type: none"> <li>a) inability for qualified personnel to access apparatus for its maintenance, repair and inspection;</li> <li>b) risk of strike to buried assets if development occurs within the easement zone which seeks to protect such buried assets; and</li> <li>c) risk of inappropriate development within the vicinity of the assets, thereby increasing the risk of damage to the asset and to the integrity of the gas transmission network.</li> </ul>	<p>The Applicants are not intending to extinguish NGT's existing property rights and considers that these rights can co-exist with the proposed development. NGT's right of access to maintain, inspect and repair and protect its apparatus will continue to exist and therefore the proposed development and associated compulsory rights sought through the Development Consent Order (DCO) will not in the Applicants' opinion increase any risk to NGT as referenced.</p> <p>NGT will have the opportunity to review and approve plans under the protective provisions prior to the commencement of specified works.</p>
REP1-078:5.1	<p>NGT seeks to protect its statutory undertaking, and insists that in respect of connections and work in close proximity to its apparatus (including the NGT Assets) as part of the Authorised Development the following procedures are complied with by the Promoter:</p> <ul style="list-style-type: none"> <li>a) NGT is in control of the plans, methodology and specification for works within 15 metres of any retained Apparatus; and</li> <li>b) works in the vicinity of NGT's apparatus are not authorised or commenced unless protective provisions are in place preventing compulsory acquisition of NGT's land or rights or the overriding or interference of the same. Any acquisition of rights must be subject to NGT's existing interests and rights and not contradict with or cut across such rights.</li> </ul>	<p>The parties are in active negotiations on the form of protective provisions which will include plan approval mechanisms prior to the commencement of specified works.</p>
REP1-078:5.2	<p>In light of the above, NGT require protective provisions to be included within the Draft Order to ensure that its existing assets and interests are adequately protected, as well as to ensure compliance with relevant safety standards (NGT's Protective Provisions). For completeness, we include a copy of NGT's Protective Provisions at Appendix 2.</p>	<p>The Applicants acknowledge this comment.</p>
REP1-078:6.1	<p>While discussion remains ongoing, the Draft Order does not yet contain protective provisions expressed to be for the protection of NGT, making it deficient from NGT's perspective.</p>	<p>The Applicants and NGT are in active negotiations on the form of the protective provisions. Once agreed between the parties, protective provisions for the benefit of NGT will be included in the draft Order. If agreement has not been reached by Deadline 3, the Applicants will update the <b>Draft DCO (Revision 5)</b> [REP1-004] with the Applicants' preferred form of protective provisions in order that the Examining Authority has the opportunity to consider the proposed wording during the examination. In these circumstances, the Applicants would continue to engage with NGT to seek to agree the form of protective provisions prior to the close of examination.</p>
REP1-078:6.2	<p>NGT's solicitors Addleshaw Goddard LLP have been engaging with the Promoter's solicitors and provided them with a set of NGT's Protective Provisions on 5 July 2024. Discussion are ongoing to be able to agree a set of protective provisions to be included in the draft Order.</p>	<p>The Applicants confirm that they are currently negotiating the form of protective provisions for the benefit of NGT.</p>
REP1-078:6.3	<p>Until satisfactory agreement has been reached with the Promoter, NGT must continue to reserve its right to make further submissions to the Examination at a later date, including appearance at any hearings in due course.</p>	<p>The Applicants acknowledge this comment.</p>
REP1-078:6.4	<p>Should it not be possible to reach agreement with the Promoter, NGT reserves the right to attend any Compulsory Acquisition Hearing or Issue Specific Hearing to address the required format.</p>	<p>The Applicants acknowledge this comment.</p>

## 2.11 National Grid Electricity Transmission Plc (NGET)

Table 2-11 The Applicants' response to NGET's written representation [REP1-079]

I.D.	Written Representation	Applicants' Response
Summary of Written Representation		
REP1-079:1	NGET owns assets that form an essential part of the electricity transmission network in England and Wales either within, or in close proximity to, the Dogger Bank South Project.	No response is required.
REP1-079:2	<p>These assets include the existing Creyke Beck substation, various overhead lines and underground apparatus. Additionally, NGET is bringing forward a number of projects at this location comprising:</p> <p>(a) an upgrade the existing Creyke Beck substation (the Wanlass Beck Extension Project);</p> <p>(b) the construction of a new substation to the north of the existing Creyke Beck substation (Birkhill Wood Substation Project) (the Wanlass Beck Extension Project and the Birkhill Wood Substation Project are in this representation together known as the NGET Upgrade Projects);</p> <p>(c) the construction of a new high voltage transmission line between the Wanlass Beck Extension and a new substation at High Marnham in Nottinghamshire known as the North Humber to High Marnham project (NHHM Project); and</p> <p>(d) the construction of an access road off the A1079 to facilitate the construction, maintenance and operation of the NGET Upgrade Projects and connectee projects.</p>	The Applicants acknowledge this comment.
REP1-079:3	The NGET Upgrade Projects and the NHHM Project are required to facilitate the connection of third-party connectees to the National Grid (including the Dogger Bank South Project). NGET has entered into connection agreements with each of the relevant customers obligating NGET to provide a connection for each of their individual projects. A similar connection agreement is in place with the Promoter.	The Applicants acknowledge this comment.
REP1-079:4	The Dogger Bank South Project overlaps with existing and future NGET infrastructure both physically and with regards to the timing of works. There is thus scope for the Dogger Bank South Project to compromise or prejudice the construction and operation of one or more of the future NGET projects detailed above to the detriment of not just NGET but third party connectees reliant on these NGET projects.	The Applicants acknowledge this comment.
REP1-079:5	In light of this, NGET require protective provisions to be included within the Order to ensure that its existing and future assets and interests are adequately protected, as well as to ensure compliance with relevant safety standards. NGET's preferred form of protective provisions (the NGET Protective Provisions) include safeguarding wording in relation to future infrastructure that was secured in the recently granted Awel y Môr Offshore Wind Farm Development Consent Order (the AYM DCO).	The Applicants acknowledge this comment. The Applicants are engaged with NGET to discuss the form of protective provisions.
REP1-079:6	NGET's solicitors (Addleshaw Goddard LLP) have been engaging with the Promoter's solicitors and have recently received comments on the NGET Protective Provisions.	No response is required.
REP1-079:7	It is noted that the Promoter has removed paragraphs 3-7 from the NGET Protective Provisions which were based on the AYM DCO and provide for the protection and safeguarding of the infrastructure and works	The Applicants are unable to accept these provisions as they may constrain the Applicants' ability to carry out the Projects within the scope of the <b>Draft Development Consent Order (DCO) (Revision 5)</b>

I.D.	Written Representation	Applicants' Response
	associated with the NGET Upgrade Projects and the NHHM Project. Without specific safeguarding provisions for NGET's future upgrade projects, the protective provisions currently included in the draft Order only relate to existing NGET apparatus and land and so there is nothing to prevent the Dogger Bank South Project from adversely affecting the NGET Upgrade Projects and the NHHM Project to the serious detriment of NGET's undertaking and multiple connectee projects at this location.	<p>[REP1-004]. NGET are seeking protections for areas of land required for the delivery of other schemes in the vicinity of the Projects. This could restrict the Applicants' ability to undertake works in the area around the proposed Birkhill Wood National Grid Substation.</p> <p>The land subject to this additional protection is not yet identifiable and NGET is yet to submit a Town and Country Planning Application for the site, so it is subject to change and further refinement. Furthermore, NGET do not yet have land rights in relation to some of the land subject to this additional protection. The Applicants consider this goes above and beyond what protective provisions are intended to cover and the protections provided to statutory undertakers in the Planning Act 2008.</p> <p>The Applicants consider that interactions between the Projects and any future projects should be addressed in a private collaboration agreement.</p> <p>Without sufficient protection and assurances from NGET, the Applicants cannot agree to these provisions as currently proposed by NGET. The Applicants require certainty that it can carry out works within the scope of the <b>Draft DCO (Revision 5)</b> [REP1-004].</p>
REP1-079:8	Otherwise, the Promoter has not yet agreed NGET's standard protective provisions despite these having been incorporated into multiple DCOs and being necessary to protect existing NGET apparatus in the vicinity of the Project.	<p>The Applicants and NGET are continuing to negotiate the protective provisions and hope to reach an agreement before the end of the examination subject to a resolution on the outstanding issues, including in relation to interactions with future infrastructure as noted above.</p> <p>If agreement has not been reached by Deadline 3, the Applicants will update the <b>Draft DCO (Revision 5)</b> [REP1-004] with the Applicants' preferred form of protective provisions in order that the ExA has the opportunity to consider the proposed wording during the Examination. In these circumstances, the Applicants would continue to engage with NGET to seek to agree the form of protective provisions prior to the close of Examination.</p>
REP1-079:9	Until satisfactory agreement has been reached with the Promoter, NGET must continue to reserve the right to make further submissions to the examination and attend hearings at a later date.	No response is required.
<b>Written Representation</b>		
REP1-080:1	<p><b>Introduction</b></p> <p>This written representation is submitted on behalf of National Grid Electricity Transmission plc (NGET) in response to the application by RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited (Promoter) for the Dogger Bank South Offshore Wind Farms Development Consent Order (Order) to enable the construction of the Dogger Bank South Offshore Wind Farm (Dogger Bank South Project).</p> <p>In summary of NGET's position, NGET considers that it has existing and future infrastructure that needs to be protected via the protective provisions that NGET is proposing be included in the final form of the Order. These protective provisions include wording that has precedent in other development consent orders that have been recently granted. Without inclusion of the protective provisions, serious detriment would be caused to NGET's undertaking as well as to other third-party projects that are reliant on NGET's existing and future infrastructure including the Dogger Bank South Project itself.</p>	<p>The Applicants acknowledge this comment.</p> <p>Negotiations are ongoing between parties to discuss the form of protective provisions. The Applicants are currently in the process of reviewing further comments on the protective provisions provided by NGET's solicitors on 31 January 2025, which includes comments on provisions relating to the interaction with future infrastructure.</p>



I.D.	Written Representation	Applicants' Response
REP1-080:2	<p><b>NGET infrastructure</b></p> <p>As set out in NGET's relevant representation dated 5 September 2024 [RR-035], NGET owns assets that form an essential part of the electricity transmission network in England and Wales either within, or in close proximity to, the Dogger Bank South Project. This includes the existing Creyke Beck substation, various overhead lines and underground apparatus.</p> <p>Additionally, NGET is bringing forward a number of projects at this location (further details are set out at paragraphs 2.4-2.16 below). These projects comprise:</p> <p>(a) an upgrade the existing Creyke Beck substation (the Wanlass Beck Extension Project) (shown on the plan at Appendix 1);</p> <p>(b) the construction of a new substation to the north of the existing Creyke Beck substation (Birkhill Wood Substation Project) (shown on the plan at Appendix 1) (the Wanlass Beck Extension Project and the Birkhill Wood Substation Project are in this representation together known as the NGET Upgrade Projects);</p> <p>(c) the construction of a new high voltage transmission line between the Wanlass Beck Extension and a new substation at High Marnham in Nottinghamshire known as the North Humber to High Marnham project (NHHM Project) (shown on the plan at Appendix 2); and</p> <p>(d) the construction of an access road off the A1079 to facilitate the construction, maintenance and operation of the NGET Upgrade Projects and connectee projects (Access Road) (shown coloured grey on the plan at Appendix 1)</p> <p>There is therefore significant existing and future infrastructure which is being brought forward within and in proximity to limits of the Order which will overlap with the Dogger Bank South Project works both in terms of physically overlapping works and infrastructure and with regards to the timing of when each set of works will take place.</p> <p>It should be noted in particular that the Dogger Bank South Project is reliant on the construction and operation of the Birkhill Wood substation in order to connect into the National Grid.</p>	<p>The Applicants acknowledge this comment.</p> <p>The Applicants have been actively engaged with NGET representatives to discuss interactions between these NGET projects and the Applicants proposed development. The Applicants will continue to engage and welcomes ongoing collaboration between parties as design of the NGET projects progress and during construction.</p>
REP1-080:3	<p><b>Wanlass Beck Extension Project</b></p> <p>The existing Creyke Beck 400kV substation does not have sufficient capacity to accommodate new customers requiring a connection to the electricity network, and NGET has therefore identified the need to extend the existing substation to provide additional substation infrastructure to facilitate customer connections.</p> <p>Due to the layout of the existing substation and the positioning of older assets, NGET could not facilitate further generation at the existing site without fully upgrading the existing substation equipment which would result in unavoidable, severe disruption to the network as outages would be needed to replace all the existing transformers and equipment safely, which is not a viable solution. The existing substation also connects the transmission network to the distribution network via the adjoining Northern Power Grid substation, so in addition outages would have potential to impact the local electricity distribution network.</p> <p>The Wanlass Beck Extension Project comprises the construction and operation of a new 400kV electricity substation, new vehicular access and new access road, permanent diversion of Park Lane, overhead line works (including the reconfiguration of existing overhead line connections, the removal of two existing towers and the erection of one new tower), habitat mitigation and associated works adjacent the existing</p>	<p>The Applicants acknowledge this comment.</p>

I.D.	Written Representation	Applicants' Response
	Creyke Beck substation. The extent of the Wanlass Beck Extension Project is shown on the plan at Appendix 1.	
REP1-080:4	<p><b>Birkhill Wood Substation Project</b></p> <p>NGET has identified a need for a new substation close to the existing Creyke Beck substation to facilitate the connection of a number of new customers. Along with connecting third party connectees to the National Grid, Birkhill Wood Substation will serve as the connection point for new overhead lines which are required to reinforce the transmission network for the Humber region as part of the NHMM Project.</p> <p>To minimise the requirement for additional transmission infrastructure (such as pylons, conductors, cables) to connect the new substations to the existing 400kV OHL network, and associated environmental impacts and costs, the new substation should be located in close proximity to the existing 400kV overhead line network and therefore in close proximity to the Creyke Beck substation.</p> <p>The Birkhill Wood Project comprises the construction of a new substation, new vehicular access, removal of an existing wind turbine and overhead line works (including the erection of two new towers and temporary overhead lines to divert existing lines which the new towers are constructed). The extent of the Birkhill Wood Substation Project is shown on the plan at Appendix 1.</p> <p>NGET have submitted a planning application in relation to the Wanlass Beck Extension Project (reference 24/03819/STPLF) which was validated on 8 January 2025 and intend to submit a planning application in relation to the Birkhill Wood Substation in Q1 2025. NGET are seeking to acquire the necessary land and rights from third parties to secure the NGET Project Upgrades and shall seek to exercise its compulsory acquisition powers as, and if, appropriate.</p>	The Applicants acknowledge this comment.
REP1-080:5	<p><b>NHHM Project</b></p> <p>The NHHM Project is a proposal by NGET to upgrade the electricity transmission system between new substations near Cottingham and High Marnham. The Project includes a new 400 kilovolt ("kV") electricity transmission connection of approximately 90 kilometres ("km") in overall length between two proposed new substations, Birkhill Wood 400kV Substation and High Marnham 400kV Substation.</p> <p>The NHHM Project will increase the capability of the electricity transmission network between the north of England and the Midlands and facilitate third party connections.</p> <p>As a nationally significant infrastructure project, NGET will be pursuing an application for a development consent order in relation to the NHHM Project.</p>	The Applicants acknowledge this comment.
REP1-080:6	<p><b>Access Road</b></p> <p>The Access Road is to be constructed in order to facilitate the development, maintenance and operation of the NGET Upgrade Projects, as well as third-party connectee projects. Construction of a sizeable extent of the Access Road has been consented under the Hornsea Four Offshore Wind Order, an NSIP (reference EN010098) comprising a 180-turbine windfarm offshore generating station which was granted in July 2023.</p> <p>In addition, diversion of an existing bridleway is required to facilitate the NGET Upgrade Projects which is in proximity to the bellmouth of the Access Road. Again, powers to secure this diversion were granted to Orsted in the Hornsea Four Offshore Wind Order.</p>	The Applicants have been engaged with NGET throughout the design of the proposed development and access road interactions have been discussed in detail. The Applicants welcome ongoing collaboration and engagement on this matter to ensure interfaces are appropriately managed between the Parties to enable all works to proceed.

I.D.	Written Representation	Applicants' Response
	<p>The Dogger Bank South Project are proposing to undertake access works within the bellmouth area of the Access Road which could conflict with the construction, operation and maintenance of the Access Road. T</p>	
REP1-080:7	<p><b>Third-party connectees</b></p> <p>The NGET Upgrade Projects are critical infrastructure to enable the connection of multiple projects at this location, with the Dogger Bank South Project being only one of a number of projects requiring a future connection. NGET has entered into connection agreements with each of the relevant customers obligating NGET to provide a connection for each of their individual projects. A similar connection agreement is in place with the Promoter.</p> <p>The NGET Upgrade Projects are specifically required in order to enable the following connections:</p> <p>(a) the consented Hornsea Project Four Offshore Windfarm (reference EN010098);</p> <p>(b) the consented Creyke Beck Solar Farm granted by the East Riding of Yorkshire Council in January 2022 (planning permission reference 21/02325/STPLF (varied in June 2023 (reference 23/00846/STVAR) and December 2023 (reference 23/40117/NONMAT)); and</p> <p>(c) other customers with signed connection agreements, including the Peartree Hill Solar Farm DCO (reference EN010157) and the Dogger Bank South Project (both of which are at pre-consent stage).</p> <p>The connections referred to above are all being facilitated around the NGET Upgrade Projects and interact with the Order Limits. There is therefore significant infrastructure being delivered within the same area and potentially within similar timescales. As such, there needs to be careful co-ordination and consultation undertaken between NGET and the Dogger Bank South Project to ensure that each project can be delivered without unduly interfering with other connectee projects. This is provided for in the form of protective provisions that NGET is seeking to include in the Order (NGET Protective Provisions).</p>	<p>The Applicants acknowledge this comment and agree that collaboration between the parties regarding any future interface and interactions of NGET's assets with the Projects is important. However, for the reasons noted in response to REP1-079:7, the Applicants do not accept the protective provisions cited from AyM DCO and consider that interactions between the Projects and any future projects should be addressed in a private collaboration agreement. This is the position that has been accepted by NGET on Five Estuaries DCO as demonstrated in their Written Representation dated 21 October 2024 (Five Estuaries DCO examination library reference REP2-060).</p>
REP1-080:8	<p><b>Protective provisions</b></p> <p>In light of the above, NGET require protective provisions to be included within the Order to ensure that its existing and future assets and interests are adequately protected, as well as to ensure compliance with relevant safety standards.</p> <p>NGET seeks to secure protective provisions broadly in line with those that were included in the recently granted Awel y Môr Offshore Wind Farm Development Consent Order (the AYM DCO). For background, the development proposed under the AYM DCO proposed similar interactions with NGET apparatus as are present here in that NGET is constructing an extension to the existing Bodelwyddan substation to facilitate connections with third-party connectees, including the project the subject of the AYM DCO.</p> <p>The protective provisions secured under the AYM DCO included safeguarding provisions as per paragraphs 3 to 7 of NGET's Protective Provisions, along with associated amendments to other standard protective provisions to ensure that they apply to the future NGET works/apparatus/land, e.g. the protective provisions concerning the acquisition of NGET's land by the Promoter in paragraph 11 of NGET's Protective Provisions – without appropriate amendments, these protective provisions would not apply to third party land required for the NGET Upgrade Projects and the NHHM Project.</p> <p>The interactions between NGET's existing and future apparatus and the Dogger Bank South Project are more extensive and complex at this location as compared to Awel y Môr Offshore Wind Farm and Bodelwyddan Substation as there is more future NGET apparatus to be constructed on non-operational third-party land</p>	<p>For the reasons noted in response to REP1-079:7, the Applicants are unable to accept these provisions and consider that interactions between the Projects and any future projects should be addressed in a private collaboration agreement.</p> <p>The Applicants also note that NGET's preferred set of protective provisions have not been appended to NGET's Written Representation.</p>

I.D.	Written Representation	Applicants' Response
	<p>and a greater physical overlap of the Dogger Bank South Project with NGET's proposed schemes. There is thus even greater scope for the Dogger Bank South Project to compromise or prejudice the construction and operation of one or more of the future NGET projects detailed in section 2 above. In other words, there is an even greater necessity for the inclusion of safeguarding provisions of this nature in the DCO than there was even for the AYM DCO.</p> <p>Without specific safeguarding provisions for NGET's future upgrade projects, the protective provisions currently included in the draft Order only relate to existing NGET apparatus and land and so there is nothing to prevent the Dogger Bank South Project from adversely affecting the NGET Upgrade Projects and the NHHM Project as set out above to the serious detriment of NGET's undertaking and multiple connectee projects at this location.</p> <p>As such, NGET considers that it is reasonable and appropriate for the safeguards and protections secured for NGET's benefit in the AYM DCO to be included in the DCO here.</p> <p>For completeness, we include a copy of the AYM DCO at Appendix 1. The protective provisions for NGET's benefit from Part 3 of Schedule 9 of the AYM DCO. A copy of the NGET Protective Provisions are included at Appendix 2.</p>	
REP1-080:9	<p><b>Status of negotiations</b></p> <p>NGET's solicitors (Addleshaw Goddard LLP) have been engaging with the Promoter's solicitors and have recently received comments on the NGET Protective Provisions.</p> <p>It is noted that the Promoter has removed paragraphs 3-7 from the NGET Protective Provisions which provide for the protection and safeguarding of the infrastructure and works associated with the NGET Upgrade Projects and the NHHM Project and co-ordination and consultation with regards to NGET's works and those of the Dogger Bank South Project. Without these safeguarding provisions (which have clear recent precedent in the AYM DCO), it would be likely that the Dogger Bank South Project will prejudice these upgrades to the serious detriment of</p> <p>not just NGET but multiple third party connectee projects reliant on the delivery of NGET's various projects at this location. Since NGET is under a legal obligation to connect new sources of energy generation to its transmission network, this is not the typical situation of two 'rival' projects potentially wishing to utilise the same land at some point in the future and the Dogger Bank South Project is itself reliant on NGET delivering the Birkhill Wood Substation Project in order to connect into the National Grid.</p> <p>Otherwise, the Promoter has not yet agreed NGET's standard protective provisions despite these having been incorporated into multiple DCOs and being necessary to protect existing NGET apparatus in the vicinity of the Project.</p> <p>For the reasons set out above, NGET considers that it is absolutely necessary for the NGET Protective Provisions to be included in the Order and will continue to make robust submissions throughout the Examination until this principle is agreed and the wording is included within the Order.</p> <p>Until satisfactory agreement has been reached with the Promoter, NGET must continue to reserve the right to make further submissions to the examination and attend hearings at a later date.</p>	<p>Negotiations are ongoing between parties to discuss the form of protective provisions. The Applicants are currently in the process of reviewing further comments on the protective provisions provided by NGET's solicitors on 31<sup>st</sup> January 2025, which includes comments on provisions relating to the interaction with future infrastructure.</p>

## 2.12 Network Rail Infrastructure Limited

Table 2-12 The Applicants' response to Network Rail Infrastructure Limited's written representation [REP1-o81]

I.D.	Written Representation	Applicants' Response
REP1-o81:1	This written representation is submitted on behalf of Network Rail Infrastructure Limited (Network Rail) in response to the application by RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd (RWE) ("the Applicants") for the Dogger Bank South East and West Offshore Wind Farms Development Consent Order (the DCO).	No response is required.
REP1-o81:2	These representations also include a response to Action Point 10, raised at the Compulsory Acquisition Hearing on 14 January 2025, requesting Network Rail to provide an update on negotiations with the Applicants and an indication of whether agreement will be reached before the close of the Examination.	No response is required.
REP1-o81:3	Network Rail's position remains the same as outlined in its relevant representations dated 6 September 2024.	The Applicants acknowledge this comment.
REP1-o81:4	Both parties are actively engaged in negotiations. The latest draft of documents was sent to the Applicant's solicitor on 8 January 2025 for review and comment. Without a property agreement (option for an easement) in place, the protective provisions and framework agreement cannot be finalised, as the Applicant needs the necessary rights to enter Network Rail Land to carry out the Work and Network Rail need to ensure the compulsory acquisition rights are not exercised without the requisite agreements in place.	The Applicants are actively engaged in negotiations with Network Rail on protective provisions, a framework agreement and property agreement (option for easement). The Applicants received Network Rail's review of the latest draft of the protective provisions on 8th January 2025. These are currently with the Applicants' legal team for further review. However, in the absence of an agreed private agreement (option for easement), the Applicants consider that the powers sought within the DCO are necessary for the delivery of the proposed development and that the powers sought could be exercised without serious detriment to the carrying out of Network Rail's undertaking with the inclusion of Protective Provisions for the benefit of Network Rail as included at Part 5, Schedule 15 of the <b>Draft DCO (Revision 5)</b> [REP1-004].
REP1-o81:5	It is expected that an agreement will be reached before the close of Examination, provided the Applicants adhere to Network Rail's Asset Protection procedures (see below for further details).	The Applicants acknowledge this comment.
REP1-o81:6	<b>Property Agreement</b> Pursuant to the Framework Agreement, negotiations for the Property Agreement are ongoing. Although the latest draft agreement was circulated on 19 December 2024, and the Heads of Terms have been agreed upon, we have yet to receive a final marked-up version of the draft. If the Applicants can agree to use Network Rail's standard form of easement in line with the agreed Heads of Terms, it is anticipated that an agreement will be finalised by close of Examination, provided there is active engagement from the Applicants.	The Applicants engaged in negotiations with Network Rail on the option for easement. Following agreement on the Heads of Terms, Network Rail produced a standard form option agreement which did not permit construction under option and provided a draft lease of rights rather than deed of easement as anticipated. The Applicants provided amended drafts on 12th December 2024. On 19th December 2024 Network Rail issued amended drafts still referencing a Lease. There has been subsequent calls and emails to confirm that an easement is required. As of 28th January 2025, it was confirmed in emails between parties that a time limited easement is required, and documents are now with the Applicants legal team to re-review and update on that basis.
REP1-o81:7	<b>Asset Protection Agreements</b> Network Rail's Asset Protection team ("ASPRO") is currently waiting to be in contract with the Applicants for the UTX cables to be installed under Network Rail's land. Without payment and a Basic Asset Protection Agreement in place, Network Rail cannot complete their review of the scheme's impact on its assets. Consequently, Network Rail requires the Applicants to engage with Network Rail's ASPRO team, to progress the agreements.	The Applicants have been actively engaged with Network Rail's ASPRO team since early 2023 discussing details of the proposed development and obtaining business and technical clearance from Network Rail in July 2024. The Applicants were provided a draft Basic Asset Protection Agreement (BAPA) on 5 November 2024, the details of which have been in review by the Applicants and their legal team. However, on 22nd January 2025, the Applicants were advised by Network Rail's ASPRO team that they would be closing their file on this matter and advised that the Applicants should re-engage with Network Rail once the DCO has been granted and a firm programme for design and delivery is available.



I.D.	Written Representation	Applicants' Response
		The Applicants will therefore re-engage with Network Rail's ASPRO team later this year, as advised by Network Rail.

## 2.13 Net Zero North Sea Storage Limited

Table 2-13 The Applicants' response to Net Zero North Sea Storage Limited's written representation [REP1-082]

I.D.	Written Representation	Applicants' Response
REP1-082:1	<p>We write on behalf of Net Zero North Sea Storage Limited ('NZNSS') to submit its Written Representations in respect of the Dogger Bank South Offshore Wind Farms (the 'Proposed Development') for which a DCO application (the 'Application') was submitted by RWE to the Secretary of State for Energy Security &amp; Net Zero on 12 June 2024.</p> <p>NZNSS is broadly supportive of the Proposed Development, however, it has concerns over the interactions with important low carbon projects in which it has an interest – projects that are essential to the UK's 2050 net zero target – and the lack of detail within the Application as to how those interactions would be managed and any impacts mitigated. The background to NZNSS's interest in the Proposed Development and its current concerns with regard to the Application are set out below.</p>	The Applicants acknowledge this comment.
REP1-082:2	<p><b>Background</b></p> <p>NZNSS is a party to the Net Zero Teesside Order 2024 (the 'Order') and is named as an "undertaker" for the purposes of the Order (article 2). The Order came into force on 11 March 2024 and grants development consent for the Net Zero Teesside Project ('NZN'), including a gas-fired electricity generating station with carbon capture plant; gas, electricity grid and water connections; a carbon dioxide gathering network; a high pressure carbon dioxide compression station; a high pressure carbon dioxide export pipeline; and associated and ancillary development. Work is now underway to discharge the pre-commencement requirements contained at Schedule 2 of the Order so as to facilitate the start of construction later this year.</p> <p>A number of the elements of NZN approved by the Order form part of the Northern Endurance Partnership ('NEP') Project. NZNSS will be developing the NEP Project, which encompasses the carbon dioxide gathering network, including pipeline connections from industrial facilities on Teesside to transport the captured carbon dioxide; the carbon dioxide compression station to receive the captured carbon dioxide from the gathering network; and the onshore and offshore elements of the carbon dioxide export pipeline, which will transport the carbon dioxide from Teesside to the Endurance store in the North Sea.</p>	The Applicants acknowledge this comment.
REP1-082:3	<p>In respect of the offshore elements of the NEP Project, NZNSS has a Storage Licence (Licence No. CS001) and has recently obtained a Storage Permit (approved on 10 December 2024) from the North Sea Transition Authority. Furthermore, the Offshore Environmental Statement has been approved under the 'Offshore Oil And Gas Exploration, Production, Unloading And Storage (Environmental Impact Assessment) Regulations 2020' by the Secretary of State, while the Pipeline Work Authorisation application is being prepared.</p>	The Applicants acknowledge this comment.

