

**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 Deadline 1  
Documents**

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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).
Biodiversity Net Gain (BNG)	An approach to development that leaves biodiversity in a better state than before. Where a development has an impact on biodiversity, developers are encouraged to provide an increase in appropriate natural habitat and ecological features over and above that being affected to ensure that the current loss of biodiversity through development will be halted and ecological networks can be restored.
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.
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.
Expert Topic Group (ETG)	A forum for targeted engagement with regulators and interested stakeholders through the EPP.
Glacial till	Poorly sorted, non-stratified and unconsolidated sediment carried or deposited by a glacier.
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.
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.
Hornsea 2 Companies	Hornsea 1 Limited, the collective of Breesea Limited, Soundmark Wind Limited, Sonningmay Limited and Optimus Wind Limited.
Impact	Used to describe a change resulting from an activity via the Projects, i.e. increased suspended sediments / increased noise.
Inter-Platform Cable Corridor	The area where Inter-Platform Cables would route between platforms within the DBS East and DBS West Array Areas, should both Projects be constructed.
Inter-Platform Cables	Buried offshore cables which link offshore platforms.

Term	Definition
Intertidal	Area on a shore that lies between Mean High Water Springs (MHWS) and Mean Low Water Springs (MLWS).
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.
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).
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 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).

Term	Definition
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.
Ørsted IPs	Ørsted Hornsea Project Three (UK) Limited, Ørsted Hornsea Project Four Limited, Lincs Wind Farm Limited, Westernmost Rough Limited and Race Bank Wind Farm Limited.
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 proposed changes to the DCO application for the Projects set out in <b>Project Change Request 1 - Offshore &amp; Intertidal Works</b> [AS-141].
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.
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.
Sediment	Particulate matter derived from rock, minerals or bioclastic matter.
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
Statutory Nature Conservation Bodies (SNCBs)	Comprised of JNCC, Natural Resources Wales, Department of Agriculture, Environment and Rural Affairs/Northern Ireland Environment Agency, Natural



Term	Definition
	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.
Transition Joint Bay (TJB)	The Transition Joint Bay (TJB) is an underground structure at the landfall that houses the joints between the Offshore Export Cables and the Onshore Export Cables.
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
ALC	Agricultural Land Classification
ADD	Acoustic Deterrent Device
AONB	Area of Outstanding Natural Beauty
BMV	Best and most versatile
BNG	Biodiversity Net Gain
CCMA	Coastal Change Management Area
DAS	Discretionary Advice Service
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
EIA	Environmental Impact Assessment
ERYC	East Riding of Yorkshire Council
ES	Environmental Statement
ETG	Expert Topic Group
ExA	Examining Authority
HAP	Humber Archaeology Partnership
HDD	Horizontal Directional Drilling
HoT	Heads of Terms
HRA	Habitat Regulations Assessment
IP	Interested Party

Term	Definition
IPMP	In Principle Monitoring Plan
ISH <sub>1</sub>	Specific Hearing 1
ISH <sub>2</sub>	Specific Hearing 2
JNCC	Joint Nature Conservation Committee
LNR	Local Nature Reserve
LPA	Local Planning Authority
LSE	Likely Significant Effect
LWS	Local Wildlife Sites
MCA	Maritime and Coastguard Agency
MCZ	Marine Conservation Zone
MDS	Maximum Design Scenario
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
MPA	Marine Protected Area
NAS	Noise Abatement System
NCERM	National Coastal Erosion Risk Map
NE	Natural England
OEMP	Outline Ecological Management Plan
OLMP	Outline Landscape Management Plan
OWF	Offshore Wind Farm
OWSI	Onshore Written Scheme of Investigation
PADSS	Principal Areas of Disagreement Summary Statement
PAM	Passive Acoustic Monitoring

Term	Definition
PEIR	Preliminary Environmental Information Report
PRoW	Public Right of Way
PTS	Permanent Threshold Shift
R&I	Risks and Issues
RCP	Representative Concentration Pathway
RIAA	Report to Inform Appropriate Assessment
RPA	Root Protection Area
RR	Relevant Representation
RVAA	Residential Visual Amenity Assessment
SAC	Special Area of Conservation
SFRA	Strategic Flood Risk Assessment
SIP	Site Integrity Plan
SNCB	Statutory Nature Conservation Body
SNS	Southern North Sea
SoS	Secretary of State
SSSI	Site of Special Scientific Interest
TCC	Temporary Construction Compound
TJB	Transition Joint Bay
TTS	Temporary Threshold Shift
UKHO	United Kingdom Hydrographic Office
UWN	Underwater Noise
UXO	Unexploded Ordnance
WCS	Worst Case Scenario

# 1 Introduction

1. This document presents the Applicants' responses to Deadline 1 documents received from Interested Parties (IPs) following submissions to the Examining Authority at Deadline 1 of the Dogger Bank South Examination.
2. Responses to written representations submitted by IPs at Deadline 1 can be found within **The Applicants' Responses to Written Representations** [document reference 12.2].
3. For ease of referencing and to facilitate future cross-referencing, the Applicants have used the existing Planning Inspectorate reference (e.g. REP1-001) and created a unique identifier for each response by itemising the document 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 Deadline 1 Documents

4. The Applicants' responses to documents received from IPs at Deadline 1 are provided in this section.

## 2.1 BHP Billiton Petroleum Great Britain Limited

Table 2-1 The Applicants' response to BHP Billiton Petroleum Great Britain Limited's Deadline 1 Document [REP1-070]

I.D.	Written Representation	Applicants' Response
REP1-070:1	<p>1.1 BHP Billiton Petroleum Great Britain Limited (BHP) made a relevant representation to the Dogger Bank South Offshore Wind Farms (the Project) examination on 5 September 2024. This relevant representation was made to register BHP's interest in the application in respect of this potential interface between decommissioned infrastructure for which BHP is responsible and the proposed wind farm area.</p> <p>1.2 Within its relevant representation, BHP noted that it would welcome engagement with RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd (the Applicant) to understand the potential interface and discuss any necessary mitigation that may be required. BHP has received no engagement from the Applicant following its relevant representation and so is still unclear on how the interface would be managed/any impacts avoided to the infrastructure BHP manage within the proposed wind farm area.</p>	<p>The Applicants acknowledge this comment. 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, during the development stage of the Projects the Applicants made several attempts from June 2023 onwards to contact BHP to discuss the Projects and the potential need for crossing and / or proximity agreements to manage interfaces between interests. In addition, BHP were included in the statutory consultation for the Projects and were provided with a draft copy of <b>Chapter 16 Infrastructure and Other Users (Revision 3)</b> [REP1-011] by the Applicants for awareness and comment prior to submission.</p> <p>As has been the case throughout the development of the Project, the Applicants remain committed to engaging further with asset owners and operators within interests the vicinity of the Projects. The Applicants have made further efforts as of 4<sup>th</sup> February 2025 to progress engagement with BHP. The Applicants look forward to progressing discussions in due course. Should BHP have difficulty in contacting the Applicants then contact could be initiated at <a href="mailto:dbs@rwe.com">dbs@rwe.com</a>.</p>
REP1-070:2	<p>2.1 As noted in its relevant representation, BHP had a majority interest in the Esmond, Forbes and Gordon gas fields in the southern North Sea prior to its decommissioning and retains ongoing responsibilities in respect of the decommissioned infrastructure, including a decommissioned pipeline (PL264, PL258, PL261, and PL255), which was left in place and overlaps with the proposed wind farm area. The decommissioned pipeline was surveyed in 2020 and is expected to again be surveyed in 2030.</p>	<p>The Applicants acknowledge this comment.</p>
REP1-070:3	<p>3.1 In their response to BHP's relevant representation, dated October 2024, the Applicant acknowledges the comments made and states that it "will engage with BHP to discuss concerns raised within their representation".</p> <p>3.2 BHP has received no engagement from the Applicant following its relevant representation.</p> <p>3.3 BHP request engagement from the Applicant to confirm how the DCO secures protections for its infrastructure located within the proposed wind farm area.</p> <p>3.4 In the absence of such confirmation as to how the interface would be managed or any impacts avoided to the decommissioned infrastructure, including pipeline (PL264, PL258, PL261, and PL255), BHP maintains its representations in relation to the Project and reserves the right to make further representations, including in respect of any necessary protections to be imposed in the draft DCO to safeguard BHP's interests. It is, however, hoped this will not be necessary if engagement and clarification from the Applicant is forthcoming.</p>	<p>The Applicants acknowledge this comment. 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, during the development stage of the Projects the Applicants made several attempts from June 2023 onwards to contact BHP to discuss the Projects and the potential need for crossing and / or proximity agreements to manage interfaces between interests. In addition, BHP were included in the statutory consultation for the Projects and were provided with a draft copy of <b>Chapter 16 Infrastructure and Other Users (Revision 3)</b> [REP1-011] by the Applicants for awareness and comment prior to submission.</p> <p>As has been the case throughout the development of the Project, the Applicants remain committed to engaging further with asset owners and operators within interests the vicinity of the Projects. The Applicants have made further efforts as of 4<sup>th</sup> February 2025 to progress engagement with BHP. The Applicants look forward to progressing discussions in due course. Should BHP have difficulty in contacting the Applicants then contact could be initiated at <a href="mailto:dbs@rwe.com">dbs@rwe.com</a>.</p>