I.D.	Written Representation	Applicants' Response
REP1-082:4	<p>The NEP Project forms part of the East Coast Cluster ('ECC'), one of the UK Government's selected CCUS clusters (including Teesside and Humberside), supporting its pathway to net zero emissions by 2050. NEP will be the carbon dioxide transport and storage provider for the ECC. On 10 December 2024 NEP announced financial close and entry into the execution stage of the Project. Construction work is set to start from mid-2025 and the NEP Project is expected to enter operation from 2028. The NEP infrastructure will serve a number of projects on Teesside, including NZT Power and H2Teesside.</p> <p>The NEP Project is therefore at an advanced stage in its development and is moving into the construction stage. It is critical to the Government achieving its legally binding 2050 net zero emissions target and it is important that the Project is able to move forward at pace in order to deliver its benefits in terms of decarbonising power and industry, supporting the growth of green industries and delivering new jobs and economic growth.</p>	The Applicants acknowledge this comment.
REP1-082:5	<p><b>Project Interactions</b></p> <p>The NEP offshore carbon dioxide export pipeline from Teesside (the 'Teesside pipeline') will be approximately 142 km in length and have a landfall to the south of the mouth of the Tees Estuary. An electric power and fibre-optic communications control cable will be installed with the Teesside pipeline to the subsea infrastructure at the Endurance Store. The Endurance store is located within the North Sea, south-east of Teesside and east of Flamborough Head on the Holderness Coast.</p> <p>The Land and Works Plans that form part of the Application indicate that the electrical cable corridor for the Proposed Development will cross the Teesside pipeline. In addition, the southern routing of the electrical cable corridor will cross the CSO25 Storage Licence area where NEP is developing a further carbon dioxide store.</p> <p>Having reviewed a number of the key application documents, NSNZS is concerned as to the lack of detail within the Application on how the interactions of the electrical cable corridor with the Teesside pipeline and the CSO25 carbon dioxide store will be managed and any impacts mitigated.</p>	The Applicants acknowledge this comment and agree that should both the NEP pipeline and the Projects be completed then a crossing agreement will be required. See response to REP1-082:7 for further detail.
REP1-082:6	<p>Chapter 5 'Project Description' of the Environmental Statement ('ES'), Section 5.5.7.1, deals with the 'Offshore Export Cables' for the Proposed Development. However, only limited information is provided on the proposed construction methods for installing the electrical cable within the vicinity of the Teesside pipeline and CSO25 carbon dioxide store. Section 5.5.7.7 of the ES acknowledges that the pipeline will need to be crossed, but merely states (paragraph 166) that "Crossings are designed to protect the obstacle being crossed, as well as the Projects cables once they have been installed. Detailed methodologies for the crossing of cables and pipelines would be determined in consultation with the owners of the infrastructure to be crossed." Furthermore, the ES states that the offshore electrical cable installation will commence from 2028, at which point the NEP Project will be entering operation.</p>	The Applicants acknowledge this comment. To date, the Applicants have developed outline design information to inform early-stage project development and consents applications. Detailed design relating to matters such as crossing locations and designs will not be undertaken until the post-consent stages of the Projects. Further discussions with stakeholders relating to aspects of relevance to them, including detail relating to crossing designs and locations, would take place at this juncture. See response to REP1-082:7 for further detail.
REP1-082:7	<p>NZNSS needs to see further information as to the construction methods that RWE proposes to cross the Teesside pipeline and the carbon dioxide store and how construction and other impacts will be minimised and mitigated in order to ensure that it is satisfied that there will be no adverse effect on the NEP infrastructure and its operations.</p> <p>NZNSS is open to discussing the construction methods and crossing arrangements with RWE with the aim of reaching agreement on these matters and also the required crossing and proximity agreements. NZNSS</p>	<p>The Applicants acknowledge this comment.</p> <p>It is important to note that the Projects being brought forward by the Applicants are in no way connected to the Dogger Bank Wind Farm A, B and C projects. These projects are being developed by separate investors and developers and the Applicants are not privy to these discussions and would not be party to any resultant agreements.</p>

I.D.	Written Representation	Applicants' Response
	<p>would draw the Examining Authority's attention to ongoing discussions between the parties on a crossing agreement in relation to the first phase of the Dogger Bank Wind Farm. Those discussions could be extended to encompass agreements in relation to the latest phase.</p> <p>Subject to reaching agreement on these matters, NZNSS will require that appropriate protections are included within any DCO that is made for the Proposed Development in order to safeguard the NEP infrastructure.</p>	<p>The Applicants would not normally expect discussions relating to issues pertaining to asset crossings and proximity agreements to be resolved until the post-consent phases of a project, when more detailed design information is available and such agreements can be properly concluded.</p> <p>Notwithstanding this, the Projects' standard proximity and crossing agreement has been provided to NZNSS (via BP / NEP) for review. The Applicants await comment on this standard form with a view to finalising the details post-consents.</p> <p>These standard terms were shared with NZNSS during the development stage of the Projects by the Applicants. During this period the Applicants engaged regularly with representatives of NZNSS (notably via BP / NEP) to discuss the Projects and the potential need for crossing and / or proximity agreements to manage interfaces between interests. Such engagement has taken place via email and through virtual meetings. In addition, NZNSS (via BP / NEP) were included in the statutory consultation for the Projects and were provided with a draft copy of <b>Chapter 16 Infrastructure and Other</b> [APP-130] by the Applicants for awareness and comment prior to submission.</p> <p>As has been the case throughout the development of the Projects, the Applicants remain committed to engaging further with asset owners and operators within interests the vicinity of the Projects and would suggest that discussions pertaining to asset crossings and proximity agreements will be resolved during the post-consent phases of the Projects when the requisite information is available. The Applicants look forward to progressing discussions in due course.</p>

## 2.14 RSPB

Table 2-14 The Applicants' response to RSPB's written representation [REP1-087]

I.D.	Written Representation	Applicants' Response
REP1-087:1.1	<p>The Royal Society for the Protection of Birds (the RSPB) was set up in 1889. It is a registered charity incorporated by Royal Charter and is Europe's largest wildlife conservation organisation, with a membership of over 1.1 million<sup>11</sup>. The principal objective of the RSPB is the conservation of wild birds and their habitats. The RSPB therefore attaches great importance to all international, EU and national law, policy and guidance that assist in the attainment of this objective. It campaigns throughout the UK and internationally for the development, strengthening and enforcement of such law and policy. In so doing, it also plays an active role in the domestic processes by which development plans and proposals are scrutinised and considered, offering ornithological and other wider environmental expertise. This includes making representations to, and appearing at, public inquiries and hearings during the examination of applications for development consents.</p>	<p>For REP1-087:1.1 - REP1-087:4.12, the Applicants have acknowledged the points made, but have only responded where there are Project-specific elements to respond to. It should be noted that the Applicants do not necessarily agree with all of the RSPB's Written Representations, but have only responded to those which are considered pertinent to the current applications. An absence of a response on other matters, such as those which do not directly impinge on the applications, should not be interpreted as tacit agreement.</p>
REP1-087: 1.2 - 1.6	<p>Faced with the threats of climate change to the natural world the RSPB considers that a low-carbon energy revolution to reach net zero is essential to safeguard biodiversity. However, inappropriately designed and/or sited developments can also cause serious and irreparable harm to biodiversity and damage the public acceptability of the necessary low-carbon energy transition technologies.</p>	<p>The Applicants acknowledge this comment.</p>

<sup>11</sup> <https://www.rspb.org.uk/about-us/annual-report> Accessed 20 January 2025

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	<p>The RSPB recognises the significant role that offshore wind will play in decarbonising our energy systems and the renewed urgency with which this must happen. Installing this technology at the scale and pace needed is no easy task: there are significant challenges rooted in the planning frameworks and the state of our seas which threaten both nature and our ability to reach net zero.</p> <p>The UK is of outstanding international importance for its breeding seabirds, including Northern Gannet for which the UK supports over 50% of the world population and around 10% of the world populations of Kittiwake and Puffin. The UK is also of international importance for its non-breeding seabirds and waterbirds. As with all Annex I and regularly migratory species, the UK has particular responsibility under the Birds Directive.<sup>12</sup> to secure the conservation of these birds. The latest review of the UK Birds of Conservation Concern <sup>13</sup>highlights alarming recent declines in UK seabird populations meaning that ten seabirds are now red-listed.</p> <p>The available evidence suggests that the main risks of offshore wind farms for birds are collision, disturbance/displacement, barriers to movement (e.g. migrating birds, or disruption of access between the breeding areas and feeding areas), and habitat change</p>	
REP1-087:1.7	<p>This Written Submission covers the following:</p> <ul style="list-style-type: none"> <li>• The nature conservation importance of the seabirds affected by the Dogger Bank South Offshore wind farm scheme;</li> <li>• Legislation and policy background;</li> <li>• Offshore ornithology;</li> <li>• Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended); and</li> <li>• RSPB detailed comments on the Applicant's specific compensation proposals</li> </ul>	The Applicants acknowledge this comment.
REP1-087:1.8	<p>In compiling this Written Representation, the RSPB has considered the application documents, subsequent updates by the Applicant and other relevant documents, including the Applicant's response to the RSPB's Relevant Representation contained in PDA-013. With respect to submissions since the Application was submitted, we have considered the following in particular:</p> <p>Section 4 (offshore ornithology)</p> <ul style="list-style-type: none"> <li>• PDB-006: DBS Response to Natural England's Relevant Representations (Appendix G &amp; H – offshore ornithology) (Revision 01);</li> <li>• AS-058: Environmental Statement Chapter 12 – Offshore Ornithology (Revision 2) (Tracked);</li> <li>• AS-059: 7.12.1 Environmental Statement Chapter 12 – Offshore Ornithology Figure 12-1 (Revision 1);</li> <li>• AS-061: 7.12.12.3 Environmental Statement Appendix 12-3a-c Monthly Abundance - All, Sitting, Flying (Revision 2) (Tracked);</li> <li>• AS-063: 7.12.12.4 Environmental Statement Appendix 12-4a-c - Monthly Densities - All, Sitting, Flying (Revision 2) (Tracked);</li> <li>• AS-065: 7.12.12.5 Environmental Statement Appendix 12-5a-c - Seasonal Peak Abundance - All, Sitting, Flying (Revision 2) (Tracked);</li> <li>• AS-067: 7.12.12.6 Environmental Statement Appendix 12-6a-c - Seasonal Peak Density - All, Sitting, Flying (Revision 2) (Tracked);</li> </ul>	The Applicants acknowledge this comment.

<sup>12</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) (the Birds Directive).

<sup>13</sup> <https://www.rspb.org.uk/whats-happening/news/alarming-declines-in-uk-seabird-species-sees-five-more-added-to-the-red-list> Accessed 14 October 2024.

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	<ul style="list-style-type: none"> <li>AS-069: 7.12.12.7 Environmental Statement Appendix 12-7a-c - Survey Abundancies - All, Sitting, Flying (Revision 2) (Tracked); and</li> <li>AS-086: 6.1 Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features (Revision 3) (Tracked)</li> </ul> <p><b>Sections 5 and 6: Derogation case – compensatory measures</b></p> <ul style="list-style-type: none"> <li>PDB-003: Appendix 1 – Project Level Kittiwake Compensation Plan (Revision 2) (tracked);</li> <li>PDB-005: Appendix 2 – Guillemot [and Razorbill] Compensation Plan (Revision 2) (tracked);</li> <li>PDB-007: Project Level Kittiwake Artificial Nesting Structure (ANS) Site Selection Report;</li> <li>PDB-008: Guillemot and Razorbill Compensation Site Shortlist Refinement Report;</li> <li>AS-088: Appendix 1 – Project Level Kittiwake Compensation Plan (Revision 3) (tracked); and</li> <li>AS-090: Appendix 2 – Guillemot and Razorbill Compensation Plan (Revision 3) (tracked).</li> </ul>	
REP1-087:2.1 - 2.3	<p>As set out in section 1, the UK is of outstanding international importance for its breeding seabirds. As with all Annex I and regularly occurring migratory species, the UK has particular responsibility under the Birds Directive to secure the conservation of these important seabird populations.</p> <p>As set out in our Relevant Representation, the RSPB is particularly concerned regarding the impacts on the following designated sites:</p> <ul style="list-style-type: none"> <li>Flamborough and Filey Coast SPA;</li> <li>A series of English and Scottish SPAs where, due to methodological concerns, we are unable to reach conclusions as to the significance of in-combination impacts (see section 4 below).</li> </ul> <p>Natural England has referred to the conservation advice for some designated sites listed above in Table 5.1 in their Relevant Representation RR-039 including providing weblinks to current Conservation Objectives and Supplementary Advice on Conservation Objectives.</p>	The Applicants acknowledge this comment.
REP1-087:2.4	<p>In England, the Conservation Objectives for SPAs generally follow the same format (it is formulated differently in Scotland but seeks to achieve similar objectives) i.e.:</p> <p>"...to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>The extent and distribution of the habitats of the qualifying features</li> <li>The structure and function of the habitats of the qualifying features</li> <li>The supporting processes on which the habitats of the qualifying features rely</li> <li>The populations of each of the qualifying features</li> <li>The distribution of the qualifying features within the site."</li> </ul>	The Applicants acknowledge this comment.
REP1-087:2.5 - 2.8	<p>Natural England's Supplementary Advice on the Conservation Objectives for the various SPAs identifies, for each SPA feature, key attributes and targets. Attributes are the ecological characteristics or requirements of the classified features within the SPA and deemed to best describe the site's ecological integrity. If safeguarded this will enable achievement of the Conservation Objectives and favourable conservation status for all the designation features, including any assemblage feature.</p> <p>For each qualifying feature, targets are typically set in respect of the following attributes (as appropriate):</p> <ul style="list-style-type: none"> <li>(Non-) Breeding population: abundance;</li> <li>Connectivity with supporting habitats;</li> </ul>	The Applicants acknowledge this comment.



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	<ul style="list-style-type: none"> <li>• Disturbance caused by human activity;</li> <li>• Extent and distribution of supporting habitat for the (non-) breeding season; and</li> <li>• Food availability.</li> </ul> <p>The RSPB considers these attributes and targets are particularly relevant to consideration of the Dogger Bank South Offshore Wind Farm as they respectively relate to</p> <ul style="list-style-type: none"> <li>• the population levels at which the features should be maintained or restored to;</li> <li>• the need to: <ul style="list-style-type: none"> <li>○ maintain or restore safe passage of birds moving between their nesting and/or feeding areas;</li> <li>○ reduce/avoid disturbance to foraging, feeding, moulting and/or loafing birds;</li> <li>○ maintain the extent, distribution and availability of suitable (non-) breeding habitat which supports the feature; and</li> <li>○ maintain or restore the distribution, abundance and availability of key food and prey items.</li> </ul> </li> </ul> <p>The RSPB considers these attributes and targets are directly relevant to the consideration of whether an SPA's conservation objective to maintain or restore site integrity can be met and the SPA achieve favourable conservation status for all its features including, where appropriate, the seabird assemblage throughout the lifetime of the development and any subsequent period here its impacts continue to affect the SPA features.</p>	
REP1-087:2.9	<p>It is vital to consider whether an SPA and its qualifying features meet the attributes and targets set by Natural England and/or NatureScot when considering whether the SPA's conservation objectives to maintain or restore site integrity can be met and the SPA achieve favourable conservation status throughout the lifetime of the development and any subsequent period where its impacts continue to affect the SPA features.</p>	<p>The Applicants acknowledge this comment.</p>
REP1-087:3.1	<p>Below we summarise the RSPB's understanding of the key nature conservation legislation and related policy background relevant to the RSPB's concerns.</p>	<p>The Applicants acknowledge this comment.</p>
REP1-087:3.2 - 3.3	<p>SACs and SPAs are protected as "European sites" in inshore waters (up to 12 nautical miles from the baselines) under provisions within the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations)(as amended); and in offshore waters (i.e. from 12-200 nautical miles) under provisions within the Conservation of Offshore Marine Habitats and Species Regulations 2017 (Offshore Habitats Regulations)(as amended)</p> <p>The Habitats &amp; Offshore Habitats Regulations set out the sequence of steps to be taken by the competent authority (here the Secretary of State for Energy Security and Net Zero (DESNZ)) when considering authorisation for a project likely to have an effect on a European site and its species before deciding to authorise that project. These are as follows (with references to just the Habitats Regulations):</p> <ul style="list-style-type: none"> <li>• Step 1: consider whether the project is directly connected with or necessary to the management of the SPA and its species (regulation 63 (1)). If not –</li> <li>• Step 2: consider, on a precautionary basis, whether the project is likely to have a significant effect on the SPA and its species, either alone or in combination with other plans or projects (the Likely Significance Test) (regulation 63 (1)).</li> <li>• Step 3: make an appropriate assessment of the implications for the SPA and its species in view of its conservation objectives with the aims and objectives of the requirements including the National Sites Network management objectives (reg 16A) to also be considered. There is no requirement or ability at</li> </ul>	<p>The Applicants acknowledge this comment.</p>

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	<p>this stage to consider extraneous (non-conservation e.g. economics, renewable targets, public safety etc) matters in the appropriate assessment (regulation 63 (1)).</p> <ul style="list-style-type: none"> <li>• Step 4: consider whether it can be ascertained that the project will not, alone or in combination with other plans or projects, adversely affect the integrity of the SPA and its species, having regard to the manner in which it is proposed to be carried out, and any conditions or restrictions subject to which that authorisation might be given (the Integrity Test) (regulation 63 (6)).</li> <li>• Step 5: In light of the conclusions of the assessment, the competent authority shall agree to the project only after having ascertained that it will not adversely affect the integrity of the SPA, alone or in combination with other plans or projects (regulation 63 (5)).</li> <li>• Step 6: only if the competent authority is satisfied that, there being no alternative solutions and the plan or project must be carried out for imperative reasons of overriding public interest (which, subject to (regulation 64(2)), may be of a social or economic nature), they may agree to the plan or project notwithstanding a negative assessment of the implications for the European site (regulation 64 (1)).</li> <li>• Step 7: in the event of the no alternative solutions and imperative reasons of overriding public interest tests being satisfied, the Secretary of State must secure that any and all necessary compensatory measures are taken to ensure that the overall coherence of the National Site Network is protected (regulation 68) taking account of the National Site Network management objectives (reg 16A, as set out below).</li> </ul>	
REP1-087:3.4	<p>It is important to add that in addition to the requirements set out above, in relation to both the inshore marine area and the offshore marine area, any competent authority must exercise its functions so as to secure compliance with the requirements of the Habitats Directive and the Birds Directive as set out in regulations 9 and 10, Habitats Regulations; and in particular to take such steps as it considers appropriate to secure the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds, having regard to the requirements of Article 2 of the Birds Directive. And for offshore SPAs and SACs regulation 26, Offshore Habitats Regulations requires competent authorities to exercise their functions (as far as possible) to secure steps to avoid the disturbance of species and the deterioration of habitats or habitats of species within those sites.</p>	The Applicants acknowledge this comment.
REP1-087:3.5 - 3.7	<p>Under the Habitats Regulations, a site's Conservation Objectives are intrinsic to the Integrity Test when considering whether to grant consent for a plan or project – see Habitats Regulations 63(1). In order to understand the Conservation Objectives and the Supplementary Advice in the context of Regulation 63(1) it is important to remind oneself of the role of SPAs within these legislative requirements. These protected sites are part of the requirement for special conservation measures in order to ensure that their contribution to national and international "conservation status" of the species is maximised, as set out in the headline words at the start of all Conservation Objectives:</p> <p>"Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring..."</p> <p>The Conservation Objectives are to be an articulation of the contribution that it is appropriate for the SPA to make in an enduring way. It would be inconsistent with the purposes of the protection and the role of SPAs to have SPA Conservation Objectives (or the interpretation of them) aiming for lower populations particularly since so many sites were designated at a time when populations were not in favourable condition.</p>	The Applicants acknowledge this comment.
REP1-087:3.8 - 3.11	<p>As part of the assessment requirements, regulation 63, Habitats Regulations (regulation 28, Offshore Habitats Regulations) require the application of the precautionary principle. Meaning that if it cannot be</p>	The Applicants acknowledge this comment.

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	<p>excluded, on the basis of objective scientific information, that it is likely to have a significant effect on an SPA or SAC and its species an appropriate assessment will be required: see Waddenzee.</p> <p>Following that appropriate assessment, a project may only be granted consent if the competent authority is convinced that it will not have an adverse effect on the integrity of the European site(s) and their species of concern, having applied the precautionary principle and taken account of the conservation objectives for those European sites and their habitats and species. Waddenzee confirmed that where doubt remains as to the absence of adverse effects on the integrity of the European site, approval should be refused (subject to the considerations of alternative solutions, imperative reasons of overriding public interest and the provision of compensatory measures as set out in regulations 64 and 68).</p> <p>An appropriate assessment requires all aspects of the project which could affect the European site, its species and its conservation objectives to be identified in the light of the best scientific knowledge in the field. The competent authority,</p> <p>"taking account of the conclusions of the appropriate assessment of the implications...for the site concerned, in the light of the conservation objectives, are to authorise such activity only if they have made certain that it will not adversely affect the integrity of the site. That is the case where no reasonable scientific doubt remains as to the absence of such effects".</p> <p>Defra Circular 01/2005 states at page 20, that the 'integrity of the site' should be defined as 'the coherence of the site's ecological structure and function, across its whole area, or the habitats, complex of habitats and/or populations of species for which the site is or will be classified'. A European site can be described as having a high degree of integrity where the inherent potential for meeting site conservation objectives is realised, the capacity for self-repair and self-renewal under dynamic conditions is maintained, and a minimum of external management support is required. When looking at the 'integrity of the site', it is therefore important to take into account a range of factors, including the possibility of effects manifesting themselves in the short, medium and long-term".</p>	
REP1-087:3.12	<p>As is clear from the requirements of the Habitats and Offshore Habitats Regulations, the assessment of integrity is to be considered by reference to the impact of the project alone and in-combination with other plans and projects, taking account of the European site(s) conservation objectives. As clearly set out in Waddenzee, para 61:</p> <p><i>61 In view of the foregoing, the answer to the fourth question must be that, under Article 6(3) of the Habitats Directive, an appropriate assessment of the implications for the site concerned of the plan or project implies that, prior to its approval, all the aspects of the plan or project which can, by themselves or in combination with other plans or projects, affect the site's conservation objectives must be identified in the light of the best scientific knowledge in the field. The competent national authorities, taking account of the appropriate assessment of the implications of mechanical cockle fishing for the site concerned in the light of the site's conservation objectives, are to authorise such an activity only if they have made certain that it will not adversely affect the integrity of that site. That is the case where no reasonable scientific doubt remains as to the absence of such effects. (emphasis added)</i></p>	The Applicants acknowledge this comment.
REP1-087:3.13 - 3.14	<p>Compensatory measures only enter the equation when it has been determined that there will be adverse effects on the integrity of the site (under regulation 63) or there is a lack of certainty as to the absence of adverse effects and the need for the competent authority to decide whether consent should be granted under regulation 64.</p> <p>It therefore follows that if compensation measures have been required for a project then that project has</p>	The Applicants acknowledge this comment.

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	<p>been identified as giving rise to potential adverse impacts on the integrity of a protected site. Therefore, potential adverse effects from that project are also relevant when considering whether a later project is:</p> <ul style="list-style-type: none"> <li>likely to have a significant effect on a designated site, whether on its own or in combination with other plans and projects, and subsequently</li> <li>whether the competent authority can be satisfied that there will not be adverse effects on the integrity of the European site whether taken alone or in combination with other projects.</li> </ul>	
REP1-087:3.15	<p>While we note that the Applicant has presented both sets of figures in its in-combination assessment, we consider it is difficult to see on what basis the fact that compensation has been provided for potential adverse effects of the first scheme should mean that the effects of that scheme should be removed from the equation when carrying out the assessments required by regulation 63 for a later scheme, although it may well be relevant when considering whether consent should be granted under regulation 64 for the second scheme and/or what compensation measures should be required at that stage. There are two points we would stress in that context:</p> <p>Firstly, the admonition of AG Sharpston in Sweetman (No 1) at AG47 (cited above). To exclude the adverse effects of scheme one when considering whether a later scheme would be likely to have significant effects / would not have an adverse effect on the integrity of a protected site in combination with other projects would seem to risk perpetuating the “death by a thousand cuts” phenomenon discussed in that case; and secondly, the uncertainty as to the effectiveness of measures that are designed to compensate for (for example) loss of habitat rather than to mitigate the harm which might otherwise be caused: see C-164/17 Grace v Sweetman at 52-3.</p>	<p>Where relevant, the in-combination assessments (presented in <b>Report to Inform Appropriate Assessment (RIAA) Habitats Regulations Assessment (HRA) Part 4 of 4 – Marine Ornithological Features (Revision 3)</b> [AS-085]) now consider impacts both with and without compensated projects included.</p> <p>No changes to the original assessment conclusions have occurred as a result of incorporating this additional data.</p>
REP1-087:3.16	<p>Such an approach would also seem inconsistent with the clear ruling of the CJEU in C-164/17 Grace v Sweetman that compensatory measures should not be taken into account at the Article 6(3) stage when carrying out an appropriate assessment for a particular project. It is difficult to see why the compensatory measures associated with an earlier scheme could, therefore, be taken into account (by effectively removing the adverse effects of scheme 1 from consideration) where the competent authority is deciding on a later scheme whether it was likely to have significant effects or would / would not have adverse effects on the integrity of the site in combination with other projects. We set out the material passages from that decision out below for ease of reference:</p> <p>“50 In that regard, the Court has previously ruled that the measures provided for in a project which are aimed at compensating for the negative effects of the project cannot be taken into account in the assessment of the implications of the project provided for in Article 6(3) of the Habitats Directive....</p> <p>51 It is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area, that such a measure may be taken into consideration when the appropriate assessment is carried out.</p> <p>52 As a general rule, any positive effects of the future creation of a new habitat, which is aimed at compensating for the loss of area and quality of that habitat type in a protected area, are highly difficult to forecast with any degree of certainty or will be visible only in the future.</p> <p>53 It is not the fact that the habitat concerned in the main proceedings is in constant flux and that that area requires ‘dynamic’ management that is the cause of uncertainty. In fact, such uncertainty is the result of the identification of adverse effects, certain or potential, on the integrity of the area concerned as a habitat and foraging area and, therefore, on one of the constitutive characteristics of that area, and of the inclusion in the assessment of the implications of future benefits to be derived from the adoption of measures which, at the time that assessment is made, are only potential, as the measures have not yet been implemented.</p>	<p>As per response to REP1-087:3.15 this point is now superseded by inclusion of ‘compensated for’ projects in <b>RIAA HRA Part 4 of 4 – Marine Ornithological Features (Revision 3)</b> [AS-085].</p>

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	<p>Accordingly, and subject to verifications to be carried out by the referring court, it was not possible for those benefits to be foreseen with the requisite degree of certainty when the authorities approved the contested development.</p> <p>54 The foregoing considerations are confirmed by the fact that Article 6(3) of the Habitats Directive integrates the precautionary principle and makes it possible to prevent in an effective manner adverse effects on the integrity of protected areas as a result of the plans or projects being considered."</p>	
REP1-087:3.17	<p>We would like to also highlight, in particular, the requirements in regulation 9(3):</p> <p>9.— Duties relating to compliance with the Directives</p> <p>(1) The appropriate authority, the nature conservation bodies and, in relation to the marine area, a competent authority must exercise their functions which are relevant to nature conservation, including marine conservation, so as to secure compliance with the requirements of the Directives.</p> <p>...</p> <p>(3) Without prejudice to the preceding provisions, a competent authority, in exercising any of its functions, must have regard to the requirements of the [Birds and Habitats] Directives so far as they may be affected by the exercise of those functions.</p>	The Applicants acknowledge this comment.
REP1-087:3.18	<p>And the further duties in Regulation 10:</p> <p>10.— Duties in relation to wild bird habitat</p> <p>(1) Without prejudice to regulation 9(1), the appropriate authority, the nature conservation bodies and, in relation to the marine area, a competent authority must take such steps in the exercise of their functions as they consider appropriate to secure the objective in paragraph (3), so far as lies within their powers.</p> <p>...</p> <p>(3) The objective is the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom including by means of the upkeep, management and creation of such habitat, as appropriate), having regard to the requirements of Article 2 of the new Birds Directive (measures to maintain the population of bird species).</p> <p>...</p> <p>(7) In considering which measures may be appropriate for the purpose of securing or contributing to the objective in paragraph (3), appropriate account must be taken of economic and recreational requirements</p> <p>...</p> <p>(8) So far as lies within its powers, a competent authority in exercising any function in or in relation to the United Kingdom must use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds"</p>	The Applicants acknowledge this comment.
REP1-087:3.19 - 3.20	<p>As mentioned above, following the UK's departure from the EU these regulations have been changed to include (amongst other changes) management objectives for the National Sites Network. Although these requirements already existed, it is helpful to have them clearly within our domestic legislation.</p> <p>In summary regulation 16A, Habitats Regulations sets out the requirements for the Network jointly and separately recognising the differences between SPAs and SACs (as set out above).</p>	The Applicants acknowledge this comment.
REP1-087:3.21 - 3.24	<p>Authorities with relevant responsibilities must manage the National Site Network with a view to contributing to the achievement of the management objectives of it, namely (focusing just on SPAs):</p> <p>For SPAs to contribute, in their area of distribution, to ensuring the survival and reproduction of:</p> <ul style="list-style-type: none"> <li>the species of birds listed in Annex I to the new Wild Birds Directive;</li> </ul>	The Applicants acknowledge this comment.



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	<ul style="list-style-type: none"> <li>regularly occurring migratory species of birds; and</li> <li>to contribute to securing compliance with regulation 9(1) (as set out above).</li> </ul> <p>Overall, take account of:</p> <ul style="list-style-type: none"> <li>the importance of SACs and SPAs;</li> <li>the importance of the sites for the coherence of National Site Network;</li> <li>the threats of degradation or destruction (including deterioration and disturbance of protected features) to which the sites are exposed; and</li> <li>in the case of migratory bird species, the importance of their breeding, moulting and wintering areas and staging points along their migration routes.</li> </ul> <p>The RSPB believes it is essential both during the appropriate assessment and consideration of compensation measures stages for these management objectives to be taken into account.</p>	
REP1-087:3.25 - 3.26	<p>The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) state that development consent cannot be granted for Environmental Impact Assessment (EIA) development unless the decision-maker has taken into account environmental information including an environmental statement which describes the significant effects, including cumulative effects, of the development on the environment. This will include effects on all wild bird species whether SPA species or not.</p> <p>Offshore wind farms have the potential to impact on birds through collision with rotating blades, direct habitat loss, disturbance from construction activities, displacement during the operational phase (resulting in loss of foraging/roosting area) and impact on bird flight lines (i.e. barrier effect) and associated increased energy use by birds for commuting flights between roosting and foraging areas. This is acknowledged in NPS EN-3. These potential impacts have been taken into account by the RSPB and its remaining concerns with the applications are set out below, in the context of the legislative provisions summarised above, in particular those relating to appropriate assessment.</p>	The Applicants acknowledge this comment.
REP1-087:3.27 - 3.28	<p>There is a statutory duty to comply with the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations, as amended) which offer protection for protected sites (Ramsar, SPA, SAC) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (Offshore Regulations) (as amended). The Habitats and Offshore Regulations set out a sequence of steps to be taken by the competent authority (here the Secretary of State for Energy Security and Net Zero (DESNZ)) when considering authorisation for a project likely to have an effect on a European site and its species before deciding to authorise that project.</p> <p>We set out a series of related matters to be considered in this context, including:</p> <ul style="list-style-type: none"> <li>SPA and SAC Conservation Objectives;</li> <li>Appropriate assessment;</li> <li>In-combination effects and compensation for other schemes;</li> <li>Habitats Regulations General Duties; and</li> <li>Environmental Impact Assessment.</li> </ul>	The Applicants acknowledge this comment.
REP1-087:4.1 - 4.5	<p>We have significant concerns in respect of offshore ornithology impacts for the following reasons:</p> <ul style="list-style-type: none"> <li>In some cases, as a result of scale of impacts; and</li> <li>in other cases as a result of methodological concerns.</li> </ul>	The Applicants acknowledge this comment, specific points are responded to below.