## 2.2 DBA Projco, DBB Projco and DBC Projco

Table 2-2 The Applicants' response to DBA Projco, DBB Projco and DBC Projco Deadline 1 Document [RE1-071]

I.D.	Response	Applicants' Response
REP01-071:1	<p>INTRODUCTION</p> <p>Dogger Bank Offshore Wind Farm Project 1 Projco Limited (DBA Projco) is a statutory undertaker for the purposes of the Planning Act 2008. DBA Projco has the benefit of development consent for the Dogger Bank A Offshore Wind Farm (DBA) which was granted pursuant to The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 as amended (the DBA/DBB DCO).</p> <p>2. Dogger Bank Offshore Wind Farm Project 2 Projco Limited (DBB Projco) is a statutory undertaker for the purposes of the Planning Act 2008. DBB Projco has the benefit of development consent for the Dogger Bank B Offshore Wind Farm (DBB) which was granted pursuant to the DBA/DBB DCO.</p> <p>3. Dogger Bank Offshore Wind Farm Project 3 Projco Limited (DBC Projco) is a statutory undertaker for the purposes of the Planning Act 2008. DBC Projco has the benefit of development consent for the Dogger Bank C Offshore Wind Farm (DBC) which was granted pursuant to The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 as amended (the DBC DCO).</p> <p>4. DBA, DBB and DBC are due to commence commercial operation between 2025 and 2027 and so will be operational before construction of the Dogger Bank South (DBS) Projects commence.</p> <p>5. DBA Projco, DBB Projco and DBC Projco (together the Projcos) do not object in principle to the DBS Projects but are making this submission in respect of the Applicant's approach to wake loss in respect of DBA, DBB and DBC and the interaction with the DBA and DBB order limits. This submission builds off of the Projcos' relevant representation (RR-007) and constitutes the Projcos' written representations and a summary of the Projcos' position as stated at Issue Specific Hearing 2 (ISH2) held on 16 January 2025.</p> <p>6. The Applicant's position presented on wake loss at ISH2 was not credible and represented a substantive change in position in respect of wake loss from that presented throughout the pre-application process and the DCO application materials (including the Environmental Statement). This gives rise to concerns around legitimate expectation and procedural fairness.</p> <p>7. Therefore, we have set out a fuller response as part of our written representation given the Applicant's refusal to engage with wake loss matters at ISH2 and the substantive change in the Applicant's position. We reserve our right to respond to any submissions made by the Applicant at Deadline 1.</p>	<p>The Applicants acknowledge this response.</p>
REP01-071:2	<p>WAKE LOSS</p> <p>8. The key focus of the Projcos' representations is on the potential effects on Annual Energy Production (AEP) and viability of other offshore wind farms (being DBA, DBB and DBC) which are within the vicinity of the DBS Projects. The Projcos' position is that a specific assessment of the effect on AEP by the DBS Projects is required and that this should be provided to: 1) the Projcos to allow them to understand the impacts on their infrastructure; and 2) the Examining Authority and Secretary of State so that they can adequately discharge their duties under the EIA Regulations and</p>	<p>WAKE LOSS</p> <p><i>How should the Secretary of State approach EN-3?</i></p> <p>The Applicants consider that the new Secretary of State needs to re-consider the interpretation of the EN-3 paragraphs regarding 'other offshore infrastructure' which was adopted by the previous Secretary of State in the Awel y Mor decision and to revert to the interpretation which was accepted by the offshore wind industry prior to that time. The same language has been in place since the 2011 version of EN-3. The Applicants request that the ExA supports this and recommends the Secretary of State fundamentally reviews the interpretation of EN-3 on</p>



I.D.	Response	Applicants' Response
	<p>the NPS. This information has been requested by the Projcos but has not been provided by the Applicant.</p> <p>9. Given the discussion at ISH2, we have set out the Projcos' position on the requirements of NPS EN-3 in respect of the impact of the DBS Projects on DBA, DBB and DBC.</p> <p><i>What does EN-3 require?</i></p> <p>10. Paragraph 2.8.197 of NPS EN-3 provides that: "<i>Where a potential offshore wind farm is proposed close to existing operational offshore infrastructure, or has the potential to affect activities for which a licence has been issued by government, the applicant should undertake an assessment of the potential effects of the proposed development on such existing or permitted infrastructure or activities</i>". This applies to DBA, DBB and DBC.</p> <p>11. The Applicant sought to assert at ISH2 that the term offshore infrastructure does not extend to other offshore wind farms. There is no basis for this proposition, and it is contrary to the Applicant's position to date.</p> <p>12. In light of the decision in respect of the Awel y Mor Development Consent Order (DCO), precedent has been set to the effect that paragraphs 2.8.196 to 2.8.203 of NPS EN-3 apply to other offshore wind farms, and it is appropriate to assess wake effects as part of the application process for a new DCO (as acknowledged by the Applicant in their Responses to Relevant Representations (PDA-013) at RR-007:8). This is informative but simply confirms the clear position under the NPS.</p> <p>13. NPS EN-3 Para 2.8.200 provides that: "Applicants should engage with interested parties in the potentially affected offshore sectors early in the pre-application phase of the proposed offshore wind farm, with an aim to resolve as many issues as possible prior to the submission of an application". The Applicant has not discharged this requirement, in spite of the Projcos' submission of consultation responses and the Projcos' attempts to engage with the Applicant to address the wake loss issue at the pre-application and pre-examination stage. At ISH2, the Applicant effectively stated that it would not engage any further with DBA Projco, DBB Projco or DBC Projco.</p> <p><i>What does the Secretary of State need in order to reach a decision?</i></p> <p>14. Sufficient information must be provided by the Applicant in order to enable the Secretary of State to reach a reasoned conclusion as to the matters set out in NPS EN-3 paragraphs 2.8.344 to 2.8.347. In particular, the assessment under NPS EN-3 paragraph 2.8.197 must be undertaken to inform the decision making pursuant to section 104 of the Planning Act 2008 and the obligation: 1) to have regard to the NPS; and 2) to decide the application in accordance with the NPS.</p> <p>15. The Applicant's position at ISH2 appeared to be that the assessment required under the NPS can effectively be ignored at the application stage and, if felt necessary, dealt with through a requirement. This is not appropriate as this is a policy test which must be complied with at the application (and determination) stage. A requirement would not address the same fundamental matters that apply now, including the Applicant's unwillingness to share its assessment (including the modelling and methodology).</p> <p>16. At ISH2, the Applicant sought to argue against the Awel y Mor decision on matters where it did not like the decision (i.e. that the policy applied to wake loss) and rely on the Awel y Mor decision on</p>	<p>this matter and follows the previous interpretation i.e. that impacts on existing offshore wind farm projects are outside the ambit of those paragraphs.</p> <p>The Applicants briefly highlight below why this is the correct interpretation.</p> <p>Section 8 of EN-3 is entitled 'Offshore wind'. There are various paragraphs in the remainder of section 8 which address '<b>other</b> offshore infrastructure and activities'. The nature of such infrastructure and activities is explained in paragraph 2.8.44, which states:</p> <p><i>"There may be constraints imposed on the siting or design of offshore wind farms because of the presence of other offshore infrastructure, such as oil and gas, Carbon Capture, Usage and Storage (CCUS), co-location of electrolyzers for hydrogen production, marine aggregate dredging, telecommunications, or activities such as aviation and recreation."</i></p> <p>The Applicants submit that the only fair and objective reading of this paragraph (which frames all the subsequent relevant paragraphs) is that existing offshore wind farm projects were not regarded as 'other offshore infrastructure'. That is why the word 'other' is used in the sub-heading. That is why offshore wind farms are not included in the list of examples and how it had been interpreted from 2011 onwards (under both sets of NPSs).</p> <p>The remaining paragraphs in section 8 dealing with 'other offshore infrastructure' are entirely consistent with this reading. The Applicants submit that the meaning of these paragraphs was and is clear and excludes other offshore wind farms.</p> <p>In addition to the points just made, the Applicants would particularly highlight the paragraphs quoted and commented on below:</p> <p><i>2.8.203 Such engagement [referenced in immediately prior paragraphs] should be taken to ensure that solutions are sought that allow offshore wind farms and other uses of the sea to co-exist successfully.</i></p> <p>This paragraph 2.8.203 makes no sense if 'other uses of the sea' includes other offshore wind farms. It is clear that this was not intended. If offshore wind farms were intended to be included this paragraph (and the entire section) would have to have been framed differently.</p> <p><i>2.8.342 Where a proposed offshore wind farm potentially affects other offshore infrastructure or activity, a pragmatic approach should be employed by the Secretary of State.</i></p> <p><i>2.8.343 Much of this infrastructure is important to other offshore industries as is its contribution to the UK economy.</i></p> <p>These two paragraphs are intended to be read together. The reference to 'other offshore industries' makes it plain that these paragraphs cannot refer to other offshore wind farms.</p> <p>The Applicants submit that it is not reasonable for a widely accepted interpretation of a long- standing policy, which reflects its plain meaning, should be radically re-interpreted by the previous Secretary of State in the way which took place in the Awel y Mor decision. The 2024 Energy NPSs were consulted on twice (in 2021 and 2023) with the same language as the 2011 NPS, before being designated. There was substantial engagement by offshore wind developers and other stakeholders in these consultations. The second consultation process on the new NPSs closed on 23 June 2023 and the Awel y Mor decision was issued on 20 September 2023, with an outcome regarding wake loss which was not expected. Given that relevant wording regarding 'offshore infrastructure' stayed the same as the 2011 wording (in all relevant respects) and there was no suggestion in the consultation process that a different interpretation would be applied by the Secretary of State in decision making,</p>