I.D.	Written Representation	Applicants' Response
	<p>We have summarised our current position with respect to adverse effect on the integrity (AEOI) on different Special Protection Areas (SPAs). These conclusions are based on a worst-case scenario of both Dogger Bank South East and West being developed.</p> <p>The RSPB's key concerns with the impact assessment methodology relate to:</p> <ul style="list-style-type: none"> <li>• The application of a macro avoidance correction to Gannet collision risk modelling;</li> <li>• Approach to the apportioning of Gannets to the Forth Islands SPA;</li> <li>• Digital Aerial Survey;</li> <li>• In inadequate consideration of impacts compounded by Highly Pathogenic Avian Influenza; and</li> <li>• Approach to non-measurable "de minimis" impacts.</li> </ul> <p>We have also identified other concerns:</p> <ul style="list-style-type: none"> <li>• Population Viability Analysis; and</li> <li>• The use of prejudicial language.</li> </ul> <p>Where helpful, we have expanded on our Relevant Representation on these matters.</p>	
REP1-087:4.6 - 4.7	<p>We have significant concerns in respect of offshore ornithology impacts for the following reasons:</p> <ul style="list-style-type: none"> <li>• In some cases, as a result of scale of impacts; and</li> <li>• In other cases as a result of methodological concerns.</li> </ul> <p>Below we summarise our current position with respect to adverse effect on the integrity (AEOI) on different Special Protection Areas (SPAs). These conclusions are based on a worst-case scenario of both Dogger Bank South East and West being developed.</p>	<p>The Applicants acknowledge this comment, specific points are responded to below. In addition to the responses to specific points provided below, the Applicants consider the assessment provides a robust account of potential impacts and has been produced following statutory guidance and this includes incorporation of significant amounts of precaution in the conclusions.</p>
REP1-087:4.8	<p><b>Project alone – RSPB AEOI conclusions</b></p> <p>We cannot rule out an adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA:</p> <p>The impact of combined collision and displacement mortality on the Gannet population.</p>	<p>The Applicants acknowledge this comment, specific points are responded to below.</p>
REP1-087:4.9 - 4.11	<p><b>Project in combination with other plans and projects – RSPB AEOI conclusions</b></p> <p>We consider there is an in-combination AEOI on the following features of the FFC SPA:</p> <ul style="list-style-type: none"> <li>• The impact of collision mortality on the Kittiwake population (and therefore agree with the Applicant's conclusion in this respect);</li> <li>• The impact of displacement mortality on the Guillemot population (and therefore we welcome the Applicant's adopted position on this);</li> <li>• The impact of displacement mortality on the Razorbill population; and</li> </ul> <p>We cannot rule out in-combination impacts on the following features of the Flamborough and Filey Coast SPA:</p> <ul style="list-style-type: none"> <li>• The impact of combined collision and displacement mortality on the Gannet population; and</li> <li>• The impact of combined collision and displacement mortality on the seabird assemblage.</li> </ul> <p>Due to the methodological concerns, in particular with the Applicant's approach to a de minimis, background mortality threshold, but also the application of a macro-avoidance correction factor to Gannet densities, as</p>	<p>The Applicants acknowledge this comment, specific points are responded to below.</p>

I.D.	Written Representation	Applicants' Response
	<p>detailed below, we are unable to reach conclusions as to the significance of in-combination impacts on the following SPAs and listed features:</p> <ul style="list-style-type: none"> <li>• Coquet Island SPA: Puffin (displacement mortality);</li> <li>• Farne Islands SPA: Kittiwake (collision mortality);</li> <li>• St. Abbs to Fast Castle SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality);</li> <li>• Forth Islands SPA: Gannet (combined collision and displacement mortality), Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality), Puffin (displacement mortality);</li> <li>• Fowlsheugh SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality);</li> <li>• Buchan Ness to Collieston Coast SPA: Kittiwake (collision mortality), Guillemot (displacement mortality);</li> <li>• Troup, Pennan and Lion's Head SPA: Gannet (combined collision and displacement mortality), Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality);</li> <li>• East Caithness Cliffs SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality);</li> <li>• North Caithness Cliffs SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality);</li> <li>• Copinsay SPA: Kittiwake (collision mortality), Guillemot (displacement mortality);</li> <li>• Hoy SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Puffin (displacement mortality);</li> <li>• Rousay SPA: Kittiwake (collision mortality), Guillemot (displacement mortality);</li> <li>• Calf of Eday SPA: Kittiwake (collision mortality), Guillemot (displacement mortality);</li> <li>• Marwick Head SPA: Kittiwake (collision mortality), Guillemot (displacement mortality);</li> <li>• West Westray SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality);</li> <li>• Fair Isle SPA: Gannet (combined collision and displacement mortality), Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality), Puffin (displacement mortality);</li> <li>• Sumburgh Head SPA: Kittiwake (collision mortality), Guillemot (displacement mortality);</li> <li>• Noss SPA: Gannet (combined collision and displacement mortality), Kittiwake (collision mortality), Guillemot (displacement mortality);</li> <li>• Foula SPA: Kittiwake (collision mortality), Guillemot (displacement mortality), Razorbill (displacement mortality), Puffin (displacement mortality);</li> <li>• Hermaness, Saxa Vord and Valla Field SPA: Gannet (combined collision and displacement mortality), Kittiwake (collision mortality), Guillemot (displacement mortality), Puffin (displacement mortality).</li> </ul>	
REP1-087:4.12	<p><b>Flamborough and Filey Coast SPA - impact assessment conclusions – project alone</b></p> <p>We cannot rule out an adverse effect on site integrity on the following features of the Flamborough and Filey Coast SPA:</p> <p>The impact of combined collision and displacement mortality on the Gannet population. This is because the Applicant has applied a correction factor to gannet densities taken forward for assessment to account for</p>	<p>The Applicants are aware of the RSPB's position on this matter, and it is correct that the Applicants calculated gannet collision risk incorporating 65%-85% macro avoidance. However, this approach was that advised by Natural England and therefore follows statutory guidance.</p>

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	macro-avoidance, The RSPB disagrees with this approach, for reasons given below, and are therefore unable to reach conclusions with regard to the significance of impacts.	
REP1-087:4.13	<p><b>Flamborough and Filey Coast SPA - impact assessment conclusions – project in-combination with other plans and projects</b></p> <p>Within the range of likely mortalities derived using the methods advocated by Natural England and the RSPB, the impacts arising through collisions associated with Dogger Bank South East and West in combination with other offshore wind farms are predicted to result in the annual population growth rate of Kittiwake at the Flamborough and Filey Coast SPA declining, with a ratio of impacted to unimpacted population growth rate of between 0.9955 and 0.9961. This means that after a period of 30 years, the population size of the SPA is expected to be between 86.88 and 88.65% of what it would have been in the absence of the development. Therefore, we consider there is an AEOL due to the impact of collision mortality on the Kittiwake population of the Flamborough and Filey Coast SPA. We therefore agree with the Applicant's conclusion in this respect.</p>	<p>The RSPB has correctly stated the results from the kittiwake Population Viability Analysis (PVA), however the Applicants disagree with the interpretation of the counterfactual of population size (CPS) advocated here by the RSPB for the critical reason that the predictions are obtained from density independent population projections. Such projections over-state the difference between a baseline and impact projection because the growth curves are exponential and unconstrained. This means that the two populations will diverge by an ever increasing margin and generate wholly unrealistic predictions. For this reason the Applicants consider the counterfactual of population growth rate to be the more reliable and robust output from density independent PVA. The Applicants provided a detailed explanation of this in the assessment (e.g. <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features (Revision 3)</b> [AS-085], paragraphs 157-161).</p>
REP1-087:4.14	<p>Within the range of likely mortalities derived using the methods advocated by Natural England and the RSPB, the impacts arising through displacement and barrier effects associated with Dogger Bank South East and West in combination with other offshore wind farms are predicted to result in the annual population growth rate of Guillemot at the Flamborough to Filey Coast SPA declining, with a ratio of impacted to unimpacted population growth rate of between 0.9931 and 0.9975. This means that after a period of 30 years, the population size of the SPA is expected to be between 80.6 and 92.58 % of what it would have been in the absence of the development. Therefore, we consider there is an AEOL due to the impact of displacement mortality on the Guillemot population of the Flamborough and Filey Coast SPA. We therefore agree with the Applicant's conclusion in this respect.</p>	<p>The Applicants consider the same response applies as outlined for kittiwake in REP1-087:4.13.</p>
REP1-087:4.15	<p>Within the range of likely mortalities derived using the methods advocated by Natural England and the RSPB, the impacts arising through displacement and barrier effects associated with Dogger Bank South East and West in combination with other offshore wind farms are predicted to result in the annual population growth rate of Razorbill at the Flamborough to Filey Coast SPA declining, with a ratio of impacted to unimpacted population growth rate of between 0.9963 and 0.9987. This means that after a period of 30 years, the population size of the SPA is expected to be between 89.06 and 95.92 % of what it would have been in the absence of the development. Therefore, we consider there is an AEOL due to the impact of displacement mortality on the Razorbill population of the Flamborough and Filey Coast SPA.</p>	<p>The Applicants consider the same response applies as outlined for kittiwake in REP1-087:4.13.</p>
REP1-087:4.16 - 4.17	<p><b>Impact assessment – methodological concerns</b></p> <p>The RSPB's key concerns with the impact assessment relate to:</p> <ul style="list-style-type: none"> <li>the application of a macro avoidance correction to Gannet collision risk modelling;</li> <li>Approach to the apportioning of Gannets to the Forth Islands SPA; Digital Aerial Survey;</li> <li>in inadequate consideration of impacts compounded by Highly Pathogenic Avian Influenza; and</li> <li>Approach to non-measurable "de minimis" impacts.</li> </ul> <p>In addition, we have noted other concerns in relation to:</p> <ul style="list-style-type: none"> <li>Population Viability Analysis; and</li> </ul>	<p>These points are responded to under the detailed comments below.</p>

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	<ul style="list-style-type: none"> <li>The use of prejudicial language.</li> </ul>	
REP1-087:4.18	<p><b>The application of a macro avoidance correction to Gannet collision risk modelling</b></p> <p>The Applicant has applied a reduction of 70% to the baseline densities inputted into the Gannet collision risk modelling in order to account for macro-avoidance. This approach follows suggestions in Cook (2021) and Pavat et al., (2023). However, while, Natural England support this approach, it is not accepted by all the Statutory Nature Conservation Organisations (JNCC et al, 2024) and the RSPB disagree for reasons given below. The RSPB acknowledge that the Applicant has presented the results of Collision Risk Modelling without the application of macro-avoidance correction factor. However, these outputs are not taken forward to further assessment of the significance of impacts.</p>	<p>As per response to REP1-087:4.12, the Applicants are aware of the RSPB's position on this matter, and it is correct that the Applicants calculated gannet collision risk incorporating 65%-85% macro avoidance. However, this approach was that advised by Natural England and therefore follows statutory guidance.</p>
REP1-087:4.19 - 4.20	<p>The current evidence of a strong macro avoidance of wind farms by gannets, established from observed behaviour, is almost entirely derived from non-breeding birds. The evidence for macro avoidance during the breeding season is limited with the exception of a study of gannets breeding on Helgoland in the German North Sea. However, it is unclear from this study what the breeding status of the tracked birds was, or how their behaviour differed from what would have been expected pre-construction as two of the three wind farms were already operational during the first year of tracking. What the study does clearly show is that breeding gannets do fly through offshore wind farms, often showing no avoidance behaviour at all. Below we reproduce Figure 2.<sup>14</sup> from this paper showing tracked Gannets' movements in respect to wind farms. While some show clear avoidance others do not and may even be attracted to the wind farm.</p> <p>In the Cook (2021) report that suggests the application of macro avoidance to baseline densities, the suggestion is based on reviews that do not include this German tracking study, although it does acknowledge that it shows clear differences between individuals in relation to their response to wind farms. The previous Gannet recommended avoidance rate was based on 'all gulls' data because no Gannet data were available. The evidence of macro avoidance of gulls in response to wind farms is equivocal, so this rate was only calculated from 'within wind farm' avoidance. As Gannets can show macro avoidance it therefore was suggested that this was applied to the baseline densities, and then collision risk modelling was carried out using the 'all gull' avoidance rate, so effectively applying avoidance twice.</p>	<p>Please see response REP1-087:to 4.12.</p>
REP1-087:4.21 - 4.22	<p>The RSPB does not agree with the macro-avoidance correction factor for two reasons. Firstly, it does not take into account the likely seasonal variation in macro avoidance. During the breeding season, Gannets are constrained to act as central placed foragers meaning they return to the colony after feeding in order to maintain territories, incubate eggs and provide for chicks. Once chicks have fledged adult Gannets remain at sea and no longer visit the colony. Differences in behaviour between the breeding and non-breeding season are likely to result in changes in avoidance behaviour.</p> <p>There is evidence that the foraging movements and behaviour of Gannets will vary in relation to stage of the breeding season in response to changes in the distribution and abundance of prey and changing constraints as they progress from pre-laying to chick-rearing. GPS tracking of Gannets breeding on the Bass Rock between 2010 and 2021 has shown variation in the two-dimensional foraging behaviour of birds across the breeding season (prior to chick-rearing and during chick-rearing), between sexes, and between years. Three-dimensional tracking of gannets during chick-rearing has also revealed that flight height and flight speed both vary according to behaviour, sex and wind conditions and similar patterns have been recorded in other</p>	<p>Please see response to REP1-087:4.12.</p>

<sup>14</sup> Figure 2 presented in RSPB's Written Representation here: [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010125/EN010125-001088-The%20Royal%20Society%20for%20the%20Protection%20of%20Birds%20-%20Written%20Representations%20\(WRs\)%20including%20summaries%20if%20exceeding%201500%20words.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010125/EN010125-001088-The%20Royal%20Society%20for%20the%20Protection%20of%20Birds%20-%20Written%20Representations%20(WRs)%20including%20summaries%20if%20exceeding%201500%20words.pdf)



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	seabirds Because any error in the use of flight height and flight speed as input parameters in the sCRM should be corrected for in the use of the Avoidance Rate, any seasonal variation in these parameters should also be reflected in variation in the Avoidance Rate, in the absence of any actual evidence from the breeding season.	
REP1-087:4.23 - 4.24	The second reason why the RSPB disagree with this approach is that, as well as applying the macro-avoidance correction factor, it relies on a 'within wind farm' avoidance rate based on the 'all gull' rate, thereby assuming that Gannets will have the same 'within wind farm' reactive flight response as gulls. This assumption is very unlikely to be met, as Gannets have much lower flight manoeuvrability than gulls. This will result in a lesser ability to make rapid reactions and consequently have a greater risk of collision. Any evidence of macro avoidance should also be seen in the context of the recent work in Belgian offshore windfarms that has shown potential habituation to the presence of turbines. This effectively results in lower macro avoidance and so an elevated risk of collision. It is also important to acknowledge that corpses of Northern Gannets with injuries consistent with collisions with offshore wind farms have been recovered (Rothery et al., 2009), and the imperfect detection of these corpses indicate that there may be many more.	Please see response to REP1-087:4.12.
REP1-087:4.25 - 4.26	Approach to the apportioning of Gannets to the Forth Islands SPA. For the assessment of impacts on the Gannet population of the Forth Islands SPA in the RIAA (APP-048), the Applicant has excluded any impacts during the breeding season, arguing that 100% of the birds present will originate from the Flamborough and Filey Coast SPA. In support of this, the Applicant cites tagging studies included in Wakefield et al., (2013). However more recent studies have tagged Gannets from the Bass Rock, (e.g. Lane et al., 2019) part of the Forth Islands SPA, and recorded Gannets breeding on the Bass Rock flying into the Application footprint. The maps presented in this study are shown below. <sup>15</sup> Due to this exclusion, the RSPB are unable to reach conclusions as to the significance of impacts on the Gannet component of the Forth Islands SPA.	While there is potential for some overlap in the foraging ranges between adjacent gannet colonies, Wakefield <i>et al.</i> (2013) demonstrated that to a very large extent each colony had mutually exclusive foraging areas. There is also no guidance on an appropriate means to apportion breeding gannets, since the standard calculation, based on relative distance and population size, does not reflect the Wakefield <i>et al.</i> (2013) results and would predict 40% of breeding gannets originate from the Forth Islands, which is not supported by any tracking data. While the assumption that in the breeding season 100% of the gannets on the Projects are from FFC SPA may have slightly underestimated the impact on the Forth Islands SPA population, since the FFC SPA and Forth Islands SPA annual impacts were 21 and 4 individuals respectively, a small adjustment to the relative contributions between the two SPAs would make no material difference to the conclusions reached. Furthermore, by assuming 100% of breeding birds are from the smaller colony at FFC SPA the Applicants have adopted a precautionary approach to the assessment.
REP1-087:4.27	Digital Aerial Survey. The RSPB are content that digital aerial surveys can provide useful data in order to provide baseline characterisation of an offshore wind farm footprint. This position is informed by the recent review carried out by a sub-group of the NatureScot Scientific Advisory Committee which made specific recommendations with regard to the presentation of results, including the full methodological detail that needs to be provided alongside the outputs. The details the Applicant has provided are scant. In particular, but not exclusively there is: <ul style="list-style-type: none"> <li>insufficient consideration of potential biases in the survey and analysis methods. For example these could be biases arising from both the camera system, such as imperfect detection of smaller species, or from the imperfect identification by the surveyor of the digital images. Any biases such should have been carefully described;</li> </ul>	The Applicants followed Natural England's best practice baseline survey methods (Parker <i>et al.</i> 2022 <sup>16</sup> and the digital aerial surveys (DAS) were conducted by a highly experienced contractor. Furthermore, Natural England were consulted on the methods through the ETG process and were content with the proposals and have not raised any concerns on this matter in their responses (e.g. RR 039). It is the case that any form of surveying is based on certain assumptions and may introduce biases, however the DAS for the Projects was conducted using the same methods as have been in practice for over a decade and have underpinned all offshore wind farm ornithology assessments in that time (including, but not limited to East Anglia THREE, East Anglia ONE North, East Anglia TWO, Hornsea Projects 1, 2, 3 and 4, Dogger Bank Creyke Beck and Teesside, Norfolk Vanguard and Norfolk Boreas). The Applicants therefore consider the baseline data obtained by the DAS to be robust and reliable.

<sup>15</sup> Maps presented in RSPB's Written Representation here: [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010125/EN010125-001088-The%20Royal%20Society%20for%20the%20Protection%20of%20Birds%20-%20Written%20Representations%20\(WRs\)%20including%20summaries%20if%20exceeding%201500%20words.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010125/EN010125-001088-The%20Royal%20Society%20for%20the%20Protection%20of%20Birds%20-%20Written%20Representations%20(WRs)%20including%20summaries%20if%20exceeding%201500%20words.pdf)

<sup>16</sup> Parker, J., Banks, A., Fawcett, A., Axelsson, M., Rowell, H., Allen, S., Ludgate, C., Humphrey, O., Baker, A. & Copley, V. (2022). Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards. Phase I: Expectations for pre-application baseline data for designated nature conservation and landscape receptors to support offshore wind applications. Natural England. Version 1.1. 79 pp.

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	<ul style="list-style-type: none"> <li>there is no consideration of potential response of birds to disturbance arising from the survey e.g. from aircraft shadow. This could be behavioural responses such as flight take off rate or diving rate, that would have implications for the accuracy of the assessment;</li> <li>there is insufficient detail provided as to how spatial autocorrelation has been evaluated and if necessary accounted for. Spatial autocorrelation in this instance is the correlation among values of a count variable strictly attributable to their relatively close locational positions, introducing a deviation from the assumption of independent observation. The assessment should explicitly demonstrate an analysis of the data showing whether spatial auto-correlation is present or not;</li> <li>there is no rationale provided as to why a grid rather than transect survey design has been used. Both survey designs are commonly used in the assessment of the impacts of offshore wind farms, and both have strengths and weaknesses. Detail is required as to why a grid design was used for this assessment;</li> <li>there is no detail given of any independent validation of identification and detection rates. While it is clear that this validation is carried out as part of the internal quality assurance procedures of the survey providers, no detail of any independent external quality assurance appears to have been carried out.</li> <li>No details of the timings of surveys has been provided. This detail is crucial in understanding whether the surveys have adequately captured any diel variation in bird activity.</li> </ul>	<p>Furthermore the Applicants have already provided a response to these comments from the RSPB [PDA-013], which stated:</p> <p><i>Technical Appendix 12.2 [APP-105] provides methodological details for many of the points raised by the RSPB in this comment. Specifically, section 2.3 of Technical Appendix 12.2 [APP-105] provides details of the methods used to estimate and account for spatial autocorrelation. The surveys were conducted using a transect design, rather than a grid as suggested by the RSPB. This is clearly stated at the beginning of section 2.1 of Technical Appendix 12.2 [APP-105].</i></p> <p>Further details of data validation will be submitted at Deadline 3, along with information on survey timings.</p>
REP1-087:4.28	<p><b>Inadequate consideration of impacts compounded by Highly Pathogenic Avian Influenza</b></p> <p>The current H5N1 strain of Highly Pathogenic Avian Influenza (HPAI) has affected UK wild bird populations on an unprecedented scale since it was first recorded in the country in Great Skuas in summer 2021, with seabirds and waterfowl particularly affected. The extent of reported mortalities attributed to HPAI in the UK and across Europe in 2022 demonstrated that HPAI had become one of the biggest immediate conservation threats faced by multiple seabird species, including some for which the UK population is of global importance. Many species impacted by HPAI are of conservation concern in the UK, and the outbreak comes on top of widespread declines reported by the latest seabird census (Burnell et al, 2023). RSPB conducted a repeat census in 2023 to determine the scale of impact of the outbreak on seabird populations, which for multiple species showed a decrease of &gt;10% in overall counts across all UK sites that were surveyed in 2023. A further outbreak of HPAI in 2023, which largely occurred after the counts were undertaken, means that impacts of HPAI on the breeding populations of affected species is likely to be worse than indicated in the report. There remains the potential for ongoing impacts as the disease progresses.</p>	<p>The Applicants provided additional consideration of HPAI in the revised assessments that were submitted in November 2024 [AS-057 and AS-085].</p> <p>While there was considerable and justifiable concern that HPAI would have large impacts on seabird populations, the reality appears to have been much less significant than feared and (with some exceptions) this appears to have resulted in temporary impacts on population growth rather than any long-lasting effects. It is also notable that a study conducted on HPAI effects (Tremlett et al. 2024,<sup>17</sup>) reported that the gannet population at FFC SPA increased across the period in question (albeit this was the only monitored colony which increased) and the UK population of kittiwake actually increased overall by 10%.</p> <p>The populations of guillemot and kittiwake at FFC SPA were not included in Tremlett et al. (2024), however plot counts at the SPA monitored every year since 2009 by the RSPB found that for guillemot the positive trend (plot counts began) was maintained in 2023 while the kittiwake plot count, which has been largely stable in recent years, had a small decrease of around 4% compared with the previous year (Butcher et al. 2023.<sup>18</sup>). Therefore, it appears that for the FFC SPA colonies there is no need to make allowance for the population level effects of HPAI in the PVA, not least because the counterfactual outputs are robust to such considerations.</p> <p>Furthermore, there is no clear means by which HPAI could be considered in a quantitative manner in the assessment. Thus the results of the impact assessment are considered to be robust as presented.</p>
REP1-087:4.29	<p>The impacts of HPAI and thus reductions in colony sizes may be manifested through the direct effects of mortality or the indirect effects arising through physiological constraints due to infection. These could arise for example, through impaired foraging ability or lower productivity. The severity and rate of recovery from these effects will determine the utilisation of space by seabird populations and consequently their</p>	<p>See response to REP1-087:4.28.</p>

<sup>17</sup> Tremlett, C.J., Morley, N., and Wilson, L.J. (2024). UK seabird colony counts in 2023 following the 2021-22 outbreak of Highly Pathogenic Avian Influenza. RSPB Research Report 76. RSPB Centre for Conservation Science, RSPB, The Lodge, Sandy, Bedfordshire, SG19 2DL.

<sup>18</sup> Butcher, J., Aitken, D., O'Hara, D. (2023) Flamborough and Filey Coast SPA Seabird Monitoring Programme 2023 Report. RSPB Bempton Cliffs, 9 Cliff Lane, Bempton, East Riding of Yorkshire, YO15 1JD

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	interactions with wind farms. As well as changes to population numbers, HPAI infection is likely to cause variation in space use over time between individual birds and colonies, in part due to a likely decrease in competition, but also potentially related to physiological changes, such as in vision and fitness. This change in space use will be reflected in changes in the extent of interactions with wind farms, and in the lethal and sub-lethal consequences of those interactions. Recent research into the impact of the 2022 HPAI outbreak on Gannet movements and space use has revealed that surviving Gannets instigated unprecedented long-distance exploratory movements during the outbreak, likely as a short-term response to HPAI-related disturbance (Jeglinski et al. 2023). Breeding Gannets tracked several months following the outbreak showed a high degree of breeding colony fidelity and foraging time budgets that are characteristic for the species, but birds showed reduced foraging effort, that is foraging trips were shorter in duration, and in maximal and total distance travelled, compared to data from previous years, likely because of reduced competition (Gremillet et al. 2023).	
REP1-087:4.30	<p>As a consequence of these, the RSPB request that the following consequences of the HPAI outbreak are explicitly considered in the Applicant's subsequent submissions to the examination:</p> <ul style="list-style-type: none"> <li>• Consideration of how the HPAI outbreak will influence the representativeness of the baseline characterisation. This should include the direct influence of population size and through changes in space use;</li> <li>• Alterations of the extent of interactions with wind farms, potentially related to physiological changes, and in the lethal and sub-lethal consequences of those interactions; and</li> <li>• Consequences in changes in the robustness of protected population to additional mortality arising through the presence of wind farms.</li> </ul>	See response to REP1-087:4.28.
REP1-087:4.31 - 4.32	<p>It is currently unclear what the ultimate population scale impacts of the outbreak will be, but it is likely that they will be severe. This scale of impact means that seabird populations will be much less robust to any additional mortality arising from offshore wind farm developments. It also means that there may need to be a reassessment of whether SPA populations are in Favourable Conservation Status. With such uncertainty as to the future of these populations, there is the need for a high level of precaution to be included in examination of impacts arising from the proposed development. This caution must also be applied to claims on the potential success of proposed compensation measures.</p> <p>The RSPB does not consider that these concerns have been adequately considered in the Assessment.</p>	See response to REP1-087:4.28.
REP1-087:4.33 - 4.34	<p><b>Approach to non-measurable "de minimis" impacts</b></p> <p>The Applicant appears to be suggesting that, at the appropriate assessment stage, small scale negative impacts should be regarded as not measurable and therefore should be ignored in determining whether or not AEOI has been avoided due to in-combination impacts. To determine whether the impact is detectable, the Applicant uses the 1% of background adult mortality rate threshold recommended by Natural England for impacts considered large enough for further investigation. It is not a threshold for detectability and should not be used for this purpose. To do so is equivalent to "de minimis" arguments that have been put in other offshore windfarm applications and the RSPB disagrees with these.</p> <p>To us it is clear that the 'de minimis' concept may be engaged when considering whether an appropriate assessment is required under relation 63: it is part and parcel of the consideration of whether the project is likely to have "significant" effects on the designated site. What is less clear, however, is whether and, if so, how, any such concept may be brought into effect at the second stage of appropriate assessment. In this context, it is worth highlighting that the language used in the case-law generally is the need, under</p>	<p>The Applicants consider the origin of the 1% increase in background mortality threshold as defined by Natural England was on the basis that impacts that increase mortality by <i>less</i> than this value will be undetectable against background variation, the implication being that there would be no way of discerning the predicted change in the population from the wide variations typically observed. On this basis, contrary to the RSPB's comment, it <u>is</u> applied as a "threshold for detectability".</p> <p>Furthermore it stands to reason that very small impacts from the Projects (i.e. reducing background mortality by &lt;1%) will have an undetectable effect on in-combination predictions. In other words, the predicted in-combination population status impact estimated with and without the Projects will be indistinguishable from each other. If it is not possible to detect the presence of an effect (or if there is any change in the magnitude of effect with, or without, the Projects) against background variations then it must also follow that the additional effect makes no difference to the determination of whether or not</p>

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	<p>regulation 63 for the competent authority to be satisfied to the requisite degree of certainty as to the "absence" of adverse effects on the integrity of the site. We therefore question whether it is open to the competent authority to decide there would be some adverse effects on the integrity of a designated site, but because those effects were "de minimis" that consent could still be granted under regulation 63.</p>	<p>there is an adverse effect. This common sense approach is how the Applicants have conducted the in-combination assessment.</p> <p>It is also worth considering the example of the assessment for FFC SPA, which includes an in-combination assessment of the form that the RSPB is proposing be applied across a large number of SPAs, despite the evidently undetectable impacts from the Projects. The assessment for FFC SPA illustrates the over-precaution inherent in the RSPB's position. The estimated in-combination total number of guillemots at risk of displacement from all OWFs within the UK North Sea BDMPS (Biologically Defined Minimum Population Scales) combined is 647,032 (AS-085, Table 9-28). Using Natural England advised methods, the estimated number of these that are adults from FFC SPA is 110,084, from an SPA population of 149,978. This suggests that over 73% of the FFC SPA guillemot population spend significant periods of time within UK wind farms through the course of the year (and are therefore at risk of displacement), despite the fact that offshore wind farms actually make up only approximately 6% of the area within 300km of the FFC SPA, 12 times less than the in-combination assessment indicates (and a considerably smaller proportion across the UK North Sea as a whole).</p> <p>It is not difficult to envisage that, with the addition of a small number of wind farms the current assessment methods could predict more birds are at risk of displacement than are present in the population. The logical outcome of the approach advocated by the RSPB is that most SPAs will have assessed effects far out of proportion with reality, and furthermore that the total across all SPAs will exceed the number of birds in each species' populations. The Applicant therefore considers it to be very clear that a pragmatic approach to assessment, which applies sensible approaches with respect to connectivity and the potential for in-combination impacts, is evidently required.</p>
REP1-087:4.35	<p>The Applicant incorrectly uses 1% as a threshold of detectability, whereby if an impact on a SPA population through the project alone is below 1% adult mortality rate, the impact is not to be considered in-combination with other projects. Irrespective of the de minimis point above, any threshold of scale of impact should be set against the total in-combination impact and Population Viability Analysis (PVA) carried out if this total impact is greater than the threshold. This is the approach the Applicant appears to advocate in paragraph 4 of the RIAA (APP-048), "Both forms of assessment (the 1% mortality test and PVA) have been conducted for Project alone, and in-combination effects". This is not the case: the 1% mortality test has not been carried out for in-combination effects in the majority of cases.</p>	<p>See response to REP1-087:4.33 – 4.34.</p>
REP1-087:4.36 - 4.38	<p>The RSPB note that in the guidance given by NatureScot to support the assessment of offshore wind farm impacts in Scotland, the threshold for triggering a PVA is a 0.02 percentage point change in adult mortality rate, considerably lower than that advised by Natural England, and demonstrating a higher degree of precaution. While we do not contest the thresholds set by Natural England, at the minimum, impacts on Scottish protected sites should be assessed using the recommendations of the appropriate statutory agency. Due to these issues, for a number of species and SPAs, the RSPB does not consider a complete assessment has been carried out and therefore are unable to reach conclusions as to the significance of impacts. The Applicant also fails to carry out PVA or in-combination assessment where the maximum value of the range of predicted impacts on background mortality exceeds the 1% threshold.</p>	<p>The Applicants have applied the mortality threshold advised by Natural England, as the appropriate statutory advisor. Both Natural England and NatureScot advise that Projects should be assessed according to the advice of the relevant body for where the Project is located and neither has suggested that impact assessment methods should change as a bird crosses administrative boundaries.</p>
REP1-087:4.39	<p><b>Population Viability Analysis</b> The Applicant repeatedly asserts that their preferred output of the Population Viability Analysis carried out in order to describe the potential population scale consequences of the impacts arising through the</p>	<p>The Applicants have provided both counterfactual measures for every PVA model presented, as required in Natural England guidance. For reasons stated in the RIAA [AS-085], the Applicants consider that features of the two measures, which relate to growth rates (CPGR) and population size (CPS)</p>



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	<p>development is the Counterfactual of Population Growth Rate (CPGR) and critiques the use of the Counterfactual of Population Size (CPS). The RSPB prefers that the two metrics presented in combination, as this was a specific recommendation of a review of output metrics, following work by the RSPB, commissioned by Joint Nature Conservation Committee (JNCC) and carried out by the British Trust for Ornithology (BTO). That review recommended the ratio of growth rates are presented to quantify the consequence of impacts at a population level and the ratio of population sizes to present these impacts in an easily understandable context. A further review was commissioned by Marine Scotland Science and carried out by the Centre for Ecology and Hydrology, and the conclusions as to utility of output metrics was similar.</p>	<p>respectively, make them appropriate for different formulations of population model. Specifically this relates to the inclusion (or not) of density dependent regulation. This is the natural means by which populations do not grow indefinitely, but are limited by competition for resources. If a population is being regulated in this manner (i.e. density dependent) then there is very little sense in comparing population growth rates between a baseline and impacted projection, as both tend to stability (in population modelling terms a growth rate of ~1). Comparing these outputs would provide little information on how the population has been impacted. Instead, comparisons of the population size, which all else being equal would be expected to be smaller with the impact, provide the means to understand the effect of the impact.</p> <p>By contrast, if the population is modelled without regulation (density independent), the baseline and impact populations will grow exponentially, with the gap between the two populations increasing with every time step. Crucially such predictions will often attain unfeasibly large sizes within the prediction periods for an offshore wind farm. For example, a population of 50,000 individuals with a growth rate of 5% / year will be more than 4x larger after 30 years (~215,000), while if the growth rate is 4%, the same 30 year population would be ~160,000. This implies a CPS of 0.74, but the reality of this prediction is that even the impacted population is more than 3x larger. Neither of these population predictions provide a reliable guide to how the population will actually change over that time period. For this reason, the population growth rate, compared as the CPGR, which offers a means to consider year to year changes in the fate of the impacted versus baseline prediction. Simply because understanding what 'population size' means does not automatically mean the CPS is more appropriate, as the RSPB imply.</p> <p>The suggestion that the population will be 'half of what it might have been' is misleading since the only way this would be the case was if all other sources of population regulation (food resources, nest space, etc.) were removed and the population could grow without limit. The Applicants consider this to be unrealistic.</p>
REP1-087:4.40 - 4.41	<p>The ease of understanding of the CPS is crucial to its utility; the numbers given by the CPGR are less understandable outwith a population modelling context. To use the theoretical example quoted by the BTO, a CPS of 0.515 means the population size of a Breeding Colony is expected to be 51.5% (i.e. half) of what it would have been in the absence of the development after 25 years, which is easy to understand. Whereas the corresponding CPGR, 0.973, means that the annual population growth rate at the breeding colony declines from 0.994 to 0.967. The actual scale of the consequence of this is hard for a non-specialist to comprehend, that of the CPS is not.</p> <p>As such, it is wrong to disassociate the two metrics; aside from the question of comprehension, they are very similar, the only key difference is that CPGR does not include the length of time that the wind farm will be operational. This is crucial as there is considerable uncertainty surrounding most of the aspects of an assessment of the potential impacts of an offshore wind farm. However, the length of time that the development is operational is one of the few aspects not subject to this uncertainty as it is legally fixed. It is also a crucial consideration into the scale of impact. Therefore, the effect of using CPGR in isolation is to remove important contextual information, operational time, complicating the interpretation of impact, thereby increasing uncertainty and the need for precaution.</p>	<p>See response to REP1-087:4.39.</p>
REP1-087:4.42	<p><b>The use of prejudicial language</b></p> <p>The RSPB is concerned with the prejudicial use of language throughout the assessment, whereby recommended methods and parameters are described as, for example, "overly precautionary". This concern</p>	<p>The Applicants consider that used terms such as 'precautionary' have been used in a completely appropriate manner. The SNCB approach to uncertainty is to adopt upper estimates at multiple stages through the assessment process, and this undoubtedly results in over-precaution.</p>



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	<p>in also highlighted by Natural England in their Relevant Representation (RR-039). Where this language has been used, it is in cases that the assessment has been carried out using the SNCB recommended methods and parameters and these parameters are described as "worse case scenario". These have been drawn up in consultation with leading experts and we consider it inappropriate to constantly undermine and challenge these recommendations while presenting the Applicant's own preferred methods as the most accurate and as "evidence led". The SNCB guidance is designed to be suitably precautionary, particularly in the context of the huge amount of uncertainty inherent in the assessment process; it is not set out to be overly precautionary and is revised considering any new evidence. The Applicant does not present any new evidence that has not been considered by the SNCBs.</p>	<p>As an example of what the Applicants consider to be the accumulation of precaution, it is informative to consider the Flamborough and Filey Coast (FFC) SPA in-combination assessment of guillemot. The estimated total number of guillemots at risk of displacement from all OWFs within the UK North Sea BDMPs combined is 647,032 (AS-085, Table 9-28). Using Natural England advised methods, the estimated number of these that are adults from FFC SPA is 110,084, from an SPA population of 149,978. This suggests that over 73% of the FFC SPA guillemot population spends a significant period of the year on UK wind farms and are therefore at risk of displacement, despite the fact that offshore wind farms actually make up approximately 6% of the area within 300km of the FFC SPA, 12 times less than the in-combination assessment indicates (and a considerably smaller proportion across the UK North Sea as a whole). It is not difficult to envisage that, with the addition of a small number of wind farms the current assessment methods could predict more birds are at risk of displacement than are present in the population.</p> <p>An appropriate treatment of precaution is to adopt central values through the assessment process (with variances and confidence intervals) and to then consider the full spread of results only at the final stage (e.g. PVA), rather than inflating uncertainty at successive steps.</p>
REP1-087:4.43 - 4.45	<p>As set out in Searle et al (2023a), assessing impacts of offshore windfarms and other renewables developments is inherently uncertain. This uncertainty is propagated throughout the impact assessments, as there are not only direct impacts, but ecosystem wide impacts that can change, for example, the abundance and availability of prey. Multiple data sources and modelling techniques are used to capture a simplified version of reality. They do not fully capture the complexity of seabird behavioural or demographic processes in an inherently dynamic marine environment.</p> <p>It is therefore vital that the precautionary approach required by the Habitats Regulations is taken. This means if scientific data is incomplete or hard to get and it is not possible to complete a full evaluation of all possible or potential risks an activity/development may cause, account should be taken of all possible harm. Potential harm should not be dismissed due to the lack of scientific data.</p> <p>Importantly, the precautionary principle requires the Applicant to demonstrate with scientific certainty that something would not be harmful. The concept of something being overly precautionary dismisses the inherent uncertainty in modelling and overlooks the simplistic version of reality that the modelling captures. Conversely, the use of prejudicial language acts to increase the overall uncertainty in the assessment, by creating "linguistic uncertainty" that is additive to the overall uncertainty in the assessment.</p>	<p>See response to REP1-087:4.42</p> <p>The Applicants agree that the incorporation of precaution in assessments is a necessary requirement in the face of uncertainties, however if precaution is introduced at several stages, as is often the case in seabird impact estimates, this inevitably results in over-precaution and it is this aspect on which the Applicants disagree with the RSPB.</p>
REP1-087:4.46 - 4.48	<p>This prejudicial language is particularly apparent in the assessment of distributional responses (displacement and barrier effects). The Applicant has identified that a wide range of rates of displacement have been recommended for use in assessment, and also present their own preferred rates. A range of values have been identified in studies and the variation in these may be due to a range of factors, but it is likely the main driver will be the inherent dynamism of the marine environment. As such, reliance on studies carried out at a single site, should be avoided. For example, Trinder et al., (2024) reported no displacement of auk species within a single site, Beatrice wind farm in the Moray Firth, whereas a recent peer reviewed study across 15 sites with auks present, reported that 65% of these studies detected an effect. This range of responses increases the uncertainty inherent in the assessment, and should be reflected in a proportionate degree of precaution applied to the conclusions.</p>	<p>See response to REP1-087:4.39.</p> <p>With respect to displacement rates, and the evidence for displacement, it is highly relevant that the named study (Trinder <i>et al.</i> 2024<sup>19</sup>) was one that was specifically designed to investigate displacement, and in a manner that avoided the compounding influences of the 'inherent dynamism of the marine environment'. The latter is assumed to be a reference to the natural variation between years observed in seabird distributions, which can find several orders of magnitude differences in abundance at a specific location (such as the site for a planned wind farm) from one year to the next. Unfortunately, the presence of such variations makes it very difficult to distinguish wind farm induced effects from natural</p>

<sup>19</sup> Trinder M, O'Brien SH and Deimel J (2024) A new method for quantifying redistribution of seabirds within operational offshore wind farms finds no evidence of within-wind farm displacement. Front. Mar. Sci. 11:1235061. doi: 10.3389/fmars.2024.1235061

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	<p>The Applicant fails to mention that mortality rates used in the displacement assessment may be under precautionary. Mortality rate can be considered to be the number of birds subject to displacement or barrier effects that will die as a consequence of those effects. The metric is applicable only to fully sized individuals and as such, the method does not account for any effects of breeding success. For long lived, low fecundity species like seabirds, the most likely response to additional stressors during the breeding season is the abandonment of a breeding attempt, or chick death through poor attendance. As such, the omission of chick mortality can be seen as a major limitation of the Applicant's approach and demonstrates the need to take a precautionary approach in determining the range of mortalities that may arise through distributional responses the presence of a wind farm.</p> <p>The presentation of a range of displacement and mortality rates, as advocated by Natural England, can be considered to be the most appropriate way to describe the uncertainty inherent in the assessment of distributional responses to offshore wind farms. As such, it is entirely wrong to characterise it as overly precautionary.</p>	<p>variations. It is assumed that the 'peer reviewed study' referred to by the RSPB was Lamb <i>et al.</i> (2024).<sup>20</sup>. The surveys in the 15 studies in this review which reported on auks conducted surveys almost exclusively by boat and visual aerial observations – both methods which were used for small early generation wind farms and that have largely been phased out due to the improvements offered by digital aerial survey methods (and to reduce potential problems, for example that birds may respond to the boats or lower flying planes used for visual observation surveys). Furthermore, these studies all relied on comparisons of auk distributions before and after wind farm construction, in other words of results from one year with another (possibly separated by more than one year). These comparisons are very rarely capable of distinguishing natural changes from those caused by wind farms (Zuur, 2018.<sup>21</sup>). Furthermore, there is an alternative way to reconcile the apparent difference between the Trinder <i>et al.</i> (2024) results (of no apparent avoidance of turbines) with the Lamb <i>et al.</i> (2024) reported result that 65% of studies found a displacement effect in auks. It is entirely feasible that auk distributions are unaffected by wind farms – sometimes the birds will be present, and sometimes they will not, with the actual causes unknown. Under such a scenario a finding that '65% found an effect' could equally plausibly be just chance. Indeed, a systematic avoidance would be expected to manifest as a much higher percentage of studies with displacement. Thus, simply because Lamb <i>et al.</i> (2024) reported an effect across multiple studies does not actually mean this should be given more weight if the majority of those studies were of a design that was actually poorly suited to detecting displacement in the first place: multiple poorly designed studies should not be given more weight than a small number of well designed, robust ones.</p> <p>The Applicants followed the statutory advice for estimating displacement impacts, which is to assume displaced birds suffer mortality as a consequence, rather than as the RSPB propose here, assuming the impact is on the affected individual's breeding attempt. Basic population theory for long-lived species such as seabirds makes it very clear that the former (adult mortality) has a much greater impact on the population than reduced productivity. Thus, while the Applicants in fact agree with the RSPB that the most likely outcome (if any) of a bird being displaced from an offshore wind farm would be on their productivity, assuming the individual in fact dies has a much greater negative effect (and the Applicants consider this to be a source of over-precaution). Thus the assessment as conducted will almost certainly over-estimate the population consequences of displacement. For clarity it is worth stating that the Applicants do not disagree that considering a range of displacement rates is appropriate, but that does not preclude the Applicants from also considering that the upper values within the range are over-precautionary.</p>
REP1-087:5.1 - 5.2	<p>Derogation case: the RSPB's approach to evaluating compensation measures under the Conservation of Habitats and Species Regulations 2017 (as amended)</p> <p>Introduction</p> <p>This section sets out the RSPB's approach to evaluating compensation measures. It includes our general approach to assessing compensation proposals and the level of detail we consider is required in order to evaluate compensation proposals as part of the Examination process, before drawing out some general issues raised by the Applicant's proposals. We have set it out under the following headings:</p> <ul style="list-style-type: none"> <li>The RSPB's approach to assessing compensation proposals;</li> </ul>	<p>The Applicants note RSPB's position and have responded only to key Project specific points from REP1-087:5.16 - 5.18 onwards (with the exception of REP1-087:5.3 - 5.5). As noted in the Applicants response to REP1-087: 1.1, the Applicants do not necessarily agree with all of the RSPB's Written Representations, but have only responded to those which are considered pertinent to the current applications. An absence of a response on other matters, such as those which do not directly impinge on the applications, should not be interpreted as tacit agreement.</p>

<sup>20</sup> Lamb, J., Gulka, J., Adams, E., Cook, A., and Williams, K.A. 2024. A synthetic analysis of post-construction displacement and attraction of marine birds at offshore wind energy installations. Environmental Impact Assessment Review 108 <https://doi.org/10.1016/j.eiar.2024.107611>

<sup>21</sup> Zuur, A. (2018) 'Effects of wind farms on the spatial distribution of guillemots', *Unpublished report. Wageningen Marine Research T*, 31(o), p. 317.

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	<ul style="list-style-type: none"> <li>What level of detail is required on proposed compensation measures?</li> <li>Generic issues raised by the Applicant's compensation proposals: <ul style="list-style-type: none"> <li>Lack of specific proposals and locations for compensation measures;</li> <li>Scale of compensation; Lead-in times for compensation; and</li> <li>Lifetime of compensation in relation to damage.</li> </ul> </li> </ul> <p>Section 6 following sets out the RSPB's detailed comments on the Applicant's specific compensation proposals.</p>	
REP1-087:5.3 - 5.5	<p><b>The RSPB's approach to assessing compensation proposals</b></p> <p>The RSPB has reviewed both the EC and Defra guidance on compensatory measures. Both are in broad alignment as to the principles to adopt when considering compensatory measures. This review also draws on the RSPB's over 20 years experience evaluating and negotiating compensation proposals under the Habitats Regulations by developers across various sectors. As the EC Guidance is fuller, we have used that as our primary reference, while drawing out any additional points made in the Defra guidance since it is UK focused. We have specifically not referred to the consultation draft document from Defra entitled "Best practice guidance for developing compensation measures in relation to Marine Protected Areas" published in July 2021 due to it still being a draft produced for consultation and yet to be finalised.</p> <p>In Table 1<sup>22</sup>, we summarise the EC's criteria for designing compensatory measures and annotate them with additional commentary based on the RSPB's experience of the principles that should be applied when assessing compensatory measures. We will use the combination of the EC guidance and the RSPB's experience in this field to assess compensatory measures put forward by scheme proponents.</p>	<p>The Applicants highlight that the Defra (2021) guidance was used for the purposes of the strategic Steering Group for kittiwake compensation (as stated within the Round 4 Kittiwake Strategic Compensation Plan [APP-053]) and this was accepted by all members of the Steering Group.</p>
REP1-087:5.6	<p>The current Defra guidance (aimed at competent authorities) reinforces some of the points above:</p> <ul style="list-style-type: none"> <li>Must be confident the measures will fully compensate for negative effects; The measure is technically feasible based on scientific evidence and previous examples;</li> <li>Whether the compensation measure is financially feasible; Compensation should be no more than is needed (to protect the coherence of the National Site Network);</li> <li>How the compensation will be carried out, including how it will be managed and monitored over time, and how it has been secured;</li> <li>How long the compensation measure will take to reach the required quality;</li> <li>Should make sure the compensation measures will remain in place all the time they are needed;</li> <li>Must put in place all necessary legal, technical, financial and monitoring arrangements;</li> </ul> <p>Compensation measures should usually be in place and effective before the negative effect is allowed to occur.</p>	<p>The Applicants acknowledge this comment.</p>
REP1-087:5.7	<p>Overall, this can be expressed in another way to help identify ecologically effective compensation and the options to deliver it:</p>	<p>The Applicants acknowledge this comment.</p>

<sup>22</sup> Table 1 presented in RSPB's Written Representation here: [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010125/EN010125-001088-The%20Royal%20Society%20for%20the%20Protection%20of%20Birds%20-%20Written%20Representations%20\(WRs\)%20including%20summaries%20if%20exceeding%201500%20words.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010125/EN010125-001088-The%20Royal%20Society%20for%20the%20Protection%20of%20Birds%20-%20Written%20Representations%20(WRs)%20including%20summaries%20if%20exceeding%201500%20words.pdf)

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	<ul style="list-style-type: none"> <li>Understanding and defining what is ecologically effective compensation for a given feature i.e. what is needed to address the ecological functions affected by the predicted impact(s) e.g. improvements in breeding productivity of an impacted seabird species;</li> <li>Identifying the potential options to provide ecologically effective compensation in principle and agreeing the scale of compensation required to protect the overall coherence of the National Site Network for the impacted feature taking account of the management objectives for that Network. This should consider factors affecting the likely success of the compensation measure in order to identify appropriate search criteria. In the case of seabirds, this might include avoiding proximity to current and planned offshore wind farms while ensuring access to areas with good food supply etc;</li> <li>Applying a hierarchical search for suitable locations to carry out those options to determine where they might be feasible. This should follow the following spatial hierarchy based on where the benefit of the compensation will accrue: <ul style="list-style-type: none"> <li>Provides benefit to the impacted SPA/SAC where that is appropriate given the risk factors considered above. Note: this is not the same as being located inside the MPA, which in UK MPA terms is unlikely to be feasible given the constrained boundaries usually applied i.e. all areas within the boundary are integral to its functioning already;</li> <li>Provides benefit to a different SPA/SAC for the impacted feature;</li> <li>A "de nouveau" site that provides benefit to the feature itself and can be added into the relevant site network once it has met its compensation objectives.</li> </ul> </li> </ul> <p>Detailed assessment of the feasibility of successfully delivering the chosen option in the selected location(s). It is important to separate out the type of measure (and its ecological effectiveness as compensation) and the likelihood of it succeeding in practice at a particular location to meet the required compensation objectives. Certainty of success of a specific measure per se is not the same as whether it will be ecologically effective as compensation. However, it needs to be deemed potentially ecologically effective as compensation first before detailed options are drawn up and assessed. If it is not potentially ecologically effective as compensation, then it should not be considered further (in line with existing Defra guidance).</p>	
REP1-087:5.8 - 5.9	<p><b>Additionality</b></p> <p>The EC guidance (section 5.4.1) makes the general, overarching point that: "Compensatory measures should be additional to the actions that are normal practice under the Habitats and Birds Directives or obligations laid down in EU law"</p> <p>In practical and legal terms, this means compensatory measures must be additional to:</p> <ul style="list-style-type: none"> <li>Measures necessary to site management of the affected SPA or SAC e.g. to restore a designated feature to favourable status;</li> <li>Measures designed to meet other obligations e.g. achievement of Good Environmental Status (GES) under the Marine Strategy Regulations 2010.</li> </ul>	The Applicants acknowledge this comment.
REP1-087:5.10 - 5.11	<p>As set out in our relevant representation, the RSPB considers that detail about the location, design, implementation, monitoring and review of any proposed compensatory measures is needed to: inform the application and examination process and enable proper public scrutiny. This should provide the Secretary of State with the necessary confidence as to whether those measures can be secured and implemented with a reasonable guarantee of success, thereby protecting the coherence of the National Site Network.</p>	<p>The Applicants acknowledge this comment.</p> <p>Final details of location, design (for ANS), and monitoring of any ornithological compensation measure will be provided in the appropriate Compensation Implementation and monitoring plan (CIMP) which has to be agreed by the relevant Steering Group post consent in accordance with Schedule 18 of the <b>Draft Development Consent Order (DCO) (Revision 5)</b> [REP1-004]. Hence these details do not need to</p>



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	<p>We note that these details should be settled before DCO consent is decided, and be available as part of the application documentation. This enables potential interested parties the opportunity to fully review and assess the adequacy of the compensation measures before deciding whether to formally register as an interested party and submit a relevant representation. The details include:</p> <ul style="list-style-type: none"> <li>• Nature/magnitude of compensation: sufficient detail to enable agreement on the scale of compensation required in relation to the predicted impacts, including the detailed compensation objectives, associated success criteria and timeline;</li> <li>• Location: legal securing of proposed compensation site(s) with ability to scrutinise design, potential impacts, evidence of relevant consents and relevant legal agreements to secure land;</li> <li>• Monitoring and review: detailed monitoring and review packages agreed in advance including terms of reference and ways of working for any "regulators group" to oversee implementation of measure;</li> <li>• Compliance and enforcement: details and evidence of how the proposed compensation measures will be reviewed by the relevant regulator and the legal mechanisms available to those regulators to review and enforce any approved compensation plans.</li> </ul>	<p>be agreed in Examination and the public interest with regards to ensuring adequate compensation is provided for Kittiwake is secured through the DCO wording regarding the CIMP.</p>
<p>REP1-087:5.12 - 5.15</p>	<p>By providing these details it should ensure these and related issues are properly addressed before the Secretary of State is required to make a decision on whether to grant DCO consent. Based on experience, we consider it important that work to agree detailed compensation objectives informs draft wording of any DCO Schedules in order to avoid subsequent ambiguity post-consent.</p> <p>We consider it is unsafe to assume an outline compensation measure can be translated in to a detailed, workable and ecologically effective measure "on the ground" at a later date and all the necessary consents and agreements successfully secured.</p> <p>At Annex H1 of Appendix H to its relevant representation (RR-039) Natural England has included a checklist it has developed for compensatory measure submissions. We fully support Natural England's advice especially the approach and level of detail considered to be required as part of the application documentation. It flows from the criteria and other factors we have described above and provides a robust basis for the evidence on each proposed compensation measure that should be submitted as part of any application.</p> <p>The criteria, guidance and associated requirements set out above will guide how the RSPB assesses the Dogger Bank South compensation measure proposals.</p>	<p>The Applicants have included the Natural England checklist in each of the Project Level plans from the outset:</p> <ul style="list-style-type: none"> <li>• Table 9-1 of <b>Appendix 1 -Project-Level Kittiwake Compensation Plan (Revision 4)</b> [document reference 6.2.1]; and</li> <li>• Table 7-1 of <b>Appendix 2 Guillemot [and Razorbill] Compensation Plan (Revision 3)</b> [AS-089].</li> </ul> <p>As stated above the final details of any ornithological compensation measure will be provided in the CIMP, which must be signed off by the relevant Steering Group before the Projects can progress post consent,. Hence the public interest is protected by the draft DCO wording, without all details being agreed during the DCO examination. This approach has been accepted previously by the Secretary of State for numerous offshore wind farm projects where compensation measures have been required.</p>
<p>REP1-087:5.16 - 5.18</p>	<p>Lack of specific proposals and locations for compensation measures</p> <p>As set out in our relevant representation (RR-049), the RSPB's overarching comment is that the Applicant has failed to put forward detailed and location specific compensation measures for any impacted species. We note and welcome in section 6 below the work to narrow down Areas of Search for potential offshore Artificial Nesting Structure locations for Kittiwake compensation. We also note the ongoing refinement of potential locations for predator eradication schemes for Guillemot and Razorbill. However, at this stage, we lack detailed, location specific measures for any of these species, and therefore nor have any been secured. It is therefore not possible at this stage for the RSPB to assess any of the compensation measures properly and provide advice to the Examining Authority on whether each has a reasonable guarantee of success in meeting specific, agreed compensation objectives.</p> <p>However, we have, as far as is practicable, provided more detailed comments in section 6 on each of the broad compensation measures.</p>	<p>The Strategic process for kittiwake the <b>Round 4 Kittiwake Strategic Compensation Plan</b> [APP-053], did not go beyond broad areas of search. The Applicants have subsequently provided refined proposals, see <b>Project-Level Kittiwake Artificial Nesting Structure (ANS) Site Selection Report</b> [PDB-007] and three candidate ANS locations have now been selected to take forward to SI surveys and are presented in the <b>Project-Level Kittiwake Compensation Plan v3</b> (submitted at Deadline 2). The results of the SI survey will further inform the final ANS location to be taken forward to Marine licence application. Likewise the site selection process for auk measures is a work in progress, see <b>Guillemot and Razorbill Compensation Site Shortlist Refinement Report (Redacted)</b> [PDB-008] and further to this three locations were identified as potential locations (two on a project -led basis, the other via a strategic route in the <b>Guillemot [and Razorbill] Compensation Plan (Revision 3)</b> [AS-089]).</p> <p>It is worth noting that that the public interest is protected by the draft DCO wording, whereby the respective Compensation, Implementation and Monitoring Plans (CIMP) will require the Applicants to deliver the required compensation as agreed by the relevant steering group, post consent, hence all details on specific location do not need to be available at the point of DCO determination. This approach</p>



I.D.	Written Representation	Applicants' Response
		has been accepted previously by the Secretary of State on numerous offshore wind farms where compensation measures have been required.
REP1-087:5.19 - 5.20	<p><b>Scale of compensation</b></p> <p>The RSPB consider it would, as far as practicable, be sensible to agree the range of predicted mortalities (using the preferred outputs of the Applicant, Natural England and the RSPB) and apply these to an agreed approach to calculating the scale of compensation that may be required.</p> <p>In addition to agreeing the range of impacts and resulting compensation requirements, we consider it should be possible to agree success criteria for each compensation measure during the examination (subject to resolving detailed concerns with each measure).</p>	<p>Kittiwake - The scale of compensation was presented for a range of predicted mortalities as part of the <b>Round 4 Kittiwake Strategic Compensation Plan</b> [APP-053]. Whilst the numbers included within that plan were based on estimates (not the final agreed mortalities), the Steering Group agreed that the range presented was likely to encompass the final mortality range. The methods used by the Strategic Plan are transferred into <b>Appendix 1 - Project Level Kittiwake Compensation Plan (Revision 3)</b> [AS-087].</p> <p>For auks, the mortality and approach to calculating scale of compensation are not agreed. However, the Applicants have updated the mortalities in line with latest NE advice (see <b>RIAA HRA Part 4 of 4 – Marine Ornithological Features (Revision 3)</b> [AS-085]) and provided a scale of compensation using previously accepted (and consented) methods from the Hornsea 4 project.</p> <p>The Applicants note that RSPB have methodological disagreement with NE with regard to impact assessment and therefore do not consider that RSPB agreement on methods is likely.</p>
REP1-087:5.21 - 5.22	<p>Lead-in times for compensation</p> <p>Any implementation timetable must ensure that the compensation measure is in place and ecologically functional before the damage occurs. Factors that need to be taken in to account in developing the required timeline include:</p> <ul style="list-style-type: none"> <li>The breeding ecology of the impacts species and timescales likely to be required for the agreed compensation measure to be ecologically effective;</li> <li>The point at which the adverse effect is predicted to occur. This will depend on the nature of the impact e.g: <ul style="list-style-type: none"> <li>For collision: it would be at the point the wind farm becomes operational;</li> <li>For displacement: it would be at an agreed point relating to when the physical presence of the wind farm infrastructure (operational or not) is deemed to be giving rise to displacement that is impacting on the relevant seabird species' population.</li> </ul> </li> <li>That it is highly unlikely that the compensation will be delivering at the scale required before the impacts occur or during any period of colony establishment.</li> </ul> <p>As currently drafted (AS-131, version 4, Schedule 18), the DCO does not include a specific requirement for the number of full breeding seasons each compensation measure must be in place before any impact occurs: we consider it should do so in line with the approach we have described above. The lack of these requirements creates considerable uncertainty in respect of the lead-in times that will be required. Instead, the DCO refers to:</p> <ul style="list-style-type: none"> <li>An number of breeding seasons to be specified in the approved plan for Kittiwake (Schedule 18, Part 2, paragraph 5); and</li> <li>In relation to Guillemot and Razorbill, the DCO refers only to an implementation timetable to be set out in the post-consent Compensation Implementation and Monitoring Plan which will set out the minimum period prior to installation of any tower (Schedule 18, Part 3, paragraph 5(iv)).</li> </ul>	<p>Lead in times are discussed in both of the relevant project level plans:</p> <ul style="list-style-type: none"> <li>Section 6.3.6 of <b>Appendix 1 -Project-Level Kittiwake Compensation Plan (Revision 4)</b> [document reference 6.2.1]; and</li> <li>Section 5.3.1.6 Table 7-1 of <b>Appendix 2 Guillemot [and Razorbill] Compensation Plan (Revision 3)</b> [AS-089].</li> </ul> <p>Accepting that RSPB has explicitly stated that they are not using this guidance, Defra (2021) guidance states</p> <p><i>"A protected feature should not be impacted before compensation is secured. Ideally, measures should be in place, functioning and contributing to the network before development begins. Defra recognises that in some cases and for certain habitats and species this could take several years and therefore it may not be feasible for the compensatory measures to be complete before the impact takes place. Where this is not possible, it is important that necessary licences are in place, finances are secured, and realistic implementation plans have been agreed with the appropriate bodies to demonstrate that the compensatory measure is secured."</i></p> <p>Therefore, the Applicants consider that the compensation can be adequately secured in line with the Defra guidance.</p> <p>The Kittiwake CIMP and Guillemot [and Razorbill] CIMP must include implementation timetables for delivery of the measures which would be agreed by the Kittiwake Compensation Steering Group and Guillemot Compensation [and Razorbill] Steering Group. The Applicants consider that there is therefore no need to amend the current DCO drafting.</p> <p>Also see REP1-087:6.8 - 6.9.</p>