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	<p>matters where it did like the decision (i.e. the lack of a requirement for a financial indemnity and the potential fallback of a requirement (albeit the Applicant dislikes the form of requirement)).</p> <p><i>What did the Applicant say (Response to RRs and at ISH2)?</i></p> <p>17. No evidence of the purported wake loss assessment is provided as part of the Environmental Statement or the application; simply a statement that it has been concluded. There is no statement as to what is considered significant in terms of wake loss in the application materials. There is no evidence of the assessed reduction in AEP for DBA, DBB or DBC being below this level, simply a statement (supported by no evidence) that the impact is negligible for DBA and that no assessment has been undertaken for DBB or DBC. The Applicant's position at ISH2 means that there will be no evidence to demonstrate compliance (or attempted compliance) with the NPS in front of the examination into the Application.</p>	<p>it was reasonable for offshore wind developers to assume the long-standing interpretation would continue to apply.</p> <p>There should be consistency in interpretation of an important issue like this for the Applicants and other developers of new offshore wind farms. If a different interpretation had been proposed (or new language which made it explicit it was intended to apply to existing offshore wind farm projects), there would have been the most intense interest in the precise language in the new draft NPS, interpretation of that language and consideration of its consequences. A whole host of issues would have been raised in responses to the Secretary of State's consultations including:</p> <ul style="list-style-type: none"> <li>a) the fairness of bringing wake effects into the planning regime at all, when it is already addressed through The Crown Estate leasing process;</li> <li>b) the need for transitional arrangements to address a range of situations;</li> <li>c) the complete absence of an industry agreed basis for the assessment of wake effects i.e. there are competing models and substantial areas of legitimate technical debate as to the applicability of specific models and modelling approaches to different situations;</li> <li>d) the policy intent of bringing wake effects considerations into the planning process. Is the policy imperative to continue to maximise aggregate Annual Energy Production from new projects (the long standing position) to contribute to government targets or to minimise the impacts on existing projects? Or some mixture of the two, and – if so – applying what principles to balance the two?</li> <li>e) the complete absence of industry technical consideration and consensus of regarding techniques available to reduce wake effects from new projects on existing projects as part of project design. To date, this has never been a consideration in new project design. This is an area which would be the subject of intense technical debate, which is in any event profoundly hampered by questions of commercial confidentiality and relative project timings. There are a whole range of difficulties which arise, none of which have been explored before, including, to pick one example from many, the situation where there are multiple existing wind farms in consideration each of which could advocate for a design outcome for the new project it claimed was appropriate, but where the differing design requests sought are conflicting;</li> <li>f) whether DCO requirements can be framed to meet the normal policy tests of certainty, enforceability and overall reasonableness.</li> </ul> <p>As far as the Applicants are aware, none of these complex and difficult issues were raised because no one had any reason to believe that a radically new interpretation might be applied.</p> <p>The Applicants submit that the new Secretary of State should apply the original and widely accepted interpretation of EN-3. This would restore the basis on which the entire offshore wind sector has proceeded in England and Wales since it began in the early 2000s. Any industry issue regarding wake effects as between new and existing projects should be addressed outside the planning system, if it is considered that the established regulation by the buffer distances set by The Crown Estate in new seabed licensing grounds is now considered insufficient.</p> <p>If the submissions above are not accepted, and the 'other offshore infrastructure' policies in EN-3 are taken to apply to existing offshore wind farm projects, then the interpretation of EN-3 becomes problematic given the text in question was not intended to apply to that situation and would have been written differently if it had.</p>

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		<p>If the submissions above are not accepted, the Applicants submit (as they have in their Deadline 1 submission (<b>The Applicants' Responses to January 2025 Hearing Action Points (Revision 2)</b> [AS-155])) that the correct approach is to emphasise the advice in paragraph 2.8.342 of EN-3 of employing a pragmatic approach. That paragraph is central to the advice to the Secretary of State as decision maker for 'other offshore infrastructure'. Crucially, it applies to multiple offshore industries as is plain from paragraph 2.8.44 already quoted. The approach to pragmatism will necessarily be different depending on the other offshore industry in question. In the case of a newly proposed offshore wind farm potentially affecting existing offshore wind farm projects, the Applicants submit that the pragmatic approach is to acknowledge:</p> <ul style="list-style-type: none"> <li>a) That this has been addressed through The Crown Estate leasing process, by the inclusion of buffer distances when new seabed licences have been awarded;</li> <li>b) That The Crown Estate is a sophisticated stakeholder in this regard, which listens carefully to industry concerns on a wide range of issues;</li> <li>c) That there is no evidence that The Crown Estate was lobbied by industry generally concerning the buffer distance of 7.5km set for Round 4 as regards wake effects. In other words, the risk that new projects would emerge through new licensing rounds, which would have a range of potential effects on existing projects (including wake effects) was widely known and understood;</li> <li>d) That the Applicants have respected the buffer distance for Round 4, being more than 7.5km away from all other existing projects, including DBA, DBB and DBC;</li> <li>e) That this approach has been generally accepted by the offshore wind industry prior to the Awel y Mor decision i.e. not requiring wake assessments or any related design obligation on the new project to reduce wake effects on existing projects. The only exception has been for projects immediately adjacent to each other (i.e. within the buffer), where The Crown Estate has required commercial agreement between the parties involved.</li> </ul> <p>Applying this approach, the Secretary of State would conclude that no wake assessment was required.</p> <p><b>Response to Projcos representations regarding EN-3</b></p> <p>In the light of the submissions made above the Applicants would respond to the specific points made by the Projcos:</p> <ul style="list-style-type: none"> <li>a) Paragraph 8: a specific assessment of the potential effects on Annual Energy Production and viability of the Projects is not required or appropriate pursuant to EN-3. If the Projcos had concerns about the buffer distance proposed by The Crown Estate as part of the Round 4 licensing process they should have been raised with The Crown Estate at that time. The Round 4 buffer distance had the potential to affect numerous projects as regards wake loss. There is no evidence that industry concern was expressed;</li> <li>b) Paragraph 11: there is a compelling case that the relevant paragraphs relating to 'other offshore infrastructure' do not apply to other offshore wind farms, as outlined above;</li> <li>c) Paragraph 12: the "clear position" under EN-3 is the opposite of that asserted by the Projcos, for the reasons given above. The Applicants consider that the Awel y Mor decision should be reconsidered by the new Secretary of State;</li> </ul>

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		<p>d) Paragraph 13: the Applicants have engaged with the Projcos in relation to issues, including wake loss, and will continue to do so. The Applicants have reconsidered their position in relation to wake loss, as already explained in its submission at Deadline 1 of <b>The Applicants' Responses to January 2025 Hearing Action Points (Revision 2)</b> [AS-155]. It will not be submitting the assessment it carried out, nor conducting further assessments;</p> <p>e) Paragraph 14: the Secretary of State is entitled to interpret EN-3 as proposed above i.e. either to revert to the interpretation universally applied before the Awel y Mor decision or to adopt the alternative 'pragmatic' approach outlined above. It is not necessary for there to be an assessment for the Secretary of State to discharge his obligations under section 104 Planning Act 2008;</p> <p>f) Paragraph 15: the Applicants submit that if the Secretary of State decided to impose a requirement similar to that applied in Awel y Mor (where the promoter had not submitted a wake assessment) then that would fail the policy tests for DCO requirements. Among other reasons, the technical areas of potential dispute regarding modelling of wake effects, the availability of and efficacy mitigation measures and the lack of clarity regarding the balancing of policy objectives to be achieved through any mitigation measures mean that such a requirement would fail the tests of certainty, enforceability and overall reasonableness. The Secretary of State may, of course, disagree with that view;</p> <p>g) Paragraph 16: the Applicants simply made the point that it agreed with the Secretary of State that a DCO requirement which provided for a financial indemnity would be inappropriate, and it was relevant for the ExA to be aware of this. The Applicants submit that in any circumstances such an indemnity provision would fail the policy tests for DCO requirements.</p> <p>h) Paragraph 17: the Applicants have amended the relevant text in the Environmental Statement (<b>Chapter 16 Infrastructure and Other Users (Revision 3)</b> [REP1-011]) to remove references to the conclusions of the wake assessment. The NPS can be complied with in the absence of an assessment for the reasons outlined above i.e. either the Secretary of State reverts to the pre-Awel y Mor interpretation or adopts the pragmatic approach already explained.</p>
REP01-071:3	<p><b>History</b></p> <p>18. The Applicant applied for a scoping opinion on 26 July 2022 (Document ref: 004376179). Table 2-38 of the Applicant's request for a scoping opinion expressly scoped into the EIA throughout the construction, operation and decommissioning stages "potential interference with other wind farms". The Planning Inspectorate published its Scoping Report (APP-232) on 2 September 2022. As such, operational impacts on offshore wind infrastructure must be assessed. At ISH2, the Applicant seemed to argue that this does not extend to wake loss even though it is plain that this is a potential interference with other wind farms.</p> <p>19. The Applicant published its PEIR for the DBS Projects on 24 April 2023 which it consulted on in Summer 2023. The Projcos responded to the consultation on Chapter 16 of the PEIR in 2023 requesting that a full assessment of the potential for wake loss impacts on the Dogger Bank Projects be included as part of the Environmental Statement.</p> <p>20. Following consultation on the PEIR, in June 2024 the Applicant submitted their Environmental Statement alongside their DCO application. Appendix 16-1 of the Environmental Statement sets out the Projcos' consultation response to the Applicant's PEIR where the Projcos raised the lack of assessment in respect of wake loss as a material issue and where the Projcos identified that</p>	<p><b>Infrastructure Planning (Environmental Impact Assessment) Regulations 2017</b></p> <p>The Applicants have reconsidered its approach to the environmental statement prepared pursuant to the EIA Regulations. The approach it had adopted was an exception to the normal approach (i.e. that wake effects are not considered to be an environmental effect for the purposes of the EIA Regulations). The Applicants have amended the relevant text in the Environmental Statement (<b>Chapter 16 Infrastructure and Other Users (Revision 3)</b> [REP1-011]) to remove all reference to wake loss/effects.</p> <p><b>Response to Projcos representations regarding EIA matters</b></p> <p>The Applicants respond to the various points made as follows:</p> <p>a) Paragraph 18: wake loss is not interference in the sense intended. There is no legal right to 'clean' wind. Wake effects are not an 'environmental effect' pursuant to the EIA Regulations. Any policy considerations arising from wake effects are to be addressed outside the EIA arena. This is the normal approach to offshore environmental statements.</p> <p>b) Paragraph 19 to 24: as already explained, the Applicants have revised its position.</p>