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REP1-087:5.23 - 5.26	<p><b>Lifetime of compensation in relation to damage</b></p> <p>It is the RSPB's view that compensation measures should remain in place for as long as the project's adverse impacts on the SAC/SPA/Ramsar site continue. Typically, this has been "in perpetuity" as impacts have been permanent. We recognise this is not automatically the case when dealing with offshore wind farms. This is in line with our advice to the Secretary of State regarding the Hornsea Project Three compensation. As noted in paragraph 2.18 of that response (November 2020):</p> <p><i>"The length of time the compensation measures should be secured for must be based on the combination of the lifetime of the development plus the time it will take the affected seabird population to recover from the impacts."</i></p> <p>In respect of the Kittiwake compensation measures, we welcome the Applicant's inclusion of paragraph 7 in Schedule 18, Part 2 (AS-131):</p> <p>"The artificial nesting measure must not be decommissioned without written approval of the Secretary of State in consultation with relevant statutory nature conservation body."</p> <p>However, we request that the following wording (as included in the Hornsea Four DCO) be added to ensure clarity and consistency:</p> <p>"The artificial nest structures shall be maintained beyond the operational lifetime of the authorised development if they are colonised, and routine and adaptive management measures and monitoring must continue whilst the artificial nesting structures are in place."</p> <p>In respect of the Guillemot and Razorbill compensation measures, Schedule 18, Part 3 of the DCO (AS-131) contains no equivalent text. This means there is no safeguard in respect of how long the compensation measures will be maintained. Therefore, we request that equivalent wording is drafted by the Applicant to ensure that, for project-led predator eradication measures, the relevant measures (biosecurity response plans, adaptive management etc) are sustained beyond the operational lifetime of the authorised development until the affected seabird populations are deemed to have recovered.</p>	<p>The Applicants consider that the wording currently proposed in <b>Draft DCO (Revision 5)</b> [REP1-004] for kittiwake is comprehensive and provides adequate control through the agreement of the Kittiwake CIMP as to the maintenance and ongoing management of the ANS and as to the timing for decommissioning of the structure. The Applicants consider that the additional wording from the Hornsea Four DCO is not sufficiently certain to be included on the face of the DCO.</p> <p>The measures being proposed for Guillemot [and Razorbill] are different to the Kittiwake measures – no permanent structures would be developed which would require decommissioning and therefore it is not appropriate to include a provision relating to decommissioning. The Applicants consider that the Guillemot [and Razorbill] CIMP would include relevant safeguards on timing, including any ongoing maintenance and management, which would be agreed by the Guillemot Compensation [and Razorbill] Steering Group. The Applicants therefore do not propose to make any amendments to the current DCO drafting.</p>
REP1-087:5.27 - 5.30	<p><b>Summary</b></p> <p>This section sets out the RSPB's approach to evaluating compensation measures. It includes our general approach to assessing compensation proposals and the level of detail we consider is required in order to evaluate compensation proposals as part of the examination process, before drawing out some general issues raised by the Applicant's proposals.</p> <p>The RSPB has reviewed both the EC and Defra guidance on compensatory measures. This review also draws on the RSPB's over 20 years experience evaluating and negotiating compensation proposals under the Habitats Regulations by developers across various sectors. As the EC Guidance is fuller, we have used that as our primary reference, while drawing out any additional points made in the Defra guidance since it is UK focused.</p> <p>The RSPB will use the EC's criteria and its experience to evaluate the various compensation measures:</p> <ul style="list-style-type: none"> <li>• Targeted;</li> <li>• Effective;</li> <li>• Technical feasibility;</li> <li>• Extent;</li> <li>• Location;</li> <li>• Timing;</li> <li>• Long-term implementation;</li> </ul>	<p>The Applicants acknowledge this comment. Detailed responses are provided above.</p>

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	<ul style="list-style-type: none"> <li>• Additionality.</li> </ul> <p>In addition, we have set out the level of detail we consider is required in any proposed compensation measures, and have gone on to identify generic issues raised by the Applicant's proposals:</p> <ul style="list-style-type: none"> <li>• Lack of specific proposals and locations for compensation measures;</li> <li>• Scale of compensation;</li> <li>• Lead-in times for compensation;</li> <li>• Lifetime of compensation in relation to damage.</li> </ul>	
REP1-087:6.1	<p>Below we set out the RSPB's views on the following compensation measures put forward by the Applicant:</p> <ul style="list-style-type: none"> <li>• Offshore and onshore artificial nesting structures (Kittiwake);</li> <li>• Predator eradication (Guillemot and Razorbill);</li> <li>• Potential adaptive management measures for Guillemot and Razorbill.</li> </ul>	The Applicants acknowledge this comment. Detailed responses are provided below.
REP1-087:6.2 - 6.7	<p>Offshore and onshore artificial nesting structures (Kittiwake)</p> <p>The RSPB's comments are based on an assessment of the Applicant's documents, with particular reference to:</p> <ul style="list-style-type: none"> <li>• APP-052: Project Level Kittiwake Compensation Plan (version 1);</li> <li>• APP-055: Collaborative Delivery of Kittiwake Compensation: Letter of Intent;</li> <li>• APP-053: Kittiwake Strategic Compensation Plan;</li> <li>• PDB-003: Project Level Kittiwake Compensation Plan (version 2, tracked);</li> <li>• PDB-007: Project Level Kittiwake Artificial Nesting Structure Site Selection Report; and</li> <li>• AS-088: Project Level Kittiwake Compensation Plan (version 3, tracked).</li> </ul> <p>The RSPB thanks the Applicant for its feedback on our relevant representation set out in PDA-013. We refer where necessary to our various procedural submissions, in particular letters dated 29 October 2024 (PDB-012) and 16 December 2024 (AS-128). We have updated the comments in our Relevant Representation to reflect the position set out in AS-128.</p> <p>This application is unusual in that it, along with the Outer Dowsing scheme, is the first to come forward with an explicit lease requirement to adhere to a strategic compensation plan for Kittiwakes developed by The Crown Estate and associated steering group (APP-053).</p> <p>Based on our reading of the above documents, we understand the Applicant is considering the following possible compensation measures:</p> <ul style="list-style-type: none"> <li>• Offshore Artificial Nesting Structure (oANS): the primary measure under consideration in line with the KSCP;</li> <li>• Onshore Artificial Nesting Structure (ANS): an existing structure at Gateshead is proposed as a potential supporting or adaptive management measure should it be appropriate in the future.</li> </ul> <p>Artificial nesting structures (onshore or offshore) are yet to be proven as an effective compensation measure. The preponderance of onshore ANS compensation measures at various locations on the east coast of England has taken place against a lack of evidence of there being a sufficient pool of nest-limited Kittiwake recruits. Therefore, of the options available at the current time the RSPB's preference is for oANS. These comments are restricted to the oANS measure.</p>	<p>The Applicants acknowledge this comment. The Applicants' primary compensation measure for kittiwake as a protected feature of FFC SPA is the use offshore artificial nesting structures (ANS). This is in alignment with the <b>Round 4 Kittiwake Strategic Compensation Plan</b> [APP-o6o] and the Offshore Wind and Evidence Programme (OWEIP) Library of Strategic Compensation Measures (LoSCM) which provides security that this measure is considered to be ecologically robust.</p> <p>The Applicants installed an onshore ANS at Gateshead in February 2023 and while this is not considered to be a primary measure for the Projects, it is a supporting measure that may deliver a proportion of the kittiwake compensation required or provide adaptive management should it be needed in the future. An assessment for the need of adaptive management will be made once compensation measures are in place and the Projects are operational.</p>

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REP1-087:6.8 - 6.9	<p>Based on our review, it is our current understanding that:</p> <ul style="list-style-type: none"> <li>The Applicant has assumed a worst-case scenario that both Dogger Bank South East and West will be developed, and also noted that construction of the projects could be either sequential or concurrent. This will be relevant to the timing of compensation implementation and some of the RSPB's initial questions below;</li> <li>The Applicant sets out three possible delivery mechanisms (APP-052, paragraph 140): collaboratively, project-led or strategically (e.g. via a future Marine Recovery Fund (MRF) as and when that is implemented by the Government). The Applicant's preference is for a collaborative approach with other OWF developers;</li> <li>Since submission of the DCO, the Applicant has progress worked on oANS site selection. The Applicant concluded that the constraints present within shortlisted AoS in the Kittiwake Strategic Compensation Plan (APP-053) left few viable options and there may have been further opportunities within the wider search area that were not identified in the plan-level work. It therefore carried out further site selection work and appraised newly identified sites alongside selected sites previously identified in the APP-053;</li> <li>The Applicant states that it will select 1-2 Areas of Search for site investigation surveys as part of refining its site selection process (PDB-003, page 63). If the Application is consented, these would be secured through the DCO and deemed Marine Licence. There is no current certainty on the final location of any eventual oANS;</li> <li>The Applicant has confirmed that offshore wind developers will be responsible for licensing, design, commissioning, construction and installation of any oANS (RR-049: 13, PDA-013);</li> </ul> <p>The Applicant had indicated the oANS should be implemented three or four years before operation of the Projects to allow sufficient time for the recruitment of juveniles to the adult population (APP-052, paragraph 169). For the avoidance of doubt, the RSPB's view is that oANS for Kittiwake compensation should be implemented to allow for 4 full breeding seasons before first operation of a turbine. The rationale for requiring four breeding seasons is based on the breeding ecology of the seabird species concerned i.e. Kittiwake. Four years is the accepted typical period of first breeding and an acknowledgement that, assuming successful colonisation in Year 1, first breeding from fledged young will be four years later. It is an acknowledgement of the need to mitigate some of the risk arising from the predicted adverse impact occurring immediately upon first operation and of there being both an inherent delay in the compensation working, and the risk of it not working or not working successfully.</p> <p>In its response to the RSPB's relevant representation, the Applicant has confirmed the RSPB's understanding that the oANS will be bespoke offshore structures requiring similar engineering solutions as for offshore wind turbines (RR-049: 13, PDA-013).</p>	<p>Three candidate sites have been selected from the Areas of search to be taken forward for site investigation (SI) surveys in 2025. From these one or two sites will be taken forward to Marine licence application (anticipated to be before the end of Examination). The locations of these candidate sites are provided in the updated <b>Appendix 1 -Project-Level Kittiwake Compensation Plan (Revision 4)</b> [document reference: 6.2.1] submitted at Deadline 2.</p> <p>The Applicants understand the rationale behind the RSPBs position on installing offshore ANS three to four years in advance of wind farm operation. However, for a number of reasons provided in the <b>Case for Reduction in Kittiwake Breeding Seasons Prior to ANS Installation</b> [document reference 12.6], the Applicants are now proposing a reduction to these timescales.</p> <p>At the point of application, the Applicants committed to installing a project developed ANS three breeding seasons in advance of operation and delivering a collaborative ANS to be installed by another developer four years ahead of operation. This timing was based upon the expectation from historic precedent (of other offshore windfarms at the time) and The Crown Estate's Plan Level Habitats Regulations Assessment (HRA) Round 4 Kittiwake Strategic Compensation Plan [APP-060]. However, recent decisions to accept non-material changes for Hornsea 3 and Hornsea 4 offshore wind farms have reduced this time period to two years in advance of operation. These changes have been accepted on the basis of ecological modelling which demonstrated that ANS would still deliver sufficient compensation over their life expectancy. The Hornsea cases have demonstrated that there is now precedent for consent on the basis of installing two years in advance of operation. Outer Dowsing Offshore Wind (ODOW) has followed this approach and has also submitted a change request, to amend their DCO wording, to align with the approach taken by the Hornsea 3 and 4 offshore wind projects. This change request was accepted into the examination process on 11th February 2025.</p> <p>Given the precedent set by the Hornsea cases , and acceptance of ODOW's recent change request, the Applicants have modelled their impact numbers provided in <b>Appendix 1 -Project-Level Kittiwake Compensation Plan (Revision 4)</b> [document reference 6.2.1] to assess the ability of offshore ANS to provide sufficient compensation within the lifetime of the project should installation occur two years ahead of operation (please see <b>Case for Reduction in Kittiwake Breeding Seasons for ANS installation</b> [document reference 12.6] submitted at Deadline 2). This has demonstrated that, even at low colonisation rates and low productivity, the ANS would be likely to adequately compensate the lifetime collision mortality of the Projects under all but one scenario. Under this scenario, the ANS would be unlikely to compensate for the lifetime collision mortality as calculated, whether the structure is installed either two, or four years in advance of wind farm operation. As such, the Applicants are confident that a reduction in breeding seasons from four to two ahead of operation will deliver the compensation requirements of the Projects and is ecologically viable.</p>
REP1-087:6.10 - 6.11	<p>In our relevant representation (RR-049), to help understand the implications of this for securing installation of an oANS we identified the following initial questions it would be helpful for the Applicant to provide responses to:</p> <ul style="list-style-type: none"> <li>Based on its expert knowledge, its initial assessment of the Areas of Search and ongoing evaluation work, what does it consider are the likely engineering and manufacturing requirements of such a structure?</li> </ul>	<p>The Applicants acknowledge this comment, please refer to response RR-049: 13 in <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] (as cited by RSPB in REP1-087:6.12 - 6.14 below).</p>



I.D.	Written Representation	Applicants' Response
	<ul style="list-style-type: none"> <li>What will these requirements mean in terms of the supply chain and logistics pathways e.g. access to specialist installation vessels, and how might this be affected by each of the sequential and concurrent wind farm construction scenarios?</li> <li>How might this translate into lead-in times for the installation of bespoke oANS, and how does this relate to the Applicant's Sequential and Concurrent development scenarios?</li> <li>What is the Applicant's understanding of when the organisation responsible for commissioning and construction of an oANS under the KSIMP process will be identified and how might this affect the lead-in times?</li> <li>What is the Applicant's understanding of how these lead times will be affected by the different implementation routes it has identified e.g. via the TCE Kittiwake Strategic Implementation and Monitoring Plan (KSIMP), the MRF or by the project alone?</li> </ul> <p>We also asked the following questions in relation to The Crown Estate's role in relation to the KSIMP to be developed under the KSCP (APP-053).</p> <ul style="list-style-type: none"> <li>What steps has The Crown Estate taken to secure a marine licence for an oANS in the alternative Areas of Search?</li> <li>Assuming no steps have been taken as no decision has yet been taken on the preferred Area of Search for any oANS under the KSIMP, what is the Applicant's and The Crown Estate's view on the implications of this for the implementation timeline for any such oANS?</li> </ul>	
REP1-087:6.12 - 6.14	<p>In its response to the RSPB's relevant representation (RR-049: 13, PDA-013), the Applicant provided the following feedback:</p> <ul style="list-style-type: none"> <li>The Applicant is evaluating supply chain and installation vessels options for both fabrication and installation and has produced a design, fabrication and installation programme which aligns to the installation required for the anticipated number of breeding seasons required prior to first generation.</li> <li>oANS fabrication &amp; installation is decoupled from the offshore wind farm foundation programme, as it is anticipated that oANS installation will be needed earlier than wind turbine foundation installation and will likely require different installation vessel due to differing loading and pile diameter requirements;</li> <li>The Applicants are not aware that The Crown Estate has taken any steps to secure a Marine Licence for an oANS (although this is a matter for The Crown Estate), hence the Applicants intent to develop two oANS in collaboration with another developer.</li> </ul> <p>The RSPB welcomes the Applicant's feedback.</p> <p>The RSPB has noted Hornsea Four's change in approach to delivery of its Kittiwake compensation – switching from offshore ANS to onshore ANS - due to "...increasing risks to Orsted H4 regarding supply chain constraints and escalating costs for offshore construction..." (AS-128). In light of this, the RSPB would welcome the Applicant's expert evaluation of the key, foreseeable risks to meeting its fabrication and installation programme and what measures it plans to put in place to mitigate those risks. This is in order to reduce the risk of significant time delays in the implementation of oANS.</p>	<p>The Applicants are currently progressing concept design for top side and foundation via an engineering subcontractor, with a view to developing the tenders for fabrication and installation, as well as actively engaging with the supply chain regarding timing for fabrication &amp; installation. Through this work the Applicants have identified the some potential challenges regarding installation three to four breeding seasons prior to first generation, which together with the biological case (<b>Case for reduction in Kittiwake Breeding Seasons for ANS installation</b> [document reference 12.5] submitted at Deadline 2), precedent set recent decisions (namely Hornsea 3 and 4 Projects), and pre FID financial constraints of ANS installation, have contributed to the Applicants decision to propose a reduction in breeding seasons from four to two, to allow the offshore ANS to be installed prior to first generation.</p>
REP1-087:6.15 - 6.17	<p><b>Predator eradication (Guillemot and Razorbill)</b></p> <p>The RSPB's comments are based on an assessment of the Applicant's documents, with particular reference to:</p> <ul style="list-style-type: none"> <li>APP-056 (Guillemot [and Razorbill] Compensation Plan);</li> </ul>	<p>The Applicants acknowledge this comment and have addressed specific comments from REP1-087:6.22 onwards.</p>



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	<ul style="list-style-type: none"> <li>APP-058 (Guillemot [and Razorbill] Compensation Predator Eradication/Control Site Longlist);</li> <li>PDB-005: Guillemot [and Razorbill] Compensation Plan, version 2 (tracked);</li> <li>PDB-008: Guillemot and Razorbill Compensation Site Shortlist Refinement Report;</li> <li>AS-090: Guillemot [and Razorbill] Compensation Plan, version 3 (tracked).</li> </ul> <p>The RSPB thanks the Applicant for its feedback on our relevant representation set out in PDA-013. We refer where necessary to our various procedural submissions, in particular letters dated 29 October 2024 (PDB-012) and 16 December 2024 (AS-128). We have updated the comments in our Relevant Representation to reflect the position set out in AS-128.</p> <p>Below we have set out our comments as follows:</p> <ul style="list-style-type: none"> <li>General comments;</li> <li>General approach to predator eradication (or island restoration) proposals;</li> <li>Site specific comments; and</li> <li>Potential adaptive management measures for Guillemot and Razorbill.</li> </ul>	
REP1-087:6.18 - 6.19	<p><b>General Comments</b></p> <p>Potential adaptive management measures are suggested should the primary measure prove less effective than the Applicant anticipates. It is acknowledged by the Applicant that the two measures put forward (Artificial Nesting Structures and Bycatch Reduction) lack any current evidence that they would be effective. We comment specifically on bycatch reduction below.</p> <p>As noted earlier in this representation, we consider it important to agree the range of predicted mortalities (using the preferred outputs of the Applicant, Natural England and the RSPB) and apply these to an agreed approach to calculating the scale of compensation required. The wide range of predicted impacts for Guillemot and Razorbill mean it will be important to agree this relatively early in order to inform discussions on the proportionate compensation response required for each level of impact. This will assist in assessing potential locations.</p>	The Applicants acknowledge this comment. Please see the response to REP1-087:5.19 - 5.20.
REP1-087:6.20 - 6.21	<p>We welcome confirmation of the Applicant's reduced short list of potential predator eradication locations. We note that the Applicant proposes either a strategic measure (Isles of Scilly) or project-led measure (either Worms Head or Middle Mouse).</p> <p>Before commenting on the specific measures referred to above, for the purposes of this Written Representation, we wish to draw attention to the following overarching issues, as mentioned in AS-128.</p>	The Applicants acknowledge this comment and have addressed specific comments from REP1-087:6.22 onwards.
REP1-087:6.22	<p><b>Risk factor – availability of Second Generation Anti-Coagulant Rodenticides (SGARs)</b></p> <p>We draw attention to a potentially significant risk factor that would apply to all three remaining potential locations where rat eradication and/or control are being considered. Depending on how this issue develops, it could pose a significant risk to any eradication or control proposal.</p> <ul style="list-style-type: none"> <li>Following a change in the legal uses of SGARs, their use in open areas (essential for any non-native mammal eradication/control measure and associated biosecurity measures) will become illegal in the UK as of 1 January 2025, except where a Critical Situation Permit is issued by the Health and Safety Executive.</li> <li>The RSPB is aware of ongoing discussions to find a solution to enable their future use for conservation predator eradication/control and biosecurity schemes, however, this is still expected to be via the issuing of a Critical Situation Permit. Currently permits can only be issued for the management of Brown</li> </ul>	<p>The Applicants acknowledge this comment and also that risk assessments carried out by regulators, including HSE, have shown that SGARs present a higher risk to non-target species than would normally be acceptable. However, it also recognised that alternative methods of rodent control may have limitations or may not always be suitable to tackle a landscape scale rat eradication project. Under GB Biocidal Products Regulations (BPR) products with unacceptable levels of risk may still be authorised if it can be shown that the negative impact on society and/or the environment of not allowing their use would outweigh the risks of using them, as is the case with SGARs.</p> <p>An industry-led stewardship scheme (Campaign for Responsible Rodenticide use (CRRU)) is in place in the UK for professional use of SGARs, with the key aim being to reduce the exposure of non-target wildlife to SGARs. Stewardship is overseen by a Government Oversight Group (GOG) led by HSE with representatives of other government stakeholders.</p>

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	<p>Rats (not Black Rats nor mice). As there is no guarantee that a permit will be issued for any given site, nor an understanding of how it might apply to compensation measures, we consider this a risk factor which needs to be explored at the examination. We recommend advice is sought by the Applicant and submitted to the Examination as soon as practicable, once the Examination commences. This will enable the implications of this risk to be explored fully.</p>	<p>Knowledgeable of this background, DBS and its consultants will, during its pre-eradication planning phase carry out a diligent rodenticide selection process including the completion of a comprehensive environmental risk assessment where all active rodenticide ingredients are ranked with due consideration of both environment, non-target species and efficacy criteria. In the likely event that a new approval is required for one or more recommended active ingredients, the project will follow best practice/ precedent (including that followed successfully for the derogation to use rodenticide on the Rathlin Island rat eradication project by the RSPB and its consultants) and work alongside the preferred supplier(s), the CRRU, and the Health and Safety Executive to seek approval (Critical Situation Permit) to use the preferred product(s) outdoors for seabird habitat restoration purposes for the duration of the project.</p>
REP1-087:6.23 - 6.25	<p><b>Site survey reports availability and contents</b> An overarching requirement remains the need for a clear timetable on when in 2025 the promised site survey reports for Worms Head and Middle Mouse will be made available for detailed review by the Examining Authority and Interested Parties. In this context, we request that the Applicant provide confirmation on what level of detailed, site specific eradication planning work will be presented to the examination, and when. Consequently, we remain very concerned that the relevant information may not be provided within the examination period in sufficient time for review by both the Examining Authority and Interested Parties. Immediately below we make some high-level comments and go on to make specific comments on each location later in this section.</p> <ul style="list-style-type: none"> <li>Evidence of predation on breeding seabirds: this will be essential to determine whether there is a predation issue that needs to be solved. We would be grateful if the Applicant could update the Examination on which precise methods it will use to detect evidence of predation on breeding seabirds which has occurred during the breeding season (see paragraph 164 in AS-090);</li> <li>Monitoring: we consider it will be important to agree more specific monitoring requirements, linked to agreed success criteria. Among other things, this should include as core requirements breeding population, breeding productivity and, as far as practicable, recruitment into the National Site Network for each species;</li> <li>Evidence of public support for predator eradication/control measures: we welcome the Applicant's recognition of the need for this information (paragraph 121, APP-056). It is a key tenet of predator eradication and control that public support is critical to the success or failure of such measures. Resistance to such measures by relevant parts of the public can result in reduced success or complete failure. We would welcome further information on the form and level of detail of the stakeholder and community consultation that will be carried out and when it will be made available to the Examination.</li> </ul>	<p>Evidence on the presence of rats at both Middle Mouse and Worms Head is currently being gathered (with site survey work being carried out at Worms Head using thermal drones in January 2025 and at Middle Mouse using traps and thermal drone in February 2025). The results of these surveys will be presented within an update of <b>Appendix 2 - Guillemot [and Razorbill] Compensation Plan (Revision 3)</b> [AS-089], at Deadline 3. Subject to approval by the National Trust the Applicants are seeking to carry out further survey work at Worms Head in late spring/early summer 2025 to ground truth the drone habitat surveys, and to potentially undertake further trapping surveys. It is intended that evidence will be provided before the end of the examination. These surveys will seek to gather evidence of rat predation on guillemot and razorbill.</p> <p>Colony surveys at both locations, presented in the <b>Guillemot and Razorbill Compensation Site Shortlist Refinement Report</b> [PDB-008], have recorded potential unoccupied nesting space for guillemot and razorbills. Any trapping work undertaken will allow rat issue samples to be taken for stable isotope work to determine if rats are feeding on guillemot and razorbills.</p> <p>As stated in <b>Appendix 2 - Guillemot [and Razorbill] Compensation Plan (Revision 3)</b> [AS-089], a detailed monitoring plan will be included within the Guillemot [and Razorbill] CIMP. The method of monitoring will be location specific but is proposed to include colony counts and productivity monitoring. The detail of monitoring of the compensatory measures will be agreed with the Steering Group and take account of best practice, emerging research, SNCB advice and any work emerging from the Collaboration in Offshore wind Strategic Compensation (COWSC) group of predator reduction.</p> <p>As stated in the <b>Appendix 2 - Guillemot [and Razorbill] Compensation Plan (Revision 3)</b> [AS-089], the form of stakeholder engagement will be location specific. In relation to Middle Mouse, which is relatively remote and privately owned, this will be predominantly engagement with the landowner, which is already underway. At Worms Head, engagement will be primarily with the National Trust, with any public engagement requirements guided by this discussion. For the strategic project, stakeholder consultation for the Isles of Scilly will be led by the IoSWT.</p>
REP1-087:6.26	<p><b>Timescale for identification of preferred location</b> Versions 2 (PDB-005) and 3 (AS-090) of the Guillemot [and Razorbill] Compensation Plan differ on this point. Version 2 states a location will be secured prior to the end of the examination process (p52, para 129) while version 3 states that by the end of the examination it is anticipated a location will "substantially progressed" or a strategic approach agreed in principle (p65, para 154). Clarification on the Applicant's timings for securing its project-led options needs to be submitted to the Examination so that the Examining Authority</p>	<p>Revision 2 [PDB-005] and Revision 3 [AS-090] of <b>Appendix 2 - Guillemot [and Razorbill] Compensation Plan</b> differ due to the removal of Sheep Island as a potential compensation site following an alteration in the position of the National Trust.</p> <p>By the end of examination, the Applicants anticipate that, subject to positive survey results, an agreement can be in place to secure project-led compensation. It is also hoped that an agreement to</p>

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	and Interested Parties have a fuller understanding on this important issue and enable information on the selected location to be assessed against the best practice criteria (see paras 6.27-6.34 below).	enable the Applicants to contribute to development of a strategic compensation option on the Isles of Scilly may be in place, should this be required.
REP1-087:6.27 - 6.29	<p><b>General approach to predator eradication (or island restoration) proposals</b></p> <p>In our Relevant Representation, we summarised the evidence and information needed to have confidence any predator management (eradication or control) measure would work. Below, we set out in more detail the information required in respect of predator eradication.</p> <p>To succeed, IR needs the effective targeting of 100% of the Invasive Non-Native Species (INNS) to achieve eradication, supported by comprehensive measures to keep the risk of reinvasion low and ongoing capacity to respond effectively to any biosecurity breach. Therefore, it requires the feasibility of removing the INNS from each island to be restored to be firmly established, rather than assumed, combined with ongoing commitment among key stakeholders. This is to ensure successful eradication is sustained through implementation of biosecurity and (48-hour) emergency response plans and securing the resources necessary to implement these measures in perpetuity.</p> <p>The level of detailed information and assessment described below is critical to bottom out before deciding whether an IR scheme is feasible to proceed to implementation. In the context of determining whether a compensation measure is feasible and therefore DCO consent should be granted, this is particularly important.</p>	The Applicants acknowledge this comment and address specific issues in the responses below.
REP1-087:6.30 - 6.32	<p>To have confidence IR will succeed in restoring the seabird species it is intended to benefit requires a good understanding of the vulnerability of the beneficiary seabird species to the INNS to be targeted for removal, and an understanding of the risk of reinvasion by the target INNS (assuming they have been successfully eradicated).</p> <p>The RSPB recognises that predator eradication or island restoration (IR) offers some potential to benefit Guillemots and Razorbills. However, given the lack of practical compensation experience in this area, we consider there remains considerable uncertainty as to its potential as a compensation measure for these two auk species.</p> <p>IR is a complex and highly specialised conservation measure. The RSPB considers the following elements are essential before a proposal to deploy IR as a compensation measure for specific seabird species can be properly assessed to determine if it will have a "reasonable guarantee of success" in line with Defra and EC guidance on compensation.</p>	The Applicants acknowledge this comments and address specific issues in the responses below.
REP1-087:6.33	<p>A full-scale Feasibility Study carried out by a suitable eradication expert contractor to international best practice standards in order to firmly establish that the removal of Invasive Non-Native Species (INNS) for each island to be restored is feasible. This must be assessed against the 7 feasibility criteria set out in Table 1 on page 18 of the Manual of the UK Rodent Eradication Best Practice Toolkit (2018). This will include but is not limited to detailed assessments of the selected islands regarding:</p> <ul style="list-style-type: none"> <li>the presence/absence of the beneficiary seabird species and its historic and current population status;</li> <li>Habitat suitability survey to determine the extent of unoccupied but suitable habitat available to the beneficiary seabird species;</li> <li>Up to date survey to establish the presence of INNS of concern, on both target islands and areas from where they could invade;</li> <li>A good understanding of the vulnerability of the beneficiary seabird species to the INNS to be targeted for removal on the selected islands and evidence to show how they will benefit from the IR proposal;</li> </ul>	The Applicants have been working with leading UK eradication experts since identifying predator eradication as a potential compensation measure and as stated within <b>Appendix 2 - Guillemot [and Razorbill] Compensation Plan (Revision 3)</b> [AS-089], are using the feasibility criteria listed in the UK Rodent Eradication Best Practice Toolkit to determine the suitability of compensation sites.