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	<p>insufficient information had been provided to allow the Projcos to understand the impacts of the DBS Projects on DBA, DBB and DBC. The Applicant's response to this consultation comment is that: <i>"Potential impacts regarding wake loss are assessed in section 16.6.1.1 of the chapter"</i>.</p> <p>21. Chapter 16 of the Environmental Statement at part 16.6.1.1 identified <i>"Wake losses for nearby wind farms resulting from the presence of wind turbines for the Projects"</i> as an impact of the DBS Projects. The Applicant's Environmental Statement concluded that it was necessary for them to undertake an assessment of the potential interference of the DBS Projects on other wind farms, including in terms of wake loss effects. As such, the Applicant has scoped wake loss into the EIA process and committed to an assessment of the operational impact of the Projects on other operational wind farms, including wake loss effects.</p> <p>22. At paragraph 70 of Chapter 16 the Applicant acknowledges that <i>"Wind farms located in <b>close proximity</b> have the potential to reduce the efficiency of the neighbouring project through wake losses, potentially reducing the Annual Energy Production (AEP) for each project [our emphasis]"</i>. The Applicant considered DBA to be one such wind farm which was in "close proximity" to the DBS Projects and therefore it has purported to conduct modelling of the potential AEP loss for DBA before concluding that <i>"the overall AEP loss for Dogger Bank A would be negligible when compared to the wind resource available"</i>. The Applicant did not provide the methodology, modelling data or evidence which led to this conclusion and there is insufficient information in the Environmental Statement to support this conclusion or allow a reasoned conclusion on this matter.</p> <p>23. The Projcos submitted a relevant representation (RR-007) on 6 September 2024 regarding the lack of methodology, modelling data or evidence provided to substantiate the Applicant's assessment of the wake loss effect on DBA (DBB and DBC are notably not assessed) which the Applicant responded to on 10 October 2023 in the Applicant's Responses to Relevant Representations (PDA-013). In response RR-007:13, the Applicant refers to section 16.4 of the Environmental Statement as setting out the methodology used to undertake the assessment of wake loss effects. The Applicant does not address the absence of evidence or modelling data which might substantiate their assessment of wake loss effects. The Applicant does not quantify the reduction in the AEP of DBA as a result of the DBS Projects which they consider to amount to a negligible effect when compared to the wind resource available. The information provided is insufficient to allow the Secretary of State to reach a reasoned conclusion on this impact (both in EIA and NPS EN-3 terms).</p> <p>24. At ISH2 the Applicant went back on their position that they are required (and had committed) to conduct an assessment of the operational impact of the Project on other operational wind farms, including wake loss effects, the position they had maintained at all prior stages of the DCO process. As a result, the Applicant now refuses to conduct this assessment or share with the Projcos the information which informed their wake loss assessment. This approach is plainly incorrect and is contrary to commitments provided throughout the pre-application process.</p>	
REP01-071:4	<p>25. The UK government published its 'Clean Power 2030 Action Plan' in December 2024 which states at page 84: <i>"New projects with larger and/or a greater number of turbines have an even greater propensity to cause wake effects on existing downstream operational projects. Historically, this has been resolved outside the planning system, but a precedent was set with a wake condition in the 2023 Awel y Mor Development Consent Order, which said "No part of any wind turbine generator shall be</i></p>	<p><b>Response to Projcos representations regarding worst case and Frazer-Nash/Round 4</b></p> <p>The Applicants respond to the various points made as follows:</p>

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	<p><i>erected as part of the authorised development until an assessment of any wake effects and subsequent design provisions to mitigate any such identified effects as far as possible has been submitted”</i>. This demonstrates: 1) the Government’s current position; and 2) reflects the fact that wake is a more material factor than has historically been the case given the greater propensity for new projects to cause wake impacts. This demonstrates why wake loss needs to be addressed through the Application by the Applicant.</p> <p>26. Separately, the Applicant’s position is incorrect in the context of this DCO application as it does not address the fact that the Applicant repeatedly committed to conducting a wake loss assessment as part of the EIA process at each stage prior to ISH2.</p> <p>27. It is our position that, not only has the Applicant committed to conduct the assessment as part of the Environmental Statement, but that the wake loss assessment should be included within the Environmental Statement as it is directly linked to an impact on offshore wind infrastructure and to the Applicant’s greenhouse gas assessment. The assessment of the climate benefits of the DBS Projects will require to be tempered by the potential loss of AEP of other projects in the area including DBA, DBB and DBC as a result of wake loss effects. Without an assessment of the loss of AEP for DBA, DBB and DBC not only are those adverse effects not understood for those projects but the benefits of the DBS Projects in terms of renewable energy generation may be over-stated.</p> <p>28. Regardless of whether the wake loss assessment is required to form a part of the Environmental Assessment (which it is) or the Applicant’s commitment to include it (which it has consistently made), NPS EN-3 paragraph 2.8.197 requires the Applicant to assess wake loss effects. Refusal to provide this assessment to the Secretary of State will prevent the Secretary of State from being able to make an informed decision on the matters set out in NPS EN-3 paragraphs 2.8.344 to 2.8.347. The Applicant’s approach of simply deferring this to a requirement is not appropriate, particularly in the context of a DCO application where the matter has been consistently raised by the Projcos.</p> <p><b>Worst Case</b></p> <p>29. In respect of the impact of the Project, damage to the cable is identified as the worst-case scenario and the Applicant has reiterated this in their Response to RR. This may be true for the construction / decommissioning phase (when such damage is likely to occur), but there is a material difference for the operational phase when construction activities are not being undertaken. In this phase of the Project, wake loss is likely to be the worst-case scenario. This is demonstrated by the Applicant’s statement at Paragraphs 75 and 76 of 16.6.1.1.3 of Chapter 16 (APP-130).</p> <p>30. The conclusions reached in section 16.6.1.1.4 and 16.6.1.1.5 of Chapter 16 appear to be based on the mitigation identified in Paragraph 71 of 16.6.1.1.1 although given the structure of this part of the Environmental Statement and the lack of detail provided this is quite difficult to follow. That mitigation, in respect of wake loss, appears to be based on the conclusion that “all commercial agreements” are put in place ahead of the commencement of construction of the offshore works.</p> <p>31. The DCO and EIA process is not intended to be a paper chase for third parties and the onus is on the Applicant to discharge the duties under both the NPS and the EIA Regulations. At this stage, there is simply insufficient information presented to understand the assessment, quantify the</p>	<p>a) Paragraph 25: The Projcos quote the Clean Power 2030 Action Plan (December 2024). The quote provided simply acknowledges that the question of wake effects is evolving and records the fact of the Awel y Mor decision being an exception to the normal approach of wake effects being dealt with outside the planning system. It does not provide a statement of current government policy. If anything the quote reinforces the inappropriateness of this issue having been consistently addressed outside the planning system being brought into the system (in the Awel y Mor case) when there has been no change to the language in the relevant policies.</p> <p>b) Paragraph 27: Regarding the greenhouse gas assessment, the Applicants have followed normal practice and have assessed effects of the Projects for EIA purposes (<b>Chapter 30 Climate Change [APP-222]</b>). The Applicants are confident that the conclusions of this analysis are robust, even if any wake loss impact on the Projcos projects are taken into account.</p> <p>c) Paragraphs 29 to 31: as already explained, the Applicants have revised their position and submitted revised text for the environmental statement (<b>Chapter 16 Infrastructure and Other Users (Revision 3) [REP1-011]</b>).</p> <p>d) Paragraph 32: the Applicants agree the Frazer-Nash study did not inform the Round 4 buffer distance. Wake loss has been a long- standing industry issue, both offshore and onshore. The Round 4 buffer will have been set in the light of the considerable knowledge of the issue at that time. It is always the case that detailed understanding of a given technical issue evolves over time. The Applicants agree that there are a range of factors which may influence the extent of wake loss, including: wind farm power density (MW per square km); capacity and footprint of wind farm and proximity to neighbouring wind farms; joint distribution of wind direction and speed; turbine design and size; and sea and atmospheric conditions.</p> <p>e) Paragraph 33: the Applicants acknowledged at ISH2 that the Frazer-Nash study had a specific generic purpose, adopted a specific modelling approach and was not directly applicable to specific project interactions. The Applicants have explained their revised stance on providing any wake effects assessments and do not repeat this again.</p> <p>f) Paragraphs 34 to 36: the Applicants do not consider that paragraph 2.8.197 applies to the Projects as per their submissions at Deadline 1 (<b>The Applicants’ Written Summaries of Oral Submissions made at CAH1, ISH1 and ISH2 (Revision 1) [REP1-049]</b>) as developed further in this submission (i.e. the paragraph does not apply at all; or, if not accepted, the ‘pragmatic’ approach should be followed). The word “close”, if it applies, has to be interpreted in the relevant context (in this case, the context of this policy) and, as the Applicants have already stated, they do not consider DBA, DBB or DBC are close in that sense.</p> <p>g) Paragraph 37: there are compelling reasons why existing offshore wind farms should be regarded as outside the ambit of ‘other offshore infrastructure’ for the purposes of paragraph 2.8.197 which are outlined at the start of this submission.</p>