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	<ul style="list-style-type: none"> <li>Detailed biosecurity and emergency response plans, based on a proper understanding of the risk of reinvasion by the target INNS and to be funded in perpetuity;</li> <li>Evidence that full community support for the IR scheme (eradication, biosecurity and emergency response) has been obtained;</li> <li>Evidence that relevant landowner/occupier consents have been obtained;</li> <li>Evidence that relevant legal consents to carry out IR have been obtained where required.</li> </ul>	
REP1-087:6.34	<p><b>In summary (and in general terms):</b></p> <ul style="list-style-type: none"> <li>Razorbills are thought to be more vulnerable than Guillemots to predation by black and/or brown rat and risk of local extinction due to the accessibility of their nesting habitat;</li> <li>Black rat is likely to be a greater threat than brown rat to either Guillemot or Razorbill due to its greater agility and potential ability to access their nesting habitat.</li> </ul>	The Applicants acknowledge this comment. The accessibility of guillemot (and razorbill) habitat, and therefore for the risk of predation to each species, will be assessed during the pre-eradication surveys undertaken by the Applicants' specialist subcontractor.
REP1-087:6.35 - 6.36	<p><b>Site specific comments</b></p> <p>As set out by the Applicant, the above information is not currently before the Examination for the current list of locations, so it is not yet possible to make any meaningful assessment of the Applicant's predator eradication compensation measures for Guillemot and Razorbill. Therefore, we are only able to provide high level comments at this stage, pending submission of the Applicant's more details survey and feasibility work later in the examination. At this stage, there is insufficient information to assess any of these measures against the criteria set out in section 5 above.</p> <p>Below we set out our current views of the issues raised by the Applicant's most recent updates in relation to strategic (Isles of Scilly) and project-led (Worms Head and Middle Mouse) predator eradication measures.</p>	The Applicants acknowledge this comment and note that an updated version of <b>Appendix 2 - Guillemot [and Razorbill] Compensation Plan</b> (Revision 3) [AS-08g] will be submitted at Deadline 3 or 4 of Examination. Response to specific comments are provided below.
REP1-087:6.37 - 6.39	<p><b>Isles of Scilly (strategic)</b></p> <p>The RSPB notes and agrees with the position of The Wildlife Trusts (TWT) on auk compensation and the Isles of Scilly, specifically its view that its role is as a strategic compensation measure only. We welcome the feasibility work being undertaken by the Isles of Scilly Wildlife Trust (IoSWT) and others to develop a fully costed predator eradication programme, including assessment of its potential value to Guillemots and Razorbills. It would be helpful to know when this work might become available to inform deliberations at the Dogger Bank South examination.</p> <p>The Applicant's most recent documents have acknowledged the TWT position and, among other things, the vital role of community buy-in to any eradication programme. The RSPB reiterates the critical importance of getting community engagement consultation right and would defer to the IoSWT and their partners in the project in how this is carried out to secure community buy-in. This is likely to have implications for the timing of delivery of any predator eradication programme.</p> <p>The Applicant discusses the possible role of a Marine Recovery Fund (MRF) and/or interim measures. This raises a number of issues which we consider require clarification from Defra/DESNZ in respect of establishment of an MRF, appointment of an MRF Operator (MRFO), and the role of COWSC to inform discussions at the Dogger Bank South examination. We have set these out below.</p>	<p>The Applicants hope that an agreement to enable contribution to development of a strategic compensation option on the Isles of Scilly may be in place, should this be required, by the end of examination. However, a detailed eradication programme is unlikely to be developed by TWT prior to the end of examination. This position is clarified in the following statement provided by OWIC:</p> <p><i>"The Offshore Wind Industry Councils (OWIC) Environment and Consents workstream are currently delivering a four-year Strategic Compensation Studies project (SCS), due to end December 2027, funded through The Crown Estate's Offshore Wind Evidence and Change programme and contributions from offshore wind developers. As part of this project the OWIC SCS team are working with key stakeholders, including The Wildlife Trusts and interested developers (including Dogger Bank South), to support a strategic approach to delivering a mammalian predator eradication project in the Isles of Scilly for the purpose of seabird compensation. This may be funded either through Defra's Marine Recovery Fund (MRF), which is anticipated to be fully operational in Q4 of 2025, or an interim delivery mechanism. The development work, which is being led by The Wildlife Trusts, will include the creation of an operational/delivery plan alongside additional survey work to understand and quantify the strategic potential (across multiple seabird species) of predator control on the Islands. The OWIC SCS team are in the process of pursuing an agreement with the relevant stakeholders with the intention of completing this work in 2025. In addition, the OWIC SCS team are currently in the process of procuring legal services to explore the establishment of a functioning developer-led delivery mechanism which would provide the offshore wind industry with a route to collaborative compensation whilst the Government-led MRF is in development. The outputs of this work are due summer 2025."</i></p>



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		<p>It is the Applicants' understanding that stakeholder consultation for the Isles of Scilly will be led by the IoSWT.</p> <p>Points regarding funding are addressed in the responses below.</p>
REP1-087:6.40 - 6.42	<p>In respect of improving collective understanding of a MRF, it is important for the Examination to have clarification from Defra/DESNZ on:</p> <ul style="list-style-type: none"> <li>The role of COWSC and the role of any future MRF Operator in respect of developing implementation plans, as well as the implementation and delivery of specific measures;</li> <li>Who will be responsible for deciding whether it is appropriate for a developer to deliver some or all of its compensation requirements via the MRF and the process by which a developer would discharge its compensation requirements;</li> <li>The timetable for the MRF becoming operational (or at least when they will set out the timetable);</li> <li>The timetable for the COWSC Implementation and Monitoring Plan for Predator Eradication to become publicly available, if this is to be relied on as part of a strategic compensation approach by the Applicant.</li> </ul> <p>We note the Applicant will also explore the possibility of an interim mechanism pending clarification of MRF timescales. The timings of updates to the examination on progress with and the substance of such discussions should be set out by the Applicant.</p> <p>Given the strategic function of any proposed predator eradication on the Scillies, we consider information on the availability of TWTs costed programme, along with more definitive information relating to any proposed interim approach and, from Defra/DESNZ, on the timing and mechanisms related to an MRF as important to help determine whether sufficient information will be available to the examination.</p>	<p>Noted. The Applicants cannot speak on behalf of Defra/DESNZ as to the role of COWSC or the responsible body for decisions regarding the use of the MRF for compensation. However, the Applicants refer to the Ministerial Statement and the Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance of the 29<sup>th</sup> January 2025.</p> <p>The MRF interim guidance states that ahead of the MRF, an outline Implementation and Monitoring Plan must be submitted with the DCO application as normal, and that a full Implementation and Monitoring Plan must be submitted to DESNZ after consent has been granted. There is no mention of the role of COWSC or an MRF operator.</p> <p>The MRF interim guidance also notes the importance of consultation with SCNBs regarding the ability of measures in the MRF to provide the appropriate level of compensation but does not specify who will ultimately be responsible for the decision.</p> <p>The Ministerial Statement specifies 'the launch of a Marine Recovery Fund in late 2025 to provide an optional mechanism for developers to fund delivery of strategic compensatory measures', addressing RSPB's comment regarding the timetable for the MRF becoming operational.</p> <p>Discussions between a number of parties, including OWIC, regarding an interim mechanism are currently ongoing and the Applicants are unable to provide a timetable of updates at this time. As noted in responses to REP1-087:6.26 and 6.37-6.39, the Applicants hope to have an agreement in place by the end of examination and will provide updates when available throughout examination. It is anticipated that, if an agreement is reached, the interim funding mechanism will be to enable development of TWTs detailed programme and this would inform the full Implementation and Monitoring Plan to be submitted post-consent.</p>
REP1-087:6.43 - 6.45	<p><b>Worms Head (project-led)</b></p> <p>To advise on this location as a possible compensation location, it will be critical to establish the ecological need for, and benefit of, any proposed control to the impacted seabirds. Establishing whether or not rats predate breeding seabirds and whether that is detrimental is essential. The Applicant refers to a survey in "Spring 2025", indicating Q2 2025. More precise details are needed on scope, timing and report availability to inform the possibility of full discussion and progress within an examination timetable. As currently worded, we have serious concerns that this critical information may not be available before the end of the examination. An early update to the examination on the programme envisaged between the Applicant and the National Trust is essential.</p> <p>As part of the required discussion at the examination, a key issue will be whether or not it is practicable to control (rather than eradicate) rats at this mainland location while not impeding public access. This will rely on the view of the National Trust being available to the Interested Parties following submission of the survey report.</p> <p>At this stage, without clarification on the availability and scope of the survey reports, we cannot be confident</p>	<p>The Applicants have undertaken drone surveys at Worms Head in February 2025, to investigate the presence of rats and the suitability of habitat for auks. This will be reported in an update to the <b>Guillemot [and Razorbill] Compensation Plan (Revision 3) [AS-089]</b> at Deadline 3.</p> <p>Subject to approval by the National Trust the Applicants are seeking to carry out further survey work at Worms Head in late spring/early summer 2025 to ground truth the drone habitat surveys, and to potentially undertake further trapping surveys. It is intended that evidence will be provided before the end of the examination.</p> <p>The potential location of any fencing would be determined by the survey results. Discussion with the National Trust would determine whether or not this represented a conflict with access. Ultimately this consultation would determine whether measures were acceptable. There are global examples of successful predator control on publicly accessible headlands.</p>



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	the relevant information will be available to the examination in sufficient time for review and detailed discussion.	
REP1-087:6.46 - 6.48	<p><b>Middle Mouse (project-led)</b></p> <p>We agree with the Applicant that there is no definitive information on whether rats are present or not. Our knowledge of seabird populations on Middle Mouse is that they are increasing, including recent colonisation by Gannets. This indicates rats may not be present and this is a critical issue requiring clarification at the earliest opportunity during the examination.</p> <p>Therefore, to advise on this location as a possible compensation location, it will be critical to establish the ecological need for, and benefit of, any proposed eradication to the impacted seabirds. Critically, a comprehensive assessment of rat presence is required and evidence of detrimental predation of seabirds established. The Applicant refers to a survey in "early 2025". More precise details are needed on scope, timing and report availability to inform the possibility of full discussion and progress within the examination timetable.</p> <p>At this stage, without clarification on the availability and scope of the survey reports, we cannot be confident the relevant information will be available to the examination in sufficient time for review and detailed discussion</p>	Surveys are currently (February 2025) underway at Middle Mouse to determine the presence of rats. The results of these surveys will be included in an update to the <b>Guillemot [and Razorbill] Compensation Plan (Revision 3)</b> [AS-089] at Deadline 3 in the examination.
REP1-087:6.49 - 6.50	<p>Current assessment of the Applicant's predator eradication proposals</p> <p>At present, the Applicant has not provided any information on the precise location it intends to carry out any IR scheme. Nor is there a detailed feasibility study and associated implementation and biosecurity plans which can be used to assess whether or not any selected location is both suited to IR and which provides evidence that either Guillemot and/or Razorbill will benefit.</p> <p>Therefore, at present, the RSPB does not have confidence that the predator eradication measure would benefit either Guillemot or Razorbill and so provide compensation. To determine whether an IR scheme will, rather than might, benefit either species in a selected location requires detailed scrutiny of a feasibility study and associated work as part of the examination process.</p>	<p>Predator eradication has been accepted into the Defra Library of Strategic Compensation Measures, as confirmed by the Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance, demonstrating that the UK Government has confidence in this compensation measure. In line with the Interim Guidance, the Applicants have proposed two project-led and one strategic option and are working through the necessary assessments to provide the evidence for each location and provide more detail of how predator eradication and control would be undertaken.</p> <p>Conditions within Schedule 18 of the <b>Draft DCO (Revision 05)</b> [REP1-004] ensure that approval of the final guillemot [and razorbill] compensation by the Secretary of State in consultation with relevant SCNBs, is required in order for certain aspects of the development to progress.</p>
REP1-087:6.51	<p>Potential adaptive management measures for Guillemot and Razorbill</p> <p>As noted above, the Applicant has identified two potential adaptive management measures (Artificial Nesting Structures and Bycatch Reduction). The RSPB agrees with the Applicant that each lacks any current evidence that they would be ecologically effective, including as an adaptive management measure.</p> <p>Therefore, at this time, we will not make detailed comments on either, except to summarise below our current understanding regarding bycatch reduction measures for Guillemot and Razorbill to assist the Examining Authority.</p>	The Applicants acknowledge this comment.
REP1-087:6.52	<p>Bycatch mitigation as a potential adaptive management measure</p> <p>The RSPB's position is set out in its relevant representation (RR-049) and based on trials undertaken by the RSPB and partners as well as detailed review of the evidence published by Hornsea Four offshore wind farm which trialled a device known as the Looming Eyes Buoy (LEB). In the absence of scientifically peer-reviewed evidence from Hornsea Four or other offshore wind farm developers, our results seriously question any reliance being placed on LEBs as a compensation measure. The RSPB remains of the expert view that there is</p>	The Applicants acknowledge the RSPB's position. The Applicants consider that the required compensation will be deliverable through predator eradication and that bycatch reduction will not be required. They will, however, maintain a watching brief on bycatch reduction measures and the evidence to support them.

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	no evidence in the public domain at this time, peer-reviewed or otherwise, that supports the use of the LEB as an effective measure to reduce bycatch in Common Guillemots and Razorbills.	
REP1-087:6.53	<p><b>Summary</b> Section 6 sets out the RSPB's views on the following compensation measures put forward by the Applicant:</p> <ul style="list-style-type: none"> <li>Offshore and onshore artificial nesting structures (Kittiwake);</li> <li>Predator eradication (Guillemot and Razorbill);</li> <li>Potential adaptive management measures for Guillemot and Razorbill.</li> </ul> <p>The RSPB's overarching comment is that the Applicant has failed to put forward detailed and location specific compensation measures for any impacted species. We note the work to narrow down Areas of Search for potential offshore Artificial Nesting Structure locations for Kittiwake compensation. We also note the ongoing refinement of potential locations for predator eradication schemes for Guillemot and Razorbill. However, at this stage, we lack detailed, location specific measures for any of these species, and therefore nor have any been secured.</p> <p>It is therefore not possible at this stage for the RSPB to assess any of the compensation measures properly and provide detailed advice to the Examining Authority on whether each has a reasonable guarantee of success in meeting specific, agreed compensation objectives</p>	The Applicants acknowledge this comment. Please see responses to individual comments above.

## 2.15 Stephen Mounce

Table 2-15 The Applicants' response to Stephen Mounce's written representation [REP1-090]

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REP1-090:1	I am responding to the above consultation as an Interested Party (20050002) and providing some feedback on the proposed changes/ current version of the proposal. I am a local resident of who is particularly interested in the impacts of the overland cable route on ancient woodland and veteran trees, particularly Burton Bushes/ Beverley Westwood (a unique site and very popular nature amenity area for the public), both as a community area, as a unique habitat and in terms of archaeological interest.	No response is required.
REP1-090:2	At the last meeting (Specific Hearing 1 (ISH1)) the issue of removal of ancient woodland/ veteran trees near the substation was raised by The East Riding of Yorkshire Council. The response by RWE was unsatisfactory, they did not appear to have explored what would be considered due diligence to mitigate the effect on local woodlands, and the ERC questioning needed further research. This needs investigating further.	The Applicants have provided a summary of the oral submissions made at Issue Specific Hearing 1 (ISH1) and Issue Specific Hearing 2 (ISH2), including further clarifications where necessary, in the <b>Applicants Written Summaries of Oral Submissions Made at CAH1, ISH1 and ISH2</b> [REP1-049]. Details of the submissions on woodland and veteran trees are in the ISH2 summary in section 4.8.5. The Applicants confirmed enhancement of ancient woodland referred to in the <b>Draft Development Consent Order (DCO) (Revision 5)</b> [REP1-004] as Work No 29A and shown on the <b>Works Plans (Onshore) (Revision 3)</b> [PDA-003] means simple woodland management measures and the expansion of the woodland through natural regeneration and some complementary planting. The <b>Outline Ecological Management Plan (OEMP) (Revision 3)</b> [AS-114] has been updated at Deadline 2 to provide further details on the proposed management measures for Bentley Moor Wood. See also response to Onshore Action Point 14 (Table 5-1) in <b>The Applicants' Responses to January 2025 Hearing Action Points (Revision 2)</b> [AS-155]. This would boost biodiversity in the ancient woodland. The Applicants also mentioned that there are various instances where mitigation will be required to avoid impacts on veteran trees, this is detailed in the

I.D.	Written Representation	Applicants' Response
		<p><b>Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 2)</b> [AS-036]. The Applicants confirmed no ancient woodland, or veteran trees would be removed to construct the Projects, however some mitigation may be required to ensure the protection of root protection zones. This is detailed in the Outline Arboricultural Method Statement. A detailed Arboricultural Method Statement will be prepared and agreed with the East Riding of Yorkshire Council prior to construction. As stated in the <b>OEMP (Revision 3)</b> [AS-114], the final Arboricultural Method Statement will form part of the final Ecological Management Plan, secured through <b>Draft DCO (Revision 5)</b> [REP1-004] Requirement 12.</p> <p>The Examining Authority (ExA) asked the East Riding of Yorkshire Council at ISH2 if they had reviewed the <b>Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 2)</b> [AS-036] as their Local Impact Report [PDC-007] suggested they had not received it. They confirmed they had now reviewed the document which was submitted in November 2024. They confirmed although there was some loss of trees, they had been avoided by the Applicants, wherever possible. They also confirmed the <b>Project Change Request 2 - Onshore Substation Zone</b> [AS-152], which has now been accepted by the ExA, would reduce the number of trees identified for removal at the Onshore Substation Zone.</p>
REP1-090:3	<p>This new version of the proposal seems to be improved in that (provided the map at <a href="https://interactivemap.doggerbanksouth.co.uk/">https://interactivemap.doggerbanksouth.co.uk/</a> is correct) the proposed overland corridor is now given around a 100m gap whilst circling around Burton Bushes and the Westwood. This is better than some earlier maps which had this corridor right next to the Westwood which was completely inappropriate. In fact this is referred to in the November newsletter (having not being addressed previously nor still in the archaeology section) "Avoids the designated landscape at Westwood Common;" and under ecology p5 "Potential impact on Beverley Westwood and Burton Bushes Sites of Special Scientific Interest (SSSI)":</p> <ul style="list-style-type: none"> <li>• The cable route avoids both Beverley Westwood and Burton Bushes SSSI.</li> <li>• Temporary construction compounds have been selected that are further away from Burton Bushes SSSI to minimise impact.</li> <li>• We have committed to Horizontal Directional Drill under woodland areas to leave them undisturbed and in situ.</li> </ul> <p>Comment: Can RWE confirm there is no drilling under Burton Bushes or the Westwood? This does not seem to be on the map and should not be allowed.</p>	<p>Please see <b>The Applicants' Response to Relevant Representations</b> Table 7.5.1 [PDA-013] and <b>Project Change Request 2 - Onshore Substation Zone</b> Table 5-6 [AS-152].</p> <p>As detailed in <b>Chapter 18 Terrestrial Ecology and Ornithology (Revision 4)</b> [PDC-002] Burton Bushes and Beverley Parks Local Nature Reserve (LNR) are statutory designated sites, located on <b>Figure 18-3</b> [APP-141]. With the reduction of the Onshore Development Area since the Preliminary Environmental Information Report (PEIR), Burton Bushes Site of Special Scientific Interest (SSSI) and Beverley Parks LNR are no longer adjacent to the Onshore Development Area. Burton Bushes SSSI is now approximately 0.12km away, Beverley Westwood Local Wildlife Sites (LWS) (Newbald Rd and Waxcaps), shown on <b>Figure 18-4</b> [APP-141] have also been avoided.</p> <p>The Applicants can confirm that there will be no trenchless crossing (e.g. Horizontal Directional Drilling) beneath the Beverley Westwood LWS / Burton Bushes SSSI.</p>
REP1-090:4	<p>Whilst the adjustments described in the first two points are welcome, I still contend that the corridor and construction sites and buildings are too close to wildlife habitats/ archaeological SSIs to me (e.g. Burton Bushes) and general peaceful amenity areas on the Westwood. There appears to be quite a lot of construction of 'temporary construction compounds' near to or next to various parts of the Westwood. The York road will be significantly disrupted.</p>	<p>Please see <b>The Applicants' Response to Relevant Representations</b> [PDA-013].</p> <p>The Applicants have followed a comprehensive, iterative site selection process to develop the most appropriate Onshore Export Cable Corridor, as set out in <b>Chapter 4 Site Selection and Assessment of Alternatives (Revision 2)</b> [AS-017]. As detailed in <b>Chapter 18 Terrestrial Ecology and Ornithology (Revision 4)</b> [PDC-002] Burton Bushes and Beverley Parks LNR are statutory designated sites, located on <b>Figure 18-3</b> [APP-141]. With the reduction of the Onshore Development Area since the PEIR, Burton Bushes Site of SSSI and Beverley Parks LNR are no longer adjacent to the Onshore Development Area. Burton Bushes SSSI is now approximately 0.12km away, and Beverley Parks LNR is 0.62km away. Beverley Westwood LWS (Newbald Rd and Waxcaps), shown on <b>Figure 18-4</b> [APP-141] have also been avoided.</p>

I.D.	Written Representation	Applicants' Response
		<p>Whilst the Onshore Development Area now avoids any impacts to the Beverley Westwood, as described above, the site does fall within the Study Area for the Onshore Archaeology and Cultural Heritage assessment. <b>Chapter 22 Onshore Archaeology and Cultural Heritage (Revision 2)</b> [AS-092] considers any potential impacts to archaeological sites at the Beverley Westwood, including temporary changes to the setting of heritage assets on the Beverley Westwood, and concludes that no significant residual impacts are anticipated.</p> <p>There are no Temporary Construction Compounds (TCCs) located within Beverley Westwood. As shown on <b>Chapter 5 Project Description, Figure 5-3</b> [APP-072], the closest satellite TCC for the construction of the Onshore Export Cable Corridor is located where there is a trenchless crossing of the B1230 (Broadgate), crossing Rx-033 within the <b>Obstacle Crossing Register (Revision 2)</b> [AS-053]. There would also be Temporary Construction Compounds for the trenchless crossings of Newbald Rd (RX-031) and York Rd (RX-030). These trenchless crossing compounds would be located on either side of the road to allow the drill to take place and to allow traffic to continue to use these roads during construction, minimising disruption.</p> <p>There is the potential for disturbance caused by works associated with the Onshore Export Cable Corridor and Onshore Converter Station(s), including the trenchless crossing compounds due to activities which generate fugitive emissions (i.e. dust and emissions from an increase in construction traffic and road access), noise disturbance from increased traffic, and trenchless crossing such as Horizontal Directional Drilling (HDD). However, this would be controlled through measures in the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025] and the <b>Outline Construction Traffic Management Plan (Revision 2)</b> [AS-020] and the effects are not considered significant. Further information on potential noise, air quality and traffic impacts and proposed mitigation can be found in <b>Chapter 25 Noise (Revision 2)</b> [REP1-019], <b>Chapter 26 Air Quality</b> [APP-208] and <b>Chapter 24 Traffic and Transport</b> [APP-195].</p> <p>In section 4.11.4 of <b>The Applicants' Written Summaries of Oral Submissions Made at CAH1, ISH1 and ISH2</b> [REP1-049], the Applicants confirmed that there are two locations where a trenchless crossing compound that requires a generator may be within 200m of the Burton Bushes designated sites but that these trenchless crossing compounds will only be required for short term operations of up to one month, as they are relatively simple crossings.</p> <p>The Applicants noted that the worst case has been assessed and controls will be put in place to minimise any impacts on designated sites. These control measures will be set out in the Code of Construction Practice, at the detailed design stage which will need to be agreed with the East Riding of Yorkshire Council as the local planning authority as outlined in <b>Draft DCO (Revision 5)</b> Requirement 19 [REP1-004]. There is also an option to micro-site the generators within the trenchless crossing compound in the vicinity of the Burton Bushes designated site to be more than 200m away, if necessary.</p>
REP1-090:5	I spoke to <redacted>, a transport consultant/ contractor at the 2023 consultation event who gave me a lot of detailed information about the practicalities, timings, HGV, transport disruption, buildings, lengths per section. He explained the overland corridor is split into 15 sections overall, with each section requiring about 12 months of constructions, digging works, HGVs etc. One of these sections (16a) runs down the back length of the Westwood (including alongside Burton Bushes) and is forecast to last for months 15 to 26 of the project (likely earliest 2027 if the plan goes ahead and of course dependent on the National Grid Creyke Beck proposal).	An indicative construction programme is included in section 5.8.2 of <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009]. The Applicants have not committed to constructing any section of the Onshore Export Cable Corridor within 12 months. The indicative programme includes the key assumption that the first Project would install the landfall and Onshore Export Cable Corridor ducts for the second Project. The first Project would reinstate the ducted sections within two years, between Jointing Bays.



I.D.	Written Representation	Applicants' Response
		It should be noted that certain TCCs and Haul Road may be needed to pull cables through the installed ducts. These would remain in place for the duration of the construction works up to six years in a sequential construction scenario.
REP1-090:6	Therefore, likely there could be large scale construction activities, major transport disruption, noise pollution, wildlife/ ecology impacts, amenity impacts, possible knock on archaeological damage for Beverley Westwood for a period of up to 12 months as the plans stand. Incredibly, in section 3.3.3. of the PEIR in point 178 for potential impacts on tourism and users of recreational routes the "effects were assessed as negligible. no mitigation measures are proposed". Human health aspects were similarly glossed over in points 168 and 169.	<p>There is the potential for disturbance caused by works associated with the Onshore Export Cable Corridor on the Beverley Westwood LWS/Burton Bushes SSSI due to activities which generate fugitive emissions (i.e. dust and emissions from an increase in construction traffic and road access), noise disturbance from increased traffic, and trenchless crossing such as HDD. However, this would be controlled through <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025] and <b>Outline Construction Traffic Management Plan (Revision 2)</b> [AS-020], and the effects are not considered significant. As described above in REP1-090:4, York Road, Broadgate and Newbald Rd will all be crossed by a trenchless crossing and therefore disruption to traffic flow will be minimised and controlled by measures in the <b>Outline Construction Traffic Management Plan (Revision 2)</b> [AS-020].</p> <p>Whilst the Onshore Development Area now avoids any impacts to the Beverley Westwood, as described above, the site does fall within the Study Area for the Onshore Archaeology and Cultural Heritage assessment. <b>Chapter 22 Onshore Archaeology and Cultural Heritage (Revision 2)</b> [AS-092] considers any potential impacts to archaeological sites at the Beverley Westwood, including temporary changes to the setting of heritage assets on the Beverley Westwood, and concludes that no significant residual impacts are anticipated.</p> <p>A full assessment of potential impacts on ecological receptors is presented in <b>Chapter 18 Terrestrial Ecology and Ornithology (Revision 4)</b> [PDC-002] which concludes that there are no residual significant impacts on the Beverley Westwood, following the implementation of mitigation measures outlined in the <b>OEMP (Revision 3)</b> [AS-114] and <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025].</p> <p>An assessment of the Projects impact on human health is provided in <b>Chapter 27 Human Health</b> [APP-214] of the Environmental Statement. The assessment draws upon relevant public health information and also considers the residual impacts from other Environmental Statement Chapters (e.g. noise, air quality, tourism and recreation, landscape and visual, etc). Potential health impacts associated with the Projects (e.g. construction related noise, air quality impacts) are found to be not significant following the implementation of mitigation outlined in <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025].</p> <p>The potential temporary construction impacts on Public Right of Way (PRoW) is included in <b>Chapter 21 Land Use (Revision 2)</b> [AS-111] and would be mitigated through the implementation of the control measures included in PRoW Management Plan, which will be agreed with East Riding of Yorkshire Council prior to construction. An Outline PRoW Management Plan is included in Appendix C of the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025]. This includes measures to keep PRoW open during the temporary construction works, with only short periods of temporary closure while temporary crossing methods are installed for users.</p>
REP1-090:7	I would like to highlight the following (particularly as the PEIR ignored important information about Burton Bushes and didn't mention it or the Westwood once - very cursory and sub-standard):	The Applicants note that the comments are referencing the project design at PEIR stage; and would like to draw attention to the revision in project details since PEIR which can be found in <b>Chapter 4 Site Selection and Consideration of Alternatives (Revision 2)</b> [AS-017] along with the final project design which can be found in <b>Chapter 5 Project Description, Figure 5-3</b> [APP-072].