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	<p>impacts and reach a reasoned conclusion. A simple statement that impacts are negligible, without presenting the data and assessment (let alone the methodology used), is insufficient.</p> <p><b>Fraser Nash and Leasing Round 4</b></p> <p>32. The 2023 Frazer-Nash study post-dates the establishment of the round 4 separation distances and therefore, shouldn't be interpreted as forming the basis for the 7.5km separation distance. The 7.5km distance buffer requirement will not have taken account of the current understanding of what factors influence wake loss. As part of the Outer Dowsing Offshore Wind (Generating Station) DCO application, in their response to the Examining Authority's questions (REP2-080), The Crown Estate acknowledged (when asked about the 7.5km distance and the relationship between the Round 4 Projects and the Frazer Nash report) that factors such as prevailing wind direction and wind farm layout may also be relevant for wake loss (attached as Appendix 1 to this representation).</p> <p>33. In any case, TCE have advised that the Frazer-Nash study did not "replace the need for project-specific analysis". The study modelled non site-specific scenarios and would not have taken into account the particular factors relevant to the wake loss interaction between the DBS Projects and DBA, DBB and DBC. It is not appropriate for the Applicant to limit assessment of the Dogger Bank projects to only DBA and the Frazer-Nash study does not support such a conclusion; bespoke site-specific assessment of the unique factors which compose the wake loss impact of DBS on DBB and DBC is also necessary as part of the consenting process.</p> <p><b>Interpretation of NPS EN-3 on 'Infrastructure' and 'Close' (Round 4 Leasing Round)</b></p> <p>34. At ISH2 the Applicant stated that they do not consider DBA, DBB or DBC to be "close" to the DBS Projects for the purposes of paragraph 2.8.197 of NPS EN-3. This represented a change to the Applicant's approach.</p> <p>35. Our position is that DBA, DBB and DBC are close to the DBS Projects, and no evidence has been submitted by the Applicant to suggest that they are not close.</p> <p>36. As we stated at ISH2, at Paragraph 70 of Chapter 16 of the Environmental Statement the Applicant has stated that the DBS Projects are in "<i>close proximity</i>" to the Dogger Bank A wind farm. The Applicant's position at ISH2 was inconsistent with this statement in the Environmental Statement.</p> <p>37. Similarly, at ISH2 the Applicant stated that they do not consider offshore wind farms to fall within the definition of "infrastructure" for the purposes of paragraph 2.8.197 of NPS EN-3. We do not consider this to be a credible argument, as there is no basis for treating offshore wind differently to other infrastructure and the Applicant could provide no evidence for this position at ISH2.</p> <p>38. The Applicant highlighted that discussions surrounding this issue are ongoing in the examination of numerous other DCO applications. We are not aware of any DCO examination where the promoter (or a third party) has argued a position that these paragraphs of NPS EN-3 do not apply to offshore wind infrastructure. We are aware of other DCO examinations where other promoters, having recognised that the NPS applies to offshore wind, have sought to argue that the circumstances of the relevant projects mean that the policy is not engaged in those circumstance. This is a materially different issue.</p>	<p>h) Paragraph 38: It is certainly not the case that the offshore wind sector has generally embraced the Awel y Mor interpretation. There was widespread concern and surprise within the industry at the decision in Awel y Mor and the radical departure by the Secretary of State from the previously accepted interpretation of the relevant paragraphs in EN-3. The Applicants are aware that a range of arguments have been and continue to be made as regards the correct interpretation of EN-3, which includes the argument that the Awel y Mor interpretation should be re-considered and the long-standing prior interpretation be reinstated.</p> <p>i) Paragraph 38: the Applicants would make the additional points that it is clear from the wording in EN-3 that it treats there as being two categories, namely 'infrastructure' and 'activities'. On any analysis, DBA, DBB and DBC could only be considered as 'existing operational offshore infrastructure'. They are not 'activities', which applies (as per the examples in paragraph already cited) to things like recreation and aviation. This means that the reference in paragraph 2.8.197 to "activities for which a licence has been issued by government" cannot apply to infrastructure like offshore wind farms.</p>

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REP01-071:5	<p><b>Legitimate Expectations and Burden of Proof</b></p> <p>39. A DCO application, and an EIA process, is a public process wherein the onus is on the Applicant to satisfy the clear requirements of the consenting regime. Throughout the various stages of the consenting process the Applicant has repeatedly committed to assessing interference from the DBS Projects with other wind farms, including wake loss effects. This has created a legitimate expectation that wake loss will be addressed as part of the DCO process. Failure to address this issue would give rise to a ground of legal challenge.</p> <p>40. Similarly, this is a matter that DBA Projco, DBB Projco and DBC Projco have raised consistently throughout the consultation process. In failing to address this matter, there is a procedural failing and a matter of procedural fairness that arises which could also give rise to a ground of legal challenge.</p> <p>41. Whilst the Examining Authority has requested that the Projcos submit their own assessment (which is something that the Projcos can commit to albeit on the basis of assumptions and worst-case parameters given the Applicant's lack of engagement) this will not address the EIA failings, and the burden of proof should not fall on the Projcos. The Projcos propose to submit their own assessment at Deadline 4 to allow time to fully understand the Applicant's changed position.</p>	<p><b>Response to Projcos representations on legitimate expectation and burden of proof</b></p> <p>The Applicants respond to the various points made as follows:</p> <p>a) Paragraph 39: the doctrine of legitimate expectation has no relevance to the conduct of the Applicants in a case like this. The Applicants, for these purposes, are private companies promoting a DCO application. They are not acting as a public authority with the potential to create a legitimate expectation of the kind claimed by the Projcos. The Applicants are entitled to change their position in a matter such as this and they have done so. The environmental statement (<b>Chapter 16 Infrastructure and Other Users (Revision 3)</b> [REP1-011]) has been updated to reflect the Applicants' revised position. The Projcos are entitled to comment on the environmental statement in the normal way and submit material of their own if they so wish. Such commentary and supplemental information is part of the way the environmental impact assessment process is intended to work. It is often the case that applicants are asked by third parties to provide additional assessments on a given technical topic, which they decline to do because they do not think it is necessary or appropriate. Here the Applicants have reached the same position by a different route.</p> <p>The definition of "environmental information", set out below, includes "other information" and "representations duly made by any other person". All this information is to be taken into account by the Secretary of State under the EIA Regulations.</p> <p><i>"environmental information" means the environmental statement (or in the case of a subsequent application, the updated environmental statement), including any further information and any other information, any representations made by any body required by these Regulations to be invited to make representations and any representations duly made by any other person about the environmental effects of the development and of any associated development;</i></p> <p>b) Paragraph 40: the Projcos are entitled to raise an issue as part of the consenting process. They are not, however, entitled to determine how an issue they raise is addressed.</p> <p>c) Paragraph 41: it is a matter for the Projcos as to whether they submit their own wake assessment. The Applicants do not accept that their revised position gives rise to any EIA "failings". The Applicants' original position went beyond that which was required by the EIA Regulations, which has now been addressed by the amendments to the relevant documentation.</p>
REP01-071:6	<p><b>CUMULATIVE EFFECTS</b></p> <p>42. The Projcos position was set out in its relevant representation.</p>	<p><b>CUMULATIVE EFFECTS</b></p> <p>Paragraph 42: the Applicants note this.</p>
REP01-071:7	<p><b>PROXIMITY AGREEMENTS</b></p> <p>43. In addition to the above, the DBS Projects' order limits overlap with the order limits for the DBA/DBB DCO offshore and have the potential to interact with the DBA and DBB projects nearshore cables.</p> <p>44. As noted above, the Environmental Statement notes that the worst-case scenario during construction would be accidental damage to a subsea cable resulting from the wind farm construction activities reducing the cable capacity or making the cable operation redundant. The</p>	<p><b>PROXIMITY AGREEMENTS</b></p> <p>The Applicants acknowledge the overlap of the DBS Order Limits with those of the DBA/DBB projects. It should be noted that this overlap is limited to a maximum extent of 300m and is restricted solely to the temporary construction buffer of the DBS Projects, within which no permanent infrastructure will be placed and where any activities associated with construction will be minimal.</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 and construction information is available and such agreements can be properly concluded. The Applicants remain</p>



I.D.	Response	Applicants' Response
	<p>Environmental Statement identifies that proximity agreements are the required mitigation to regulate this impact.</p> <p>45. To date, proximity agreements have not been put in place with DBA Projco or DBB Projco to mitigate this risk. If proximity agreements are not in place, a requirement will be necessary to secure this.</p>	<p>committed to engaging with the Projcos and securing any necessary proximity agreements (should any be required) once the appropriate design and construction information is available. As is typical in offshore industries, it is not expected that this will occur until the post-consent / pre-construction phase of the Projects.</p>
REP01-071:8	<p>NEXT STEPS</p> <p>46. The Projcos reiterate their request that the Applicant engage with the Projcos and provides the necessary information to allow the Projcos to understand the implications of the DBS Projects on DBA, DBB and DBC in respect of wake loss.</p> <p>47. The Projcos expect individual agreements to be put in place between the Applicant and DBA Projco, DBB Projco and DBC Projco to regulate the interaction between the DBS Projects and the respective Projcos' project in respect of wake loss.</p> <p>48. DBA Projco and DBB Projco expect individual proximity agreements to be put in place between the Applicant and the relevant Projco to regulate the interaction between the DBS Projects and the respective Projcos' project in respect of the order limit interaction in the nearshore environment.</p> <p>49. DBA Projco and DBB Projco expect protective provisions to be put in place between the Applicant and the relevant Projco to regulate the onshore crossing of the DBA and DBB export cable by the DBS Projects' onshore cables.</p>	<p>NEXT STEPS</p> <p>The Applicants respond to the various points made as follows:</p> <ul style="list-style-type: none"> <li>a) Paragraph 46: the Applicants have engaged with the Projcos in relation to issues, including wake loss, and will continue to do so. The Applicants have reconsidered their position in relation to wake loss, as already explained in its submission at Deadline 1 of <b>The Applicants' Responses to January 2025 Hearing Action Points (Revision 2)</b> [AS-155]. It will not be submitting the assessment it carried out, nor conducting further assessments.</li> <li>b) Paragraph 47: the Applicants do not consider that individual agreements to regulate wake loss between the Projects and DBA, DBB and DBC are appropriate and do not intend to enter into or negotiate such agreements.</li> <li>c) Paragraph 48. See the Applicants' response in 1.27.</li> <li>d) Paragraph 49. The Projects initiated contact with DBA Projco and DBB Projco via Jake Craig (Land Manager, SSE) on 10<sup>th</sup> May 2023 to introduce proposals and request confirmation of requirements in relation to the onshore crossing. A draft crossing agreement was later provided to the DBS Projects on 7<sup>th</sup> June 2023 for consideration. Initial comments were provided on the draft Crossing Agreement on 2<sup>nd</sup> October 2023, with legal representation instructed to progress negotiations. Negotiations have been ongoing since on the form of Crossing Agreement and this agreement is now largely agreed save for two minor points, confirmation of which was requested to SSE's legal team on 30<sup>th</sup> January 2025. Upon receipt of confirmation that this is agreed, engrossments will be prepared.</li> </ul>

## 2.3 East Riding of Yorkshire Council

Table 2-3 The Applicants' response to East Riding of Yorkshire Council's Response to Action Points from Issue Specific Hearing 1 and 2 [REP1-055]

I.D.	Action Point	Action	East Riding of Yorkshire Council's Response	Applicants' Response
Issue Specific Hearing 1				
REP1-055: 1	4.	In relation to Article 11, provide a response as to whether 28 days would be a sufficient timeframe to deal with requests to discharge Requirements. If 28 days is	28 days is considered insufficient time to deal with requests to discharge Requirements. It is normally necessary to carry out consultations on requests and, if amendments or further discussion is needed, to allow sufficient time for that to take place. 28 days would not provide that flexibility and could result in ERYC not agreeing	The wording in Part 3, Streets, Article 11(5) of the <b>Draft Development Consent Order (DCO) (Revision 5)</b> [REP1-004] (p.22) states: <i>'If a highway authority which receives an application for confirmation that an alternative public right of way is satisfactory under paragraph (2) fails to notify the undertaker of its decision before the</i>

I.D.	Action Point	Action	East Riding of Yorkshire Council's Response	Applicants' Response
		not considered sufficient explain what time frame would be and why.	requests. 56 days would be more reasonable and would reflect the eight week period specified within the Requirements at Schedule 2 Part 2 (2) of the DCO.	<p><i>end of the period of 28 days beginning with the date on which the application was received by that highway authority, it is deemed to have granted consent.'</i></p> <p>Any temporary Public Right of Way (PRoW) diversions would be located within the Onshore Development Area, as detailed in <b>Appendix C of the Outline PRoW Management Plan (Revision 2)</b> of the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025]. A PRoW Management Plan including details of any temporary diversions will be prepared by the contractor and agree with the East Riding of Yorkshire Council (ERYC) prior to construction. This is secured by Requirement 19, and as stated in Schedule 2 Part 2 (2) for any for any consent agreement or approval required pursuant to a requirement included in Part 1 of this Schedule 'the discharging authority must give notice to the undertaker of its decision on the application within a period of eight weeks'.</p> <p>Therefore, the Applicant will update the wording of Part 3, Streets, Article 11(5) of the <b>Draft DCO (Revision 5)</b> [REP1-004] at Deadline 3, to align with Schedule 2 Part 2 (2) and increase the approval time to 56 days.</p>
REP1-055: 2	6.	Clarify whether any other Articles are currently missing and should be included in the draft DCO. If so, provide drafting and an explanation as to why they need to be included.	ERYC have not identified any Articles currently missing.	The Applicants acknowledge this comment.
REP1-055: 3	14.	In relation to Requirement 19, confirm whether reinstatement works should be approved by regulatory body.	ERYC Flood and Coastal Risk Management team state that if there were any reinstatements within watercourses that were not in a Drainage board area, then the ERYC as Land Drainage Authority should be notified.	The Applicants assume that ERYC is referring to Requirement 25 (restoration of land used temporarily for construction), rather than Requirement 19 (Code of Construction Practice). Requirement 25 was updated at Deadline 1 to include a provision requiring consultation with the relevant drainage authority where reinstatement works affect a watercourse, where this requirement is being discharged. The definition of "drainage authority" in the <b>Draft DCO (Revision 5)</b> [REP1-004] has the same meaning as in section 23 of the Land Drainage Act 1991. Section 23(8) defines "drainage board" to mean either the Internal Drainage Board or, in relation to a watercourse outside of an Internal Drainage Board district, the lead local flood authority. This means that the definition of "drainage authority" in the <b>Draft DCO (Revision 5)</b> [REP1-004] already includes ERYC in their role as lead local flood authority. Therefore, the Applicants do not propose to update the <b>Draft DCO (Revision 5)</b> [REP1-004].
REP1-055: 4	21.	Provide update and expected timescales on proposed NG sub-station application.	ERYC expect a planning application to be submitted within the next two months.	The Applicants acknowledge this comment.