I.D.	Written Representation	Applicants' Response
	<ul style="list-style-type: none"> <li>Burton Bushes is a unique habitat of 25 acres of ancient woodland (pre 1500s), is designated as a Site of Special Scientific Interest including for Quercus robur - Pteridium aquilinum - Rubus fruticosus woodland (Broadleaved, mixed and Yew).</li> </ul> <p>SSSI designation:  <a href="https://designatedsites.naturalengland.org.uk/SiteList.aspx?siteName=Burton%20bushes&amp;countyCode=&amp;responsiblePerson=&amp;DesignationType=All">https://designatedsites.naturalengland.org.uk/SiteList.aspx?siteName=Burton%20bushes&amp;countyCode=&amp;responsiblePerson=&amp;DesignationType=All</a>  Map:  <a href="https://magic.defra.gov.uk/MagicMap.aspx?startTopic=Designations&amp;activelayer=sssiIndex&amp;query=HYPERLINK%3D%271002049%27">https://magic.defra.gov.uk/MagicMap.aspx?startTopic=Designations&amp;activelayer=sssiIndex&amp;query=HYPERLINK%3D%271002049%27</a></p> <ul style="list-style-type: none"> <li>The woodland trust has identified over 40 unique ancient trees in this wood:  <a href="https://ati.woodlandtrust.org.uk/treesearch/?v=2161204&amp;ml=map&amp;z=17&amp;nwLat=53.84295110571505&amp;nwLng=0.47212924667010103&amp;seLat=53.838494534874606&amp;seLng=-0.4567762822688559">https://ati.woodlandtrust.org.uk/treesearch/?v=2161204&amp;ml=map&amp;z=17&amp;nwLat=53.84295110571505&amp;nwLng=0.47212924667010103&amp;seLat=53.838494534874606&amp;seLng=-0.4567762822688559</a></li> <li>It is also a haven for birds, with over 63 varieties including greater spotted woodpecker, tawny owl, chiffchaffs and blackcaps.</li> <li>Burton Bushes is also a site of archaeological significance (Earthworks on the floor of Burton Bushes indicate probable agricultural enclosures, probably from the Romano-British period (c. AD 50-390)) - as is the Westwood in general (three Bronze Age Barrows). The neighbouring field to Burton Bushes i.e. containing the corridor could potentially contain similar areas of interest.</li> </ul> <p>English heritage Survey from 2004:  <a href="https://historicengland.org.uk/research/results/reports/6453/WestwoodCommonBeverley_anArchaeologicalSurvey_SurveyReport">https://historicengland.org.uk/research/results/reports/6453/WestwoodCommonBeverley_anArchaeologicalSurvey_SurveyReport</a></p>	<p>The Applicants note the additional detail regarding the Burton Bushes SSSI. <b>Chapter 18 Terrestrial Ecology and Ornithology (Revision 4)</b> [PDC-002] identified Burton Bushes SSI in the baseline in section 18.5.2.2 and it is included in the assessment of construction disturbance to statutory designated nature conservation sites (Impact 1) in section 18.6.1.1. The Burton Bushes SSSI and the Beverley Westwood Waxcaps and Newbald Road LWS are identified in <b>Appendix 18-2 Habitat Survey Report (Revision 2)</b> [PDC-004] and can be seen on the Figure in Appendix B of this report, drawing title 'Appendix B.1G Statutory and Non-Statutory Designation'.</p>
REP1-090:8	<p>Whilst I understand the need for these energy infrastructure projects I therefore make representation that this plan has made a poor decision on the onshore export cable corridor route and has not sufficiently thought through and investigated impacts (particularly around ecology, archaeology and heritage) on Beverley Westwood and Burton Bushes with the present corridor. It should be moved even further away from Burton Bushes and the Westwood to protect habitats and mitigate the other issues highlighted.</p>	<p>Please see <b>The Applicants' Response to Relevant Representations</b> [PDA-013] and <b>Project Change Request 2 - Onshore Substation Zone</b> [AS-152].</p> <p>The Applicants have followed a comprehensive, iterative site selection process to develop the most appropriate Onshore Export Cable Corridor, as set out in <b>Chapter 4 Site Selection and Assessment of Alternatives</b> (Revision 2) [AS-017].</p> <p>Following project design refinement since PEIR, the Burton Bushes SSSI and Beverley Parks LNR are no longer adjacent to the Onshore Development Area. Burton Bushes SSSI is now approximately 0.12km away, and Beverley Westwood LWS also avoided. Potential construction effects are controlled through the measures <b>Outline Construction Traffic Management Plan (Revision 2)</b> [AS-020], <b>OEMP (Revision 3)</b> [AS-114] and the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025]. When the construction works are complete the Onshore Export Cable Corridor Development Area will be reinstated and above ground infrastructure along the Onshore Export Cable Corridor limited to the above ground manhole covers to allow access for below ground Link Boxes and marker posts.</p>

I.D.	Written Representation	Applicants' Response
REP1-090:9	As a general comment, I was rather shocked to hear that only 4-6 members of the public responded to the consultation (one of which was myself) - I felt that information provided about the scheme and its impacts was rather under the radar.	<p>The Applicants have carried out an extensive statutory and non-statutory consultation programme which the Planning Inspectorate confirmed is adequate and satisfactory, and meets all statutory requirements, as evidenced in the Planning Inspectorates decision to accept the application for examination (Notification of Decision to Accept Application, 10th July 2024). In addition, positive 'Adequacy of Consultation' responses were received from all relevant local planning authorities (including East Riding of Yorkshire Council, Hull City Council) during the Applications' acceptance period.</p> <p>With regard to the <b>Project Change Request 2 - Onshore Substation Zone</b> [AS-152] consultation, as detailed in document [AS-152] the consultation approach, scope and methods as set out in sections 5.1 to 5.4 of the document were subject to consultation with the ExA. The ExA confirmed their agreement of this targeted consultation approach in their Rule 17 letter issued 7th November 2024 [PD-007], subject to the addition of a number of stakeholders to the circulation list. The Applicants carried out their consultation as per the agreed approach with the Examining Authority and consider that it is adequate and satisfactory.</p>

## 2.16 The Wildlife Trusts

Table 2-16 The Applicants' response to The Wildlife Trusts' written representation [REP1-o88]

I.D.	Written Representation	Applicants' Response
REP1-o88:1.1	<p><b>1. Introduction</b></p> <p>1.1. The Wildlife Trusts are a federation of 46 individual Wildlife Trusts and a central charity, the Royal Society of Wildlife Trusts. Together we have more than 900,000 members, 39,000 volunteers and 3,600 staff across the UK. We share a vision of nature in recovery, with abundant, diverse wildlife and natural processes creating wilder landscapes where people and nature thrive.</p>	No response is required.
REP1-o88:1.2	1.2. The Wildlife Trusts support action to tackle climate change and recognise the serious threat to nature if action is not taken. However, we also face an ecological emergency with 41% of species in decline in the UK. All infrastructure projects aiming to reduce emissions to meet our net zero targets must also mitigate their impacts on the environment, to ensure net zero and nature recovery can be delivered in tandem.	No response is required.
REP1-o88:1.3	1.3. The Wildlife Trusts has extensive experience in offshore wind farm development and has engaged in examinations for over 10 years. During the evidence plan process for Dogger Bank South (DBS), our engagement focused on The Crown Estate's plan level assessment and strategic compensation for impacts to Dogger Bank SAC. Since January 2024, The Wildlife Trusts have had observer status on The Crown Estate Dogger Bank Strategic Compensation Steering Group. Since the application was entered, The Wildlife Trusts and the Isles of Scilly Wildlife Trust have engaged with the applicant on auk compensation due to interest in the delivery of this measure on the Isles of Scilly.	No response is required.
REP1-o88:2.1.1	<p><b>2. Summary of Wildlife Trust concerns</b></p> <p><b>2.1. Site extension as compensation</b></p>	The Applicants acknowledge this comment – please see REP1-o88:3.

I.D.	Written Representation	Applicants' Response
	<p>2.1.1. The Wildlife Trusts would like to engage throughout examination to ensure a strategic approach to compensation is secured in relation to the impacts of DBS on Dogger Bank Special Area of Conservation (SAC). In order to meet the governments targets for an ecologically coherent network of Marine Protected Areas (MPAs), we see site extension to the Dogger Bank SAC as the only viable compensation option. This is the only option that we consider will provide like-for-like with respect to the habitat impacts this project will have, and one which also prevents a no net loss to the UKs MPA network. This is provided that the compensation package sits within a wider framework of measures. For further details, please see Appendix table 1.1.</p>	
REP1-088:2.1.2	<p><b>2.2 Physical damage to sandbank feature</b></p> <p>2.1.2. Sandeel serve as an essential prey source for fish, seabirds and marine mammals within the ecosystem of Dogger Bank SAC. They are a benthic, burrowing species with high site fidelity that inhabits the sandy substrates of Dogger Bank, where they also spawn (Lindegren et al. 2018). Sandeel are also a key target species heavily exploited by the fishing industry, which has recently been restricted under the site's management plan. The Joint Nature Conservation Committee (JNCC) has stated that despite the recent removal of certain types of damaging fishing pressures from the site, the full recovery of this ecosystem would be severely hindered by additional pressures (JNCC Dogger Bank SAC SACO, 2022).</p>	<p>Sandeels are widely distributed throughout the southern North Sea and are not spatially limited or unique to the Dogger Bank SAC. Figure 2-2 of the <b>Report to Inform Appropriate Assessment Habitats Regulations Assessment - Appendix B – Sandeel Habitat Potential in the Dogger Bank SAC and Southern North Sea SAC</b> [App-050] best illustrates the point on the wide distribution of sandeel in the Southern North Sea and relation to the Southern North Sea SAC and the Offshore Development Area.</p> <p>Whilst sandeel are a common prey item, highly mobile predators such as birds and marine mammals have a wide diet and in some cases feed opportunistically dependent on available resource.</p> <p>The effects of the Projects (both permanent habitat loss and temporary disturbance) represent very small footprints. With regard to sandeel habitat, temporary effects would affect 0.23% of the medium to high potential habitat for sandeel of the SAC, and permanent effects 0.018% of the medium to high potential habitat for sandeel of the SAC (figures from AS-051). Although there is no definition of what 'full recovery of this ecosystem' represents, the Applicants consider that it would be difficult to argue such small footprints as being able to 'severely hinder' recovery particularly as the fishery which has been removed affected 70% of the SAC (based upon 2016 VMS data).</p>
REP1-088:2.1.3	<p>2.1.3. The Wildlife Trusts do not agree with the applicant's position of no Adverse Effects on Integrity (AEoI) on the Dogger Bank SAC due to physical damage to the subtidal sandbank feature. Recent findings by the Crown Estate (2022) in their Round 4 plan-level HRA assessment, supersedes previous casework decisions identified by the applicant to support their position and has been signed off by the Secretary of State for the Department of Energy Security and Net Zero (DESNZ, 2021).</p>	<p>The Applicants direct TWT to the <b>Review of evidence on recovery of sandbank habitat following habitat damage</b> [AS-025] report (issued in November 2024) which provides additional evidence regarding the impact of physical damage on the subtidal sandbank and observed speed of recovery with site-specific examples from the Dogger Bank.</p>
REP1-088:2.3.1	<p><b>2.3 Underwater noise impacts (UWN) on the Southern North Sea SAC</b></p> <p>2.3.1 The project lies within the Southern North Sea SAC which has protections in place for harbour porpoises with regards to UWN. The Wildlife Trusts have concerns that the project has the potential for significant adverse effects in isolation and in combination with other renewables projects in the area (Dogger Bank A, B, C, D and Sofia). There are mitigation measures that could be implemented that have not been discussed in this proposal, specifically regarding noise abatement systems (NAS). On 21st January 2025 Defra published the Marine Policy Paper – Reducing Marine Noise which states that <i>"From January 2025...all offshore wind pile driving activity across all English waters will be required to demonstrate that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods in the first instance."</i> The applicant must therefore strengthen their commitment to employ mitigation to reflect this change in policy.</p>	<p>The Applicants are aware that a new policy paper from Defra – Reducing Marine Noise has been published which states that <i>"From January 2025...all offshore wind pile driving activity across all English waters will be required to demonstrate that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods in the first instance."</i> The Applicants have reviewed the policy paper and are considering all mitigation options, including primary and secondary noise reductions described in section 9 of the <b>In-Principle Site Integrity Plan (SIP) (Revision 3)</b> [document reference: 8.26]. This includes noise mitigation, and for that reason NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters.</p>

I.D.	Written Representation	Applicants' Response
REP1-088:2.4.1	<p><b>2.4 Flamborough and Filey coast SPA Auk compensation plan</b></p> <p>2.4.1 The Isles of Scilly Wildlife Trust has been working since early 2023 with a number of stakeholders on the development of a predator eradication programme on the Isles of Scilly. The applicant has identified the Isles of Scilly as a potential location for the delivery of predator eradication as compensation to impacts of Auks. The Wildlife Trusts and the Isles of Scilly Wildlife Trust have held a number of discussions with the applicant regarding this. After careful consideration, The Wildlife Trusts and Isles of Scilly Wildlife Trust have decided that we can only take predator eradication forward on the islands as a strategic compensation measure, to be funded by the Marine Recovery Fund. We are happy to work with industry to explore what an interim approach could look like in lieu of the Marine Recovery Fund being established, but we cannot take individual payments from developers to deliver the programme on the Isles of Scilly. Being associated with rigid planning conditions associated with individual projects could put the delivery of a long-term conservation measure at risk.</p>	<p>The Applicants acknowledge TWT's position and are working with the Offshore Wind Industry Council (OWIC) to explore potential options for an interim method of strategic compensation delivery in advance of the Marine Recovery Fund (MRF).</p>
REP1-088:2.4.2	<p>2.4.2 The Wildlife Trusts welcome that the applicant agrees that the strategic compensation is the most appropriate approach to deliver a predator eradication scheme on the Isles of Scilly. We also welcome the applicant's openness to find a pragmatic solution in advance of the Marine Recovery Funding being established.</p>	<p>The Applicants acknowledge this comment.</p>
REP1-088:2.4.3	<p>2.4.3 The Wildlife Trusts have now secured further funding until the end of March 2025 to begin to develop the programme as a strategic compensation measure. We are in the process of developing a further funding package to allow us to develop a programme of predator eradication on the Isles of Scilly which can be adopted onto the Library of Strategic Compensation measures. We are happy to provide further updates throughout the examination period.</p>	<p>The Applicants acknowledge this comment. The Applicants would clarify that predator eradication is already adopted into the Library of Strategic Compensation Measures as stated in the Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance. However, we note that TWT are referring specifically to a programme of eradication on the Isles of Scilly.</p>
REP1-088:2.5.1	<p><b>2.5 Concerns around the quality of the application and the lack of completeness surrounding key sections</b></p> <p>2.5.1 We have concerns that a number of items are yet to be fully discussed, such as UWN mitigation and auk compensation. We would expect these issues to be largely settled at prior to examination. This sentiment has been reflected by the ExA in their recent decision to delay examination until these issues can be substantially rectified. Previous Secretaries of State have made it clear that the Nationally Significant Infrastructure Project examination process is not designed for consultation on complex issues (DESNZ, 2021). Incomplete applications result in planning delays and increased costs to both the applicant and stakeholders, wasting valuable resources and clogging up valuable examination time.</p>	<p>The Applicants consider that commencement of the Examination signifies that the auk compensation is suitably progressed for the current stage of the process.</p> <p>The Applicants wish to clarify that UWN mitigation was not given as a reason for the delay to Examination. With regard to underwater noise mitigation, this is an evolving issue. Please see responses to REP1-088:10 to REP1-088;15.</p>
REP1-088:2.5.2	<p>2.5.2 We have also made a request for confirmation that a review of consents report for the Dogger Bank SAC as required by the Competent Authority under Section 33 of the Offshore Habitats Regulations. This is yet to be made available in the Documents Library.</p>	<p>The Applicants note that Regulation 33 of the Conservation of Offshore Marine Habitats and Species Regulations 2017 requires a review of existing consents to be carried out where a new European site is designated and that designation would have resulted in the need for an appropriate assessment to be carried out, had the site been designated at the time that the existing consents were approved. The Applicants are unclear of the context for The Wildlife Trust's request, given that the Habitats Regulations have applied to the Dogger Bank SAC since 2011<sup>23</sup>, or who this confirmation is being sought from and would welcome further clarification.</p>

<sup>23</sup> <https://jncc.gov.uk/our-work/dogger-bank-mpa/>



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Appendix 1: Summary of The Wildlife Trusts concerns regarding DBS - 1.1 Site extension as Dogger Bank SAC compensation		
REP1-088:3	<p>The Wildlife Trusts approves of site extension only as a compensation measure.</p> <p>Dogger Bank SAC has particular significance within the biogeographical region in which it is located due to the size, structure, function and supporting processes for which it has been designated (JNCC, 2022). In fact, Dogger Bank is a unique SAC within the MPA network due to its glacial formation and position as a major upwelling site within the offshore North Sea. Its features allow it to support multiple fish, seabird and marine mammal species. The Wildlife Trusts only support site extension as compensation for the habitat impacts on the SAC. This is the only measure that will ensure that recovery of Dogger Bank SAC will not be hindered and will meet legal obligations including:</p> <ul style="list-style-type: none"> <li>The coherence of the UK National Sites network, as required under 36 of the Offshore Habitats Regulations.</li> <li>A well-managed and ecologically coherent network of Marine Protected Areas as required under Section 123 and 126 of the Marine and Coastal Access Act and international agreements such as OSPAR.</li> <li>Environment Act MPA targets of 70% of protected features in favourable condition by 2042, with the rest in recovering condition.</li> </ul>	<p>The Applicants acknowledge this comment. The Applicants' primary measure to compensate for impacts to sandbanks submerged by sea water all of the time as a feature of the Dogger Bank SAC is new MPA designation or extension. This measure will be delivered for multiple projects on a strategic basis by Defra as outlined in Defra's Written Ministerial Statement dated 29<sup>th</sup> January 2025. The Applicants would support an extension of the Dogger Bank SAC and have gone so far as to undertake a preliminary benthic survey of an area to the north of the existing SAC boundary to demonstrate the potential suitability of this region as a candidate site (see <b>Extension of the Dogger Bank SAC for HRA Derogation Compensation – rationale and evidence base</b> [APP-062]). However, it is not within the Applicants power to determine a new MPA designation location. This process will be overseen by Defra in consultation with SNCBs and relevant stakeholders.</p>
Appendix 1: Summary of The Wildlife Trusts concerns regarding DBS - 1.2 Physical damage to sandbank feature		
REP1-088:4	<p><b>Environmental Statement (ES) Chapter 9. 9.6.2.1</b></p> <p>The Wildlife Trusts do not agree with the applicant's position on no Adverse Effect on Integrity (AEOI) on Dogger Bank SAC due to the impact of physical damage on the subtidal sandbank feature from DBS. The plan level assessment undertaken by The Crown Estate in April 2022 (The Crown Estate, 2022) and signed off by the Secretary of State in July 2022 (DESNZ, 2022) concluded habitat damage of 32.209km<sup>2</sup> which would delay recovery to favourable condition, contrary to the conservation objectives of the SAC. This is based on analysis against the conservation objectives of the SAC to meet the requirements of The Conservation of Offshore Marine Habitats and Species Regulations 2017 "that [The competent authority must ensure] appropriate steps are taken for the avoidance of the disturbance of [protected] species ... and the deterioration of [protected] habitat[s] or habitat types". This decision supersedes previous casework decisions (ES Chapter 9 – Benthic and intertidal ecology 9.6.2.1) which the applicant has identified. Therefore, the DBS application can only be approved provided compensation is included within the Development Consent Order (DCO) for <b>loss and damage</b> to Dogger Bank SAC.</p>	<p>The Applicants direct TWT to the <b>Review of evidence on recovery of sandbank habitat following habitat damage</b> [AS-025] report (issued in November 2024) which provides additional evidence regarding the impact of physical damage on the subtidal sandbank and observed speed of recovery with site-specific examples from the Dogger Bank.</p>
REP1-088:5	<p><b>7.09: Table 9-9</b></p> <p>We do not agree with the applicant that "habitats or species that provide prey items for other species of conservation value" should be considered of low value.</p> <p>The ecosystem of Dogger Bank supports significant populations of protected seabirds, marine mammals and elasmobranchs. The government's obligations to protect these species in designated areas such as Dogger Bank SAC or Southern North Sea SAC</p>	<p>Please see the Applicants' responses to RR-039: C20 in the <b>Response to Natural England's Relevant Representations</b> [AS-048] and presented below:</p> <p><i>'The 'value' of a receptor forms an important element within the Environmental Impact Assessment, for instance if the receptor is a protected species or habitat it is considered to be of higher value than a habitat or species that is not protected. It is important to understand that high value and high sensitivity are not necessarily linked within a particular effect. A receptor could be of high value (e.g. Annex I habitat) but have a low or negligible physical / ecological sensitivity to an effect. Similarly, low value does not equate to low</i></p>

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		<p>sensitivity and is judged on a receptor-by-receptor basis. Therefore, value is considered, where relevant, as a modifier for the sensitivity assigned to the receptor, based on expert judgement.</p> <p>Like the Applicants, Norfolk Vanguard (Table 10.4 of <a href="#">Chapter 10 Benthic and Intertidal Ecology</a>), Norfolk Boreas (Table 10.4 of <a href="#">Chapter 10 Benthic and Intertidal Ecology</a>) and North Falls (Table 10.9 of <a href="#">Chapter 10 Benthic and Intertidal Ecology</a>) all assigned a value of 'low' for 'Habitats or species that provide prey items for other species of conservation value'. Whereas, Sheringham and Dudgeon Extension Projects (Table 8-9 of <a href="#">Chapter 8 Benthic Ecology</a>), and Morecombe (Table 9.8 of <a href="#">Chapter 9 Benthic Ecology</a>) assigned a 'medium' value. Differences between projects relate to the circumstances of those projects. Even with the differences in subjective views of the classification of receptor 'value', none of these projects assigned a greater than minor adverse significance of effect to the construction or operational impacts for Benthic and Intertidal Ecology.</p> <p>Although the overall effect of habitat loss due to the construction of the Projects will be to reduce the area available for foraging and the extent of habitat for prey species, habitat loss effects will be negligible given the small proportion of habitat occupied by the structures compared to the large foraging ranges of their predators, as indicated by the distances used in relation to screening. Similarly, although offshore wind structures may provide new foraging opportunities for some species (e.g. Clausen et al., 2021<sup>24</sup>; Russel et al., 2014<sup>25</sup>) habitat gain effects are expected to be negligible in the context of foraging ranges.'</p>
REP1-088:6	<p><b>6.2.3</b></p> <p>The Wildlife Trusts welcome the information which has been provided by the applicant on Dogger Bank SAC compensation. However, the delivery of this measure will be led by government and therefore decisions on ratio and where the compensation will be delivered should not be led by the applicant. Discussions on ratios at this stage will complicate examination and cause risk of delays.</p>	<p>The Applicants acknowledge this comment. As a strategic compensation measure which is anticipated to account for impacts arising for numerous offshore wind projects, the new designation or extension of an MPA will be overseen by Defra in consultation with SNCBs and relevant stakeholders. It is not within the Applicants power to determine location, or size of the site designation. Ratios presented within the <b>Project-Lever Dogger Bank SAC Compensation Plan</b> [APP-059] represent the confidence of the Applicant in the measure, though it's acknowledged that final location remains uncertain, as do delivery timescales.</p>
REP1-088:7	<p><b>ES Chapter 9. 9.7 285-287</b></p> <p>The Wildlife Trusts do not agree that the presence of multiple industries and activities on the Dogger Bank SAC negates the need for ongoing monitoring. The knowledge of the current habitats and sediments does not negate the need for the study of the effects of activities without additional active monitoring. Long term monitoring is the best way of ensuring that future decisions on mitigation are as effective as possible.</p>	<p>The Applicants do not state that the presence of multiple industries and activities on the Dogger Bank SAC negates the need for ongoing monitoring. The point is simply that good background data already exists.</p> <p>Table 1-3 of the <b>In Principle Monitoring Plan (Revision 2)</b> [document reference 8.23] lists the benthic monitoring proposed within the SAC for the Projects. The Applicants have committed to pre-construction survey and operational monitoring.</p>

#### Appendix 1: Summary of The Wildlife Trusts concerns regarding DBS - 1.3 Flamborough and Filey Coast SPA auk compensation plan

<sup>24</sup> Clausen, K.T., Teilman, J., Wisniewska, D.M., Balle, J.D., Delefosse, M. & van Beest, F.M. (2021). Echolocation activity of harbour porpoises, *Phocoena phocoena*, shows seasonal artificial reef attraction despite elevated noise levels close to oil and gas platforms. *Ecol Solut Evid.* 2021; 2: e 12055. DOI: 10.1002/2688-8319.12055.

<sup>25</sup> Russell, Deborah J. F., Sophie M. J. M. Brasseur, Dave Thompson, Gordon D. Hastie, Vincent M. Janik, Geert Aarts, Brett T. McClintock, Jason Matthiopoulos, Simon E. W. Moss, and Bernie McConnell. "Marine Mammals Trace Anthropogenic Structures at Sea." *Current Biology* 24, no. 14 (July 21, 2014): R638–39. <https://doi.org/10.1016/j.cub.2014.06.033>

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REP1-088:8	<p>Throughout the pre-application process, a number of individual Wildlife Trusts have been approached by the applicant in relation to the delivery of predator eradication as a compensation measure for impacts to razorbills and guillemots (auks).</p> <p>We ask that The Wildlife Trusts be included on any communications with individual trusts. As this aids transparency and coordination.</p>	The Applicants acknowledge this comment and now include TWT in any correspondence with individual wildlife trusts.
REP1-088:9	<p>The Wildlife Trust cannot accept any payment direct from the applicant as funding for the IoS compensation program. We believe that rigid planning conditions associated with individual projects could put the delivery of long term conservation objectives in jeopardy.</p> <p>The Wildlife Trusts and Isles of Scilly Wildlife Trust have decided that we can only take predator eradication forward on the islands as a strategic compensation measure, to be funded by the Marine Recovery Fund. We are happy to work with industry to explore what an interim approach could look like in lieu of the Marine Recovery Fund being established, but we cannot take individual payments from developers to deliver the programme on the Isles of Scilly.</p> <p>We welcome the applicant's willingness to engage with strategic implementation of this compensation and encourage further discussion as to how this may be structured in light of the MRF not yet being implemented.</p>	The Applicants acknowledge TWT's position and are working with OWIC to explore potential options for an interim method of strategic delivery in advance of the MRF.

#### Appendix 1: Summary of The Wildlife Trusts concerns regarding DBS - 1.4 UWN impacts on the Southern North Sea SAC

REP1-088:10	<p><b>ES Vol 7, Chap 11. 11.6.1.1.8</b></p> <p>We are happy with the applicant's commitment to no concurrent piling within the array area per array. However, the applicant seems to suggest that concurrent piling may occur between the two arrays.</p> <p>With the arrays in such close proximity, this would create a significant exclusion zone for marine mammals.</p> <p>The Wildlife Trusts requires a strong commitment to the use of NAS in the case of concurrent piling and would ideally like to see a commitment to no concurrent piling between the East and West array unless this can be demonstrated to reduce overall UWN impacts. On 21st January Defra (2025) published the Marine Noise Policy Paper – Reducing Marine Noise which states that "From January 2025...all offshore wind pile driving activity across all English waters will be required to demonstrate that they have utilised best endeavours to deliver noise reductions using primary and/or secondary noise reduction methods in the first instance." RWE must therefore strengthen their commitment to employ mitigation to reflect this change in policy.</p>	<p>The Projects' Design Envelope does allow for concurrent piling within individual Array Areas and at both Array Areas. The worst case scenarios with the maximum spatial spread and largest impact ranges has been taken forward to the assessment which is concurrent piling at both DBS East and DBS West Array Areas. Assessments for potential effects of concurrent piling within the same Array Area would be less than or equal to those presented due to the overlap of the impact ranges with closer proximity of the installation vessel and would not alter any assessment conclusions. However, the <b>Draft DCO (Revision 5)</b> [REP1-004] does control the number of piles that can be installed in a 24-hour period (Condition 15(9) of DMLs 1 and 2, and, 13(10) of DMLs 3 and 4)).</p> <p>The Applicants have submitted an updated <b>Outline Marine Mammal Mitigation Plan (MMMP) (Revision 3)</b> [document reference 8.25] and <b>In Principle Site Integrity Plan (SIP) for the Southern North Sea (SNS) Special Area of Conservation (SAC) (Revision 3)</b> [document reference: 8.26] at Deadline 2 following review of Defra's policy paper on marine noise and its associated documents.</p> <p>The Applicants are considering all mitigation options, including primary and secondary noise reductions described in section 9 of the <b>In-Principle SIP (Revision 3)</b> document reference 8.26]. By including noise reduction systems, such as NAS, within the Projects' procurement strategy as an optional element, it is allowing the Projects to consider the use of NAS at the earliest point during the procurement process. This would allow the Projects to utilise this mitigation, should it be required based on the final project design post-consent.</p>
REP1-088:11	<p><b>Mammal Mitigation Protocol (MMMP)</b></p> <p>The applicant has committed to the use of Acoustic Deterrent Devices (ADDs).</p>	The <b>Outline MMMP (Revision 3)</b> [document reference 8.25] submitted at Deadline 2 follows the latest JNCC guidance (JNCC (2010) for piling and JNCC (2025) for UXO clearance), where the Applicants have committed to marine mammal observers; passive acoustic monitoring; ADD and a soft start prior to



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	<p>TWT agrees with the limited use of ADDs, as prolonged use can cause habituation (McGarry et al. 2022). However, ADDs alone are not sufficient mitigation measures as:</p> <ul style="list-style-type: none"> <li>The evidence on their effectiveness is not conclusive.</li> <li>Their reported area effect is not sufficient to cover the impact of the piling in this instance.</li> <li>ADDs do not lower the source energy dissipated into the environment. As such if an animal is unresponsive to ADDs, their risk of injury is not lowered.</li> </ul> <p>While TWT approves of ADDs as an additional measure, this should only form part of a larger underwater noise mitigation package that includes NAS.</p>	<p>piling. There is evidence on deterrence ranges using the Lofitech ADD for harbour porpoise (Brandt <i>et al.</i>, 2012.<sup>26</sup>, 2013.<sup>27</sup>; Gordon <i>et al.</i>, 2015.<sup>28</sup>; Dahne <i>et al.</i>, 2017.<sup>29</sup>; McGarry, et al., 2022.<sup>30</sup>; Graham <i>et al.</i>, 2023.<sup>31</sup>) and minke whale (McGarry <i>et al.</i> 2017.<sup>32</sup>; Boisseau <i>et al.</i> 2021.<sup>33</sup>). The Applicants acknowledge that based on the Projects' worst case scenario, addition mitigation maybe required. However, the need for additional mitigation will be determined post-consent when the final project design is available. Once determined, the mitigation (or combination of mitigation) required will be included in the final MMMP and agreed with the MMO and other relevant SNCBs. The final MMMP will be based on the final project design and will consider all mitigation measures described in section 3.1.9 in the <b>Outline MMMP (Revision 3)</b> [document reference 8.25] including NAS, along with new technologies, guidance and advice that may have emerged before construction.</p>
REP1-088:12	<p><b>ES, Vol 7, Chap 11. 11.3.3</b></p> <p>The Wildlife Trusts are recommending that the applicant implement NAS to further mitigate the noise impacts during the construction phase of this project. The applicant has committed to "consider the use of NAS" and that this will be an optional element of the Projects procurement strategy (Response to Natural England's Relevant Representations, RR-039: NE14). On 21st January Defra (2025) published the Marine Noise Policy Paper – Reducing Marine Noise which states that "From January 2025...all offshore wind pile driving activity across all English waters will be required to demonstrate that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods in the first instance." RWE must therefore strengthen their commitment to employ mitigation to reflect this change in policy.</p> <p>The piling activities proposed in this project can have significant effects on marine mammals and key prey and predator fish species within the Dogger Bank SAC ecosystem. Whilst standard procedures such as a soft start have been proposed by the applicant to mitigate impacts on marine mammals, species that do not react with such avoidance behaviours will remain affected by the UWN inputs. Studies have shown that key species on Dogger Bank such as Cod (<i>Gadus morhua</i>) and sole (<i>Solea solea</i>) can show responses to UWN from wind farms at up to 70km away (Andersson 2011). Noise abatement technologies could be implemented to reduce the impact of UWN on all species.</p> <p>The construction of wind turbines through piling produces UWN which can have adverse effects on the health and behaviour of marine mammals (of which the harbour porpoise (<i>Phocoena phocoena</i>) is a protected feature of the Southern North Sea SAC). Though the applicant has committed to soft start</p>	<p>The Applicants have included various types of additional mitigation measures in section 3.1.9 of the <b>Outline Marine Mammal Mitigation Protocol (Revision 3)</b> [document reference 8.25]. The Applicants are committed to ensuring that the Projects have no significant effects on marine mammals and to ensure that there is no adverse effect on the site integrity of the SNS SAC, and will commit to this within the final SIP and the final MMMP to ensure mitigation measures in place are suitable to meet this commitment. The mitigation required will be confirmed in the final MMMP once the final project design has been confirmed. The Applicants have submitted an updated <b>Outline Marine Mammal Mitigation Plan (MMMP) (Revision 3)</b> [document reference 8.25] and <b>In Principle Site Integrity Plan (SIP) for the Southern North Sea (SNS) Special Area of Conservation (SAC) (Revision 3)</b> [document reference: 8.26] at Deadline 2 following acceptance of the change request into the examination and review of Defra's recent policy paper published on the 21<sup>st</sup> January 2025 on marine noise.</p> <p>As advised in the JNCC <i>et al.</i> (2025).<sup>34</sup> position paper "<i>quieter installation methods and/or NAS should always be considered as primary and/or secondary mitigation measures when planning to undertake impact piling in the marine environment</i>" the Applicants, in line with this will consider all appropriate measures through the Project design, and mitigation measures secured in the final MMMP and final SIP.</p> <p>The Applicant is aware that the use of noise reduction, such as NAS, will reduce the propagation of sound in the marine environment and for that reason NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters.</p>

<sup>26</sup> Brandt, M. J., Höschle, C., Diederichs, A., Betke, K., Matuschek, R., Witte, S. and Nehls, G. (2012). Far-reaching effects of a seal scarer on harbour porpoises, *Phocoena phocoena*. *Aquatic Conservation: Marine and Freshwater Ecosystems* **23**(2): 222-232.