#### Issue Specific Hearing 2

I.D.	Action Point	Action	East Riding of Yorkshire Council's Response	Applicants' Response
REP1-055: 5	1.	Provide comments from ERYC's Coastal Change Management Team	<p><u>Comments:</u></p> <p>Based on an extrapolation of historic coastal erosion data, the proposed substations do not lie within the Coastal Change Management Area (CCMA) and as such are not expected to be impacted by coastal change within their lifespan. However, it is expected that climate change will result in higher erosion rates in future. We would recommend that the developer consult the Environment Agency's updated National Coastal Erosion Risk Map on its release on 28 January 2025 to ensure that no infrastructure is placed within at-risk zones.</p> <p>The cables do go through all parts of the CCMA, however, within the East Riding Local Plan, development in this area may be supported where the developer can prove that the development is safe from the risks associated with coastal change for its intended lifespan, and where it can be evidenced that the development will contribute to the local economy and/or help to improve the East Ridings tourism offer.</p> <p>Table 11 under Policy ENV6 states that development within the 0-to-25-year zone will be for strictly limited to temporary uses, which includes " Nationally Significant Infrastructure, such as pipelines, and constructed to a standard that will not be impacted by coastal erosion;". Based on the information provided we do not believe that the cables will be impacted by coastal erosion within their lifespan, therefore have no objections to the proposal. We would however request that a coastal change adaptation plan is put in place, setting out how the developer will monitor the risk to their assets from coastal erosion, their response should accelerated coastal erosion result in the exposure of the cables and their plans for decommissioning the pipelines at the end of their life.</p> <p>Furthermore, as the Shoreline Management Plan policy for this location is No Active Intervention, it is critical that any works (including the creation of an emergency beach access) do not impact on natural coastal processes. Monitoring should be undertaken to monitor this and action should be undertaken to mitigate any impacts e.g. through the manual relocation of sand.</p>	<p>The Applicants have reviewed the Environment Agency's updated National Coastal Erosion Risk Map, published on 28<sup>th</sup> January 2025. The Coastal Erosion data for the Skipsea section includes a worst case average of 2.75m/Year. Based on this rate of erosion the Applicants can confirm the Transition Joint Bays (TJB) would be located within the Landfall Zone at a suitable distance from the cliff to avoid the impacts of coastal erosion during the lifetime of the Projects, approximately 32 years, as stated in section 5.7.2.5 of <b>Chapter 5 Project Description (Revision 3)</b> [REP1-009]. A Figure showing the National Coastal Erosion Risk Map (NCERM) 2 data in relation to the Landfall Zone and the indicative TJB compound is included in Appendix A of this document. The Figure shows NCERM 2 the coastal erosion data for the year 2055 and 2105 including a 70% and 95% prediction confidence level.</p> <p>Although the 2105 95% confidence prediction show that the cliff line could have receded to the location of the TJB compound, it should be noted this is in 80 years' time. In addition, the TJB compound location is 'indicative' and could be micro-sited within the Landfall Zone at the detailed design stage. Although archaeological constraints and the requirement to connect to the Onshore Export Cable Corridor would limit how far back the compound could be located. As the Applicants are seeking consent for an operational period of approximately 32 years, which when considering a construction period of up to six years and consent being awarded in 2026 would be a period of approximately 39 years from now, the Projects are not considered to be located in an at-risk zone.</p> <p>The Applicants acknowledge that ERYC have also confirmed the Projects will not be impacted by coastal erosion within their lifespan, therefore have no objections to the proposal.</p> <p>In relation to the request for a coastal change adaptation plan, as noted above the Applicants have already considered coastal erosion based on the NCERM data sets, available at the time of the Design Freeze (late 2023) and have now undertaken a further check of the latest NCERM 2 data. This has confirmed the TJB's will be located a sufficient distance from the cliff edge for the operational lifetime of the Projects. The Applicants will monitor all potential risk to their assets over the lifetime of the development and this would include the consideration of coastal erosion at the landfall, should any intervention be required in the future the relevant consents would be applied for at that time in consultation with the ERYC.</p> <p>When considering coastal erosion and the emergency beach access Table 3-2 of the <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025] was updated at Deadline 1. Detail has now been added to confirm that the Drilling Fluid Breakout Management Plan will include details and design of the Emergency Intertidal Access. This will be prepared prior to construction by the contractor and will be agreed with the ERYC as part of the detailed Code of Construction Practice. Should</p>

I.D.	Action Point	Action	East Riding of Yorkshire Council's Response	Applicants' Response
				any mitigation measures be required in the intertidal these would be agreed and may require a separate consent or license.
REP1-055: 6	13.	Provide a written response to the Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement [AS-036], and whether you consider the proposed protection measures would be adequate. If you have any concerns, identify any amendments sought.	<p>The loss of 3 category A trees is outlined; T012 oak, T019 oak and T021 oak. The Local Authority cannot support this loss; however, all trees are within the sub-station footprint that, we acknowledge, is located so as to minimise the impacts on the Ancient Woodland. As such, we agree that loss is unavoidable. The commitment to retaining category A T24 oak in close proximity to the substation is noted and the arboricultural detailing in section 6.2.8 of AS-036 follows best practice. Likewise, losses of category B trees are predominantly related to the substation footprint. We seek justification why the access road sheet 7 cannot be moved east to avoid impacts on Category B mature crab apple T189.</p> <p>Works 16A/B, a temporary construction compound requires the removal of category T246 sycamore.</p> <p>The detailed principles in paragraphs 129-131 of AS-036 follow best practice. Appendix 1. Tree Survey Schedule calculates the root protection areas of veteran trees in accordance with Natural England and Forestry Commission Standing Advice on Ancient Woodland, Ancient Trees and Veteran Trees. The veteran tree buffer radius is clearly stated and is appropriate. Potential incursions into the root protection areas of veteran trees are highlighted. Paragraph 96 details that impacts from temporary construction access will be avoided through micro-siting and there is sufficient space (&gt;5m) to avoid root protection areas. The requirements for Tree Protection Barriers and precautionary working methods are fully outline. Open cut trenching for the Onshore Export Cables' installation will also avoid RPAs through micro siting around Category A and B trees. HDD avoids impacts on ancient woodland. We welcome the overseeing of implementation of mitigation measures by a Arboricultural Clerk of Works and the production of Arboricultural Monitoring Reports. We consider that embedded avoidance and mitigation follows best practice.</p>	<p>The Applicants welcome ERYC's review of the <b>Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 2)</b> [AS-036].</p> <p>In regard to the Category B mature crab apple T189, on review of the works plans and arboricultural survey report, the Applicants are able to commit to retaining T189 by utilising an existing gap in the hedgerow to accommodate the 5m wide haul road. The root protection zone of T189 would also not be impacted, through the application of appropriate mitigation measures included in the <b>Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 2)</b> [AS-036]. There would be no removal of hedgerow or trees in this location as shown on the <b>Tree Preservation Order and Hedgerow Plan (Revision 4)</b> [REP1-003]. The <b>Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 2)</b> [AS-036] will be updated at Deadline 3 to remove reference to the loss of T189 in section 6.2.3.</p>
REP1-055: 7	19.	Submit the written statement ERYC had prepared on archaeological matters at Deadline 1.	<p><u>Statement:</u></p> <ul style="list-style-type: none"> <li>Meetings and correspondence between the archaeological consultant and Humber HER have taken place over the past four years. These have included Cultural Heritage Expert Topic meetings held since 2022 and these have formed the basis of a Statement of Common Ground document, the latest version of which was accepted by Richard Newman in December 2024 (see attached for your information). This document reflects the current status of discussions between the HER and the Applicants and may be modified during the examination phase.</li> <li>In terms of the archaeological work that has taken place, non-intrusive techniques such as geophysical survey have been employed. There has also been some trial trenching in key zones such as the landfall, the new connector station and areas close to the Scheduled Monument at Nunkeeling. This means that</li> </ul>	<p>The Applicants are continuing to engage with ERYC and Humber Archaeology Partnership (HAP) to discuss the 'matters still to be agreed' in the Statement of Common Ground. Following a meeting with HAP on 20<sup>th</sup> January 2025 further correspondence has taken place between the Applicant and HAP to move discussions on the Protocol for Archaeological Discoveries forward, and the Applicants are confident this matter can be agreed before the close of examination.</p> <p>The Applicants will continue to work closely with HAP and ERYC regarding the scope and outcomes of the ongoing archaeological evaluation work.</p>



I.D.	Action Point	Action	East Riding of Yorkshire Council's Response	Applicants' Response
			<p>large lengths of the route are still waiting to be subjected to trial trenching and it is these areas that will be undertaken in Phase 3 of the trial trenching plan. An agreement for the location etc. of the phase 3 trenches was agreed earlier this week and we would expect this work to take place in the near future.</p> <ul style="list-style-type: none"> <li>From the latest version of the Statement of Common Ground document it appears that we have been broadly happy with the archaeological approach so far and are content that the archaeological potential of the onshore aspects of the development will be adequately defined and that this will enable suitable mitigation strategies to be implemented, as are outlined in the Outline Onshore Written Scheme of Investigation Volume 8 (June 2024).</li> <li>The only element of the archaeological scheme that I believe is not currently agreed is the use of a Protocol for Archaeological Discoveries (PAD), which the HER objected to in March 2024. It was noted that we had concerns that the PAD could be inappropriately used to replace formal archaeological investigation works. We confirmed that we would only agree to the use of a PAD strategy in areas where it can be shown that any archaeological remains have been destroyed or that will not be impacted during the soil stripping. The applicants position is that the PAD will not supersede or replace any formal archaeological investigations and whilst this matter is not currently agreed, the outcome of the approach taken is not considered to result in a material impact to the archaeological assessment conclusions.</li> </ul>	
REP1-055: 8	25.	<p>As the Council's water specialist was not available to attend the Hearing, they are requested to listen to agenda item 11 and respond in writing on any points that they would have responded to if they had attended.</p> <p>Confirmation of no comment on any of the matters raised under this agenda should be submitted, as applicable.</p>	The ERYC drainage engineer has listened to the recording of the Hearing and confirmed no further comments to add relating to Agenda 11.	The Applicants acknowledge this comment.
REP1-055: 9	27.	Investigate how the Level 1 SFRA flood risk spatial data can be provided to the Applicants	The request for the Level 1 SFRA data has been forwarded to the Flood Risk Asset Team.	The Applicants acknowledge this comment. No data has been received to date.
REP1-055: 10	37.	Seek a response from ERYC's Ecologists as to the acceptance of the proposed works at the Beeford –	We accept the identified impacts on Nunkeeling Lane Local Wildlife Site (LWS) and Beeford-Dunnington Road Verge. The majority of impacts are being avoided by use of	Discussions between the Applicants and ERYC regarding the impacts to and reinstatement of Local Wildlife Sites (LWS) took place on 27 <sup>th</sup> January 2025. As the detailed design had not yet been completed, the worst-case scenario had been assumed and high-level wording kept in <b>Chapter 18 Terrestrial Ecology and</b>

I.D.	Action Point	Action	East Riding of Yorkshire Council's Response	Applicants' Response
		Dunnington Road Local Wildlife Site (LWS). In addition, provide any correspondence and agreements reached with the Applicants.	trenchless crossings; small sections, however, will be affected by the construction of a temporary Haul Road crossing.  The applicant states in table 18-14 that "All LWS habitat will be reinstated following construction in consultation with ERYC and the Yorkshire Wildlife Trust". There has been no detailed discussion on this matter.	<b>Ornithology (Revision 4)</b> [PDC-002] and <b>Outline Ecological Management Plan (OEMP) (Revision 4)</b> [document reference 8.10], however there is potential to minimise the impact on LWS further with micro-siting and reduced vegetation clearance scope. Further details on any specific mitigation and site reinstatement can be added to the <b>OEMP (Revision 4)</b> [document reference 8.10], once discussed with ERYC (and the Wildlife Trust, if required).
REP1-055: 11	57.	Provide an update on the outcome of the meeting with ERYC that is due to be held on 23 January 2025 regarding discussions about proposed construction hours.	The meeting took place on 27/1/25. Comments following that meeting are:  ERYC Environmental Control is satisfied that the proposed construction operating hours shall generally be Monday - Saturday: 07:00 - 19:00, unless the location/section of the works at any time would benefit from an agreed amendment to these times.  It is understood that details shall be provided in the Construction Code of Practice of the procedure involved to deal with sections of work which may warrant amended operating times or mitigation measures, either due to the remoteness of the work, or conversely, the location of nearby receptors. In these circumstances, the developer may either seek prior approval for extended operating hours where appropriate, or submit details of the mitigation measures to be employed to prevent unreasonable adverse impact from noise and vibration on the nearest noise-sensitive receptors.  It is also understood that the developer may choose to submit section 61 agreements under the Control of Pollution Act 1974, for prior consent to conduct works in noise-sensitive areas or which requires deviation from the Construction Code of Practice.	The Applicants acknowledge this comment.  The Applicants discussed this matter with ERYC at a meeting held 27 <sup>th</sup> January 2025 and it was agreed that, subject to the Applicant providing further details in the <b>Outline Code of Code of Construction Practice</b> [REP1-052] on the process for agreeing prior consent under section 61 of the Control of Pollution Act 1974 at particularly sensitive sites; that the construction working hours detailed within Requirement 20 of the <b>Draft DCO (Revision 5)</b> [REP1-005] were acceptable.  The Applicants submitted an updated <b>Outline Code of Construction Practice (Revision 3)</b> [REP1-025] at Deadline 1, containing this additional wording in section 5.2.
REP1-055: 12	58.	Provide detailed comments from ERYC's Public Protection Team in relation to noise and vibration.	Comments received:  I am happy with the monitoring regime undertaken, methodology proposed for the risk rating of sensitivity and magnitude of impact at the nearest sensitive receptors due to noise and vibration. I consider that appropriate British Standards have been used and referenced and believe that this project can be constructed with minimal impact on residential properties along the cable route and at the onshore convertor station including operational use when complete. Further details will be submitted in a Code of Construction Practice but I have no objections and believe that residential amenity will be protected.	The Applicants acknowledge this comment.

Table 2-4 The Applicants' response to East Riding of Yorkshire Council's Response to Supplementary Questions from Issue Specific Hearing 2 [REP1-056]

I.D.	ISH2 Question Number	Question	East Riding of Yorkshire Council's Response	Applicants' Comment
REP1-056: 1	ISH2.9.3	Would there be views of any elements of the Proposed Development during	From the candidate area map the closest point appears to be 12-14km to the north-west close to Market Weighton. It is highly unlikely that there would be any intervisibility between the candidate AONB and the proposal given the distance and	The conclusions of ERYC are aligned with those of the Applicants.

I.D.	ISH2 Question Number	Question	East Riding of Yorkshire Council's Response	Applicants' Comment
		construction or operation from the candidate Yorkshire Wolds National Landscape?	intervening land form and vegetation. If there are any views these would be barely noticeable.	
REP1-056: 2	ISH2.9.4	Do you agree with the Applicants conclusion that the candidate Yorkshire Wolds National Park Landscape would not be affected by the Proposed Development and, if not, what would you consider the effect to be and what leads you to that conclusion?	The Applicants' conclusion is supported.	The Applicants welcome ERYC's agreement on this matter.
REP1-056: 3	ISH2.9.5	Do you consider that a RVAA should have been carried out and, if so, why?	A RVAA was not requested by ERYC. However it would be helpful for the Applicant to establish whether there is any likelihood of living conditions or residential amenity being significantly affected, in order to determine whether a further study is required.	The Applicants' consideration of this matter is set out in the response to Issue Specific Hearing 2.9.5 in <b>The Applicants' Responses to Issue Specific Hearing 2 (ISH2) Supplementary Agenda Questions</b> [REP1-050]. This considers the likelihood of living conditions being significantly affected as a result of visual impact and concludes that Residential Visual Amenity Assessment is not necessary.
REP1-056: 4	ISH2.9.12	Are there any policies in the ERYC Local Plan that are relevant to the assessment of this application that require landscape enhancements, and if so, would the Proposed Development comply with them?	<p>Policy ENV2: Promoting a High Quality Landscape states:</p> <p>Development proposals should be sensitively integrated into the existing landscape, demonstrate an understanding of the intrinsic qualities of the landscape setting and, where possible, seek to make the most of the opportunities to protect and enhance landscape characteristics and features. To achieve this, development should:</p> <ol style="list-style-type: none"> <li>1. Protect the character and individual identity of settlements by maintaining their physical separation, including through the maintenance of the Key Open Areas identified in Policies A1-A6, where there is a risk of settlement coalescence.</li> <li>2. Protect and enhance important open spaces within settlements which contribute to their character.</li> <li>3. Ensure important hedgerows and trees are retained unless their removal can be justified in the wider public interest. Where important hedgerows and trees are lost replacements will usually be required.</li> <li>4. Maintain or enhance the character and management of woodland where appropriate.</li> <li>5. Retain, not detract from, and enhance wetland and water feature characteristics.</li> </ol>	In relation to Policy ENV2 ERYC summarise the key commitments around tree and hedgerow protection and replanting. These commitments are set out in the <b>OEMP (Revision 4)</b> [document reference 8.10] and <b>Outline Landscape Management Plan (OLMP) (Revision 3)</b> [document reference 8.11]. The <b>Statement of Common Ground with ERYC</b> [REP1-028] confirms ERYC's agreement to the mitigation measures set out in relation to the <b>OEMP (Revision 4)</b> [document reference 8.10] at ID.28 and the <b>OLMP (Revision 3)</b> [document reference 8.11] (with the exception of Sustainable Drainage Systems detail) at ID.118.

I.D.	ISH2 Question Number	Question	East Riding of Yorkshire Council's Response	Applicants' Comment
			<p>6. Protect and enhance views across valued landscape features, including flood meadows, chalk grassland, lowland heath, mudflats and salt marsh, sand dunes and chalk cliffs.</p> <p>7. Protect and enhance the undeveloped coast.</p> <p>Of relevance to the Proposed Development are:</p> <p><i>A3. Ensure important hedgerows and trees are retained unless their removal can be justified in the wider public interest.</i></p> <p>Unavoidable loss of important hedgerows is outlined in APP-024.</p> <p>We would encourage minimisation of loss of H0001 and H0003 in association with the works compound. It is noted that Hedgerows that intersect with TCCs will only be removed where it is not possible to protect the hedgerow during the construction works. There is a commitment to replanting hedgerows. Constraints in relation to replanting hedgerow trees in the cable easement are fully outlined. APP-235 (paragraph 13) states "Where removal of trees and hedgerows is necessary to facilitate construction, these will be replaced. Replacement will take place as soon as is practicable after installation of the cables." (paragraph 14) states Hedgerows will be replaced in-situ. Replacement planting will comprise native shallow-rooting hedgerow species typical of the local area and existing landscape, planted as 40 – 60 cm high whips (or larger), with suitable protection from grazing. 18 Removed hedgerows and trees will be replaced with hedgerows of a more diverse and locally native species composition than that which was removed.</p> <p><i>4. Maintain or enhance the character and management of woodland where appropriate.</i></p> <p>APP-235(38). Landscape treatments around the Onshore Substation Zone boundaries will be designed to provide visual mitigation and integration of the structures into the landscape as well as contributing towards the biodiversity net gain opportunities. New woodland planting to the north and south of the Onshore Converter Stations, and the expansion of existing woodland to the east will involve an organic layout which mimics canopy layers found in the wider countryside. This will help integrate the planting into the wider landscape and contribute towards improving the ecological quality of the area. Although evergreen species are required for screening purposes, such species (e.g., Scots pine) will be minimised and focussed along the outer edges of the woodland, with native species forming the majority of the interior woodland.</p> <p><i>5. Retain, not detract from, and enhance wetland and water feature characteristics.</i></p> <p>The project has prioritised avoidance of impacts on high distinctiveness wetland and waterbodies.</p> <p><i>7. Protect and enhance the undeveloped coast.</i></p>	



I.D.	ISH2 Question Number	Question	East Riding of Yorkshire Council's Response	Applicants' Comment
			The project has included design stage avoidance of most sensitive coastal areas and seeks to minimise impacts from the cliff cut for emergency beach access.	
REP1-056: 5	ISH2.9.18	Do you have any comments or concerns regarding ash die-back and the potential effects it would have on landscape character or visual amenity in relation to the Proposed Development?	<p>Ash die-back is prevalent in East Yorkshire and significant declines in seemingly healthy trees can occur within 12 months. Trees in woodland are most severely