<sup>27</sup> Brandt, M.J., Höschle, C., Diederichs, A., Betke, K., Matuschek, R. and Nehls, G. (2013). Seal scarers as a tool to deter harbour porpoises from offshore construction sites. *Marine Ecology Progress Series* **475**: 291-302.

<sup>28</sup> Gordon, J., Blight, C., Bryant, E., and Thompson, D. (2015). Tests of Acoustic Signals for Aversive Sound Mitigation with Common Seals. Sea Mammal Research Unit report to Scottish Government

<sup>29</sup> Dähne, M., Tougaard, J., Carstensen, J., Armin, R. and Nabe-Nielsen, J. (2017). Bubble curtains attenuate noise from offshore wind farm construction and reduce temporary habitat loss for harbour porpoises. *Mar Ecol Prog Ser* **580**: 221–237, 201

<sup>30</sup> McGarry, T., De Silva, R., Canning, S., Mendes, S., Prior, A., Stephenson, S., and Wilson, J. (2022). Evidence base for application of Acoustic Deterrent Devices (ADDs) as marine mammal mitigation (Version 4). JNCC Report No. 615. JNCC, Peterborough. ISSN 0963- 8091

<sup>31</sup> Graham, I.M., Gillespie, D., Gkikopoulou, K.C., Hastie, G.D., Thompson, P.M. (2023). Directional hydrophone clusters reveal evasive responses of small cetaceans to disturbance during construction at offshore windfarms. *Biol. Lett.* **19**: 20220101. <https://doi.org/10.1098/rsbl.2022.0101>

<sup>32</sup> McGarry, T., Boisseau, O., Stephenson, S., and Compton, R. (2017). Understanding the Effectiveness of Acoustic Deterrent Devices on Minke Whale (*Balaenoptera acutorostrata*), a low frequency cetacean. ORJIP Project 4, Phase 2. RPS Report EORo692. Prepared on behalf of The Carbon Trust. November 2017.

<sup>33</sup> Boisseau, O., McGarry, T., Stephenson, S., Compton, R., Cucknell, A., Ryan, C., McLanaghan, R & Moscrop,. (2021). Minke whales avoid a 15 kHz acoustic deterrent device. *Marine Ecology Progress Series*. **667**. 10.3354/meps13690.

<sup>34</sup> JNCC, Natural England and Cefas position on the use of quieter piling methods and noise abatement systems when installing offshore wind turbine foundations. January 2025. <https://hub.jncc.gov.uk/assets/e1d38ce8-9bc6-4fb5-b867-f7f595caa25a>



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	<p>procedures, noise abatement systems have not been considered. JNCC guidelines recommend operators should always look to use methods or equipment that will result in the lowest practical noise levels. This also follows obligations to follow the mitigation hierarchy, in which avoiding or minimising the input of UWN should be the priority.</p> <p>The implementation of bubble curtains or shell-in-shell systems could significantly diffuse and reduce the sound emitted into the marine environment. The applicant could also consider the use of alternative piling techniques such as vibrational, hydraulic or screw piling if feasible.</p>	
REP1-088:13	<p><b>Cumulative Effects Assessment (CEA) Screening Table 11-5-1</b></p> <p>The applicant has identified Hornsea 4 as a project in the area that would contribute to cumulative UWN impacts (CEA methodology 5.2.1). However, other upcoming projects that may have overlapping construction windows, such as Dogger Bank D, have not been considered. As Dogger Bank D has now entered pre-application consultations, information should be available that allow it to be scoped into this assessment.</p> <p>We will await the updated cumulative assessments from the applicant. However, the additional submission by the applicant still does not mention Dogger Bank D.</p>	<p>Dogger Bank D has been screened in Table 11-5-1 in <b>Appendix 11-5 CEA Screening</b> [APP-101], however there was insufficient information to include the project in the cumulative impact assessment, and the final CEA assessment cutoff point of six months prior to DCO</p> <p>submission was presented to stakeholders including Natural England and the MMO in the Pre-ES Marine Mammals ETG held on 15<sup>th</sup> January 2024 (see meeting minutes in <b>Consultation Report Appendix F - Non-Statutory Consultation and Engagement</b> [APP-043]), with no disagreement being noted. Therefore the Applicants do not consider updates to the CEA are required.</p>
REP1-088:14	<p><b>CEA Screening Table 11-5-10</b></p> <p>We do not agree that the cumulative UWN impacts from operational windfarms should be considered negligible.</p> <p>Though operational UWN outputs are lower compared to construction UWN, operational noise could cause behavioural reactions if the animals are in the immediate vicinity of the wind turbines (Tougaard et al., 2009; Sigra &amp; Andersson, 2011; PrePARED 2023). Local effects on marine mammals (ie. Local area avoidance) are more frequent than larger population scale effects (Middel &amp; Verones 2017). However, as the local area for this project is an important feeding ground for harbour porpoises, local exclusion is potentially more impactful. As Dogger Bank is an area highly frequented by harbour porpoises (Cucknell et al. 2017), the addition of the turbines in the DBS arrays increased what is an already large cumulative impact zone for foraging mammals throughout Dogger Bank. Studies simulating porpoise avoidance from wind turbines commonly use deterrence halos around individual turbines of hundreds of metres (Nabe-Nielson, 2011), generating exclusion zones for the combined array of DBS to be at least 9km<sup>2</sup>. A recent study found porpoise detection within a turbine array decreased 17.7% after the construction of a wind farm (PrePARED 2023). These localised impact zones are acknowledged in the applicants own environmental statement (ES Marine Mammals 11.6.2.1.3. 699, ES Underwater Noise Modelling Report 6.2). This Barrier effect can impact the energy usage of individuals by altering their movement to navigate around turbines.</p>	<p>The PrePARED (2023) report states that: “<i>Whilst our findings suggest there was a decrease in porpoise detections within the windfarms compared to the reference site, this result was driven by high detections within one of the sites (Beatrice Offshore Windfarm), in two (2009 and 2010) of the three baseline years. These data highlight how uncertainties over drivers of spatio-temporal variation in occurrence within relatively short pre-construction baseline periods can constrain assessments of windfarm impacts. Furthermore, the low number of devices in some of our baseline years makes it difficult to determine to what extent this baseline variability was due to changes in sampling effort rather than inter-annual variability in animal occurrence</i>” and concludes that further investigation is required, and the data only provides initial estimates of potential changes in the occurrence of porpoises within constructed windfarm sites and therefore cannot be taken as a definitive study at without further data. Elsewhere, studies have observed an increase in porpoise occurrence within operational windfarms (Potlock et al. 2023; Scheidat et al. 2011).<sup>35</sup>.</p> <p>Due to the low noise levels associated with operational OWFs, the Department for Business, Energy &amp; Industrial Strategy (BEIS) (2020) Review of Consents (RoC) Habitats Regulation Assessment (HRA) for the Southern North Sea SAC concluded that there would no potential for significant effect from the operation of OWFs, alongside the construction of OWFs (BEIS, 2020.<sup>36</sup>). Based on this the Applicants consider that the assessment conclusions of minor adverse (not significant in EIA terms) are appropriate.</p>

<sup>35</sup> Potlock, K.M., Temple, A.J., Berggren, P., 2023. Offshore construction using gravity base foundations indicates no long-term impacts on dolphins and harbour porpoise. Marine Biology 170, 92. <https://doi.org/10.1007/s00227-023-04240-1>

Scheidat, M., Tougaard, J., Brasseur, S., Carstensen, J., Petel, T.V., Teilmann, J., Reijnders, P., 2011. Harbour porpoises (*Phocoena phocoena*) and wind farms: a case study in the Dutch North Sea. Environmental Research Letters 6. <https://doi.org/10.1088/1748-9326/6/2/025102>

<sup>36</sup> BEIS (2020). Record of The Habitats Regulations Assessment Undertaken Under Regulation 65 of the Conservation of Habitats and Species (2017), and Regulation 33 of The Conservation of Offshore Marine Habitats and Species Regulations (2017). Review of Consented Offshore Wind Farms in the Southern North Sea Harbour Porpoise SAC.

I.D.	Written Representation	Applicants' Response
	<p>Dogger Bank SAC, upon the completion of the DBS arrays, will host 6 large turbine installations totalling 677 operational turbines. This is over three times the size of wind farms which have had long term studies referenced by the applicant (Nysted and Horns Rev 1999-2006).</p> <p>Due to the scale of development on Dogger Bank, we are requesting that a long-term monitoring program be developed to monitor the impacts of UWN from operational turbines on harbour porpoises.</p>	<p>However, for long term monitoring of cumulative effects during construction or operation, the Applicants are supportive of joint industry projects or alternative site-based monitoring of existing marine mammal activity inside the Offshore Development Area and would welcome collaboration opportunities from SNCBs, non-government organisations or other developers in strategic monitoring programmes. This would likely be managed out with the IPMP, through for example Defra's Offshore Wind Enabling Actions Programme (OWEAP).</p>
REP1-088:15	<p><b>ES Chap 11. 11.6.1.1.7</b></p> <p>The Wildlife Trusts do not agree that no long-term monitoring of the site is required.</p> <p>The applicant has committed to monitoring around active piling rigs but makes no commitment to monitoring the ongoing effects of the operation of such a large wind farm.</p> <p>The Licence Holder must make provision during the construction phase of the wind farm to install facilities to enable subsea noise and vibration from the turbines to be assessed and monitored during the operational phase of the wind farm (MMO, 2014)</p> <p>The Wildlife Trusts are of the opinion that Dogger Bank SAC, a site heavily used by harbour porpoise for feeding, is reaching a level of wind infrastructure density that has not been seen previously. The scale of developments on this site is more reason for ongoing long-term monitoring of the effects of operational turbines on marine mammal behaviour.</p>	<p>Please see response to REP1-088:14.</p>

## 2.17 The Woodland Trust

Table 2-17 The Applicants' response to The Woodland Trust's written representation [REP1-089]

I.D.	Written Representation	Applicants' Response
REP1-089:1	<p><b>Objection – loss and deterioration of ancient woodland</b></p> <p>The Woodland Trust is the UK's largest woodland conservation charity and a leading voice in bringing to the attention of government, landowners and the general public the state of the UK's woods and trees. We own over 1,000 sites across the UK, covering over 30,000 hectares and we have over 500,000 members and supporters.</p> <p>We are an evidence-led organisation, using existing policy and our conservation and planning expertise to assess the impacts of development on ancient woodland and veteran trees. Planning responses submitted by the Trust are based on a review of the information provided as part of the development consent application to the Planning Inspectorate.</p>	<p>The Applicants acknowledge this comment.</p>
REP1-089:2	<p><b>Woodland Trust Position</b></p> <p>The Trust objects to this planning application on the basis of loss and deterioration of ancient woodland (grid ref: TA 0217 3680), designated as an Ancient Semi Natural Woodland on Natural England's Ancient Woodland Inventory (AWI).</p> <p>Our main concerns relate to the proposals for horizontal directional drilling beneath the ancient woodland.</p>	<p>The Applicants acknowledge this comment however would like to state that, as noted in the <b>Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 2)</b> [AS-036], no ancient trees, ancient woodlands, veteran trees or protected trees were identified that require removal in order to facilitate the Projects. In regard to the concern over Horizontal Directional Drilling (HDD) beneath the ancient woodland, this is further detailed in the responses below.</p>

I.D.	Written Representation	Applicants' Response
REP1-089:3	<p><b>Impact on Ancient Woodland</b></p> <p>We welcome the proposal for an un-encroached 15 metre buffer to the ancient woodlands within the site. In particular we note confirmation in the Arboricultural Method Statement that the SUDs and drainage connection pipework will be positioned outside of the 15 metre buffer zone to the ancient woodland, and outside of the root protection area of tree To39, situated at the edge of the woodland.</p> <p>However, we have serious concerns in relation to the proposals for horizontal directional drilling beneath the ancient woodland. We are strongly of the view that the proposed minimum drill depth of one metre is insufficient to ensure that the installation would not have a detrimental impact on tree roots and the rooting environment beneath the ancient woodland, and that such a depth would not necessarily avoid the rhizosphere.</p>	<p>The <b>Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 2)</b> [AS-036], states that “trenchless crossing e.g. HDD depths must exceed 1m when passing underneath retained trees in order to avoid the majority of tree roots which exist within the upper 600mm of soil”. In the instance of trees being within an area of ancient woodland, the Applicants are committed to using trenchless crossing techniques, such as HDD, at depths greater than 5 meters, as recommended by the Woodland Trust. If any constraints are identified during detailed geotechnical investigations, shallower depths will only be attempted if clear evidence is provided to demonstrate that this would not result in adverse impacts on roots, soils, or the rhizosphere along or above the proposed route. The <b>Outline Ecological Management Plan (Revision 4)</b> [document reference 8.10] has been submitted at Deadline 2 to reflect this commitment and the <b>Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 3)</b> [document reference 10.13] will also reflect this upon its submission at Deadline 3. As a result, the area of ancient woodland, Bentley Moor Wood, within the Onshore Substation Zone, would be avoided by the use of trenchless crossing techniques such as HDD at a suitable minimum depth of 5m under the ancient woodland, unless the Applicants are able to demonstrate that a shallower depth is acceptable due to other constraints. The Ecological Management Plan is secured through Development Consent Order (DCO) requirement 12 of the <b>Draft DCO (Revision 5)</b> [REP1-004].</p>
REP1-089:4	<p>We note that all drilling related infrastructure and equipment would be sited outside the 15 metre buffer zone to the ancient woodland. However, we are concerned about the following impacts on the ancient woodland</p> <ul style="list-style-type: none"> <li>• Damage to ancient woodland soils and the rhizosphere as a result of drilling beneath the woodland.</li> <li>• Encroachment on the root systems and rooting environments of trees within the ancient woodland as a result of drilling beneath the woodland.</li> <li>• Encroachment on the root systems and rooting environments of trees growing along the woodland edge as a result of drilling beneath the buffer zone.</li> <li>• Disturbance to sensitive fauna from noise and vibration occurring during construction and drilling works.</li> <li>• Potential for adverse hydrological impacts arising from soil/ground disturbance and changes to soil porosity.</li> <li>• Impacts associated with future maintenance work.</li> </ul> <p>The proposal is to drill at a minimum depth of one metre “beneath retained trees”. Irrespective of the fact that tree roots can be found at much greater depths than one metre, the irreplaceable nature of ancient woodland is bound to its soils. One of the most important features of ancient woodlands is the quality and biodiversity of the soils which have evolved over hundreds of years. They have been undisturbed physically or chemically for long periods of time and support complex relationships between species above and below ground. Drilling within the ancient woodland will potentially have a detrimental impact on these soil communities. The disturbance, vibration and compaction associated with drilling beneath ancient woodland has potential to affect the condition of the soils and the rhizosphere situated not only in the path of the drilling route, but also above the level of drilling.</p>	<p>The ancient woodland Bentley Moor Wood and Local Wildlife Site (LWS) is dominated by sycamore with frequent silver birch, oak and goat willow. Trees were mostly early mature within the woodland and a single veteran ash tree on the east side of the woodland.</p> <p>Drilling under the woodland and potential impact on rhizosphere is addressed under item REP1-089:3 above and as part of the <b>Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 2)</b> [AS-036]. Appropriate buffers will be implemented to avoid encroachment on the root systems and rooting environments of trees within the ancient woodland and its periphery. <b>Appendix A Outline Soil Management Plan, of the Outline Code of Construction Practise (Revision 3)</b> [REP1-025] details the measures for protection of soil during construction which would be adopted.</p> <p>Vibration and settlement predictions will be considered in the detailed design of the trenchless crossing e.g. HDD methodology to specify a drill path and depth to avoid impact on existing assets being crossed. It should be noted that the impact of noise and vibration arising from trenchless crossing techniques will be short term and temporary in nature.</p> <p>Disturbance to all sensitive animal species have been assessed as part of the Environmental Impact Assessment (EIA) process and is detailed in <b>Chapter 18 Terrestrial Ecology and Ornithology (Revision 5)</b> [document reference 7.18]. As such, embedded mitigation measures such as timing of operations, presence of an Ecological Clerk of Work and the siting of machinery have been put in place to ensure any potential impacts are kept to a minimum.</p> <p>Future maintenance work will include the management of all new landscape plants as well as active management of the ancient woodland with a view to enhance and expand the existing woodland resource as identified within the <b>Outline Landscape Management Plan (Revision 3)</b> [document reference 8.11] submitted at Deadline 2.</p>

I.D.	Written Representation	Applicants' Response
		<p>The Applicants recognise the importance of the soils associated with ancient woodlands and the significance of the rhizosphere (the volume of soil affected by roots), in particular the top 0.6m of the soil profile as it contains 80-90 % of the widespread rooting structure. Although that Forest Research and grey literature indicates that it is unusual for roots to penetrate to a depth greater than 2m, the Projects will commit to trenchless crossing depth greater than 5m under the ancient to avoid potential impacts on soil and hydrology, as outlined in the <b>Outline Ecological Management Plan (Revision 4)</b> [document reference 8.10] and <b>Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 03)</b> [document reference 10.13]. If any constraints are identified during detailed geotechnical investigations, shallower depths will only be attempted if clear evidence is provided to demonstrate that this would not result in adverse impacts on roots, soils, or the rhizosphere along or above the proposed route.</p>
REP1-089:5	<p><b>Mitigation</b></p> <p>It needs to be ensured that the works will not result in any detrimental impact on the ancient woodland in line with paragraph 193 of the National Planning Policy Framework (NPPF) and Natural England and Forestry Commission's standing advice.</p> <p>The applicant should provide evidence to demonstrate the following: -</p> <ul style="list-style-type: none"> <li>• All potential alternative options to drilling beneath ancient woodland have been fully explored and shown not to be feasible.</li> <li>• Drilling would be undertaken at a sufficient depth to ensure that there will be no adverse impacts on roots, soils or rhizosphere along or above the proposed route.</li> <li>• Entry and exit points and all associated infrastructure and works would be situated at a sufficient distance from the outer edge of the 15 metre buffer zone to ensure that an appropriate drilling depth is achieved before crossing into the buffer zone.</li> <li>• The works would not result in any hydrological changes within or beneath the ancient woodland.</li> <li>• It would be possible to undertake all future maintenance, and work to address any faults with the cabling equipment, remotely without the need to disturb the ground within the ancient woodland or encroach the 15 metre buffer zone.</li> </ul> <p>We would advise that drilling should be undertaken at a minimum depth of 5 metres unless clear evidence is provided to demonstrate that a shallower depth would not result in adverse impacts on roots, soils or rhizosphere along or above the proposed route.</p>	<p>The site selection process for the Projects was extensive. The Onshore Substation Zone was chosen as a balance between environmental and engineering constraints and proximity to the proposed Birkhill Wood National Grid Substation. The site selection process is detailed in <b>Chapter 4 Site Selection and Assessment of Alternatives (Revision 2)</b> [AS-017]. There were a number of constraints considered, including the A1079, a Yorkshire Water main and gas pipelines that run to the south of the Onshore Converter Stations. In addition, there is also the Jocks lodge scheme (A164 junction improvements) and various residential dwellings that were avoided.</p> <p>The Onshore Development Area and Onward Cable Connection have also been selected and designed to minimise impacts on all environmental receptors and the selection process has been undertaken in close liaison with statutory and non-statutory stakeholders. While the selected location of the Onshore Substation Zone does not avoid the ancient woodland being contained within the Order Limits, the Applicants are committed to avoiding impacts to the ancient woodland wherever possible.</p> <p>As a result of <b>Project Change Request 2</b> [AS-152] the location of the Onshore Converter Stations and associated drainage has been altered and are located further away from the ancient woodland within the Onshore Substation Zone, which further reduced potential impacts to the ancient woodland.</p> <p>Drilling under the woodland and potential impact on rhizosphere is addressed under item REP1-089:3 above, secured through the Environmental Management Plan required to be approved under DCO requirement 12 of the <b>Draft DCO (Revision 5)</b> [REP1-004].</p> <p>Entry and exit points for the trenchless crossing and all associated infrastructure and works would be situated outside of the 15m buffer zone from the ancient woodland.</p> <p>Hydrological impacts have been assessed extensively and are addressed in <b>Chapter 20 Flood Risk and Hydrology</b> [APP-163]. Mitigation measures have been identified in the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025] to mitigate any likely significant effects on hydrological receptors during construction. Section 6.2.2.2 includes the requirement to undertake a hydrogeological risk assessment at trenchless crossings to understand the potential risk upon groundwater of construction activities proposed at each site location. Results of this study will inform further ground water mitigation required during construction and would be included within the detailed Code of Construction Practice(s).</p> <p>Planned maintenance at the Onshore Converter Station(s) or routine access and maintenance at link boxes through above ground manholes along the Onshore Export Cable Corridor is anticipated to be localised with a minimal likelihood of disturbance expected to the adjacent habitats and species. Cables</p>



I.D.	Written Representation	Applicants' Response
		<p>will be installed in ducts beneath the ancient woodland and could be pulled from pits either side of the woodland for future repair. In the event that a repair is required to a buried duct the Applicants would seek to avoid any direct impact on the ancient woodland.</p> <p>The Applicants further committed to managing the ancient woodland within the Onshore Substation Zone, as detailed in response to REP1-089:9.</p>
REP1-089:6	<p><b>Impacts on Veteran Trees</b></p> <p>We are pleased to note that the nine veteran trees identified on site will be afforded un-encroached veteran tree buffer zones in line with Natural England and Forestry Commission's standing advice. Additionally, we welcome the commitment to register the nine veteran trees on the Ancient Tree Inventory (ATI) and note the applicant's comments in relation to the three ATI trees (one veteran oak and two notable elm) previously identified in our Relevant Representation.</p> <p>Based on our understanding of the application there are no proposals for horizontal directional drilling beneath veteran trees. If this is not the case, or if the plans are modified in this respect, we would appreciate the opportunity to comment further in view of the extensive rooting systems associated with veteran trees.</p>	<p>The Applicants have committed to avoiding impacts on all veteran trees and will compile a final Arboricultural Method Statement for the construction phase based on the Projects' <b>Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 2)</b> [AS-036].</p> <p>The <b>Outline Arboricultural Method Statement</b> [AS-036] describes mitigation measures such as micro siting to minimise impact on trees, installation of tree protection barriers around retained trees, implementation and safeguard of root protection areas and veteran tree buffer zones which would be adhered to.</p> <p>The Applicants can confirm there are no proposals for HDD beneath veteran trees.</p>
REP1-089:7	<p><b>Unmapped Ancient Woodland</b></p> <p>Ancient woodland is an irreplaceable resource of great importance for its wildlife, soils, recreational and cultural value, historical and archaeological significance, and the contribution it makes to our diverse landscapes. It is a scarce and threatened resource, covering only 2.5% of England's land area, and has a high level of protection in planning policy.</p> <p>In May 2022, the Government published an updated policy statement on ancient woodland, entitled 'Keepers of Time: ancient and native woodland and trees policy in England'<sup>1</sup>. The Government's 'Keepers of Time' policy accentuates the importance of ancient woodland, stating: "Ancient woodlands, ancient wood pastures and parkland and ancient and veteran trees are irreplaceable habitats which must be protected. Their long-standing presence, species and form serve as a rich cultural record of past management practices."</p> <p>In our Relevant Representation we recommended that any non-ancient woodlands potentially impacted by the proposals should be reviewed to ensure any areas of potentially unmapped ancient woodland are accounted for and protected. We were not able to find information in relation to this within the application documentation. Surveys detailing the woodland flora and fauna alongside an assessment of historical mapping should be undertaken, to ensure impacts to all irreplaceable habitats are considered and mitigated as part of the design process.</p>	<p>Direct impacts to woodlands as well as other valuable terrestrial habitats have been avoided during the Onshore Development Area site selection process and through scheme design. The site selection process is detailed in <b>Chapter 4 Site Selection and Assessment of Alternatives (Revision 2)</b> [AS-017]. The Applicants are confident that the detailed arboricultural surveys carried out to British Standard 5837:2012 'Trees in Relation to Design, Demolition and Construction' identified and categorised each arboricultural feature likely to be impacted by the Projects. The results of this survey informed the <b>Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 2)</b> [AS-036]. These documents identify potential impacts to all arboricultural features in relation to the Projects and set out measures to avoid them.</p> <p>There are no impacts on irreplaceable habitats expected as part of the Projects, woodland or otherwise. A suite of ecological surveys were undertaken following initial assessments and consultation with stakeholders during the Scoping, Preliminary Environmental Information Report, and EIA stages; the details of which are reported in <b>Chapter 18 Terrestrial Ecology and Ornithology (Revision 5)</b> [document reference 7.18] with full results presented as appendices.</p>
REP1-089:8	<p><b>Planning Policy</b></p> <p>The National Planning Policy Framework (NPPF), paragraph 193, states: "<i>When determining planning applications, local planning authorities should apply the following principles: -</i></p> <p><i>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>70</sup> and a suitable compensation strategy exists;</i>"</p>	<p>The main habitat type along the 457.2ha of Onshore Development Area is predominantly intensively farmed cropland, with woodland habitats amounting to just 0.83% of the Onshore Development Area. No loss or deterioration of ancient woodlands or veteran trees are anticipated as a result of the Projects, and specific measures have been drawn to ensure these resources are maintained and enhanced where possible as outlined in the <b>Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 2)</b> [AS-036] and <b>Outline Ecological Management Plan (Revision 4)</b> [document reference 8.10]. The Applicants have worked closely with the Local Planning Authority to ensure that existing guidance and policies are followed for the lifetime of the Projects.</p>

I.D.	Written Representation	Applicants' Response
	Footnote 70 defines exceptional reasons as follows: <i>"For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat."</i>	
REP1-089:9	<p><b>Conclusion</b></p> <p>Ancient woodland is an irreplaceable habitat; once lost it is gone forever. As such, it should be protected from any form of development that will result in its loss or deterioration.</p> <p>The Trust objects to this application on account of loss and deterioration of irreplaceable habitat associated with the proposals for horizontal directional drilling.</p>	<p>The Applicants have ensured that any potential impacts to the ancient woodland, veteran trees, woodland and individual trees have been avoided as far as practicable and where potential impacts could occur these have been adequately assessed, mitigated for and compensated where necessary.</p> <p>Furthermore, the Projects have committed to trenchless crossing techniques at depths greater than 5m in line with the depth recommended by the Woodland Trust to avoid any potential detrimental impact to the ancient woodland and associated rhizosphere. Unless, as stated previously, following detailed geotechnical investigations clear evidence is provided to demonstrate that a shallower depth would not result in adverse impacts on roots, soils or rhizosphere along or above the proposed route.</p> <p>Regarding the future of the ancient woodland, it is anticipated that the woodland and surrounding area will fall under the ownership of the Applicants and will be actively managed together with the new landscape planting. Objectives regarding the management of Bentley Moor Wood ancient woodland and LWS are focused on the maintenance and enhancement to the existing woodland and proposed measures will include:</p> <ul style="list-style-type: none"> <li>• Promote ancient woodland expansion by processes such as natural regeneration and supplementary planting following existing guidance and stakeholder liaison (e.g. Forestry Commission and Natural England), if applicable;</li> <li>• Protection of soils and roots within and surrounding woodland;</li> <li>• Manage threats such as invasive species;</li> <li>• Assess, manage and promote deadwood within the woodland;</li> <li>• Assess and manage impact of deer and grey squirrel on ancient woodland; and</li> <li>• Produce and implement a long-term woodland management plan (if non-existent).</li> </ul> <p>This would assist in securing the long-term health of the ancient woodland, which would have benefits for local biodiversity, for the landscape, and for visual screening of the Onshore Converter Stations.</p> <p>The above measures at Bentley Moor Wood ancient woodland and LWS are contained within the <b>Outline Ecological Management Plan (Revision 4)</b> [document reference 8.10] submitted at Deadline 2.</p>

RWE Renewables UK Dogger Bank  
South (West) Limited

RWE Renewables UK Dogger Bank  
South (East) Limited

Windmill Business Park  
Whitehill Way  
Swindon  
Wiltshire, SN5 6PB

**RWE**

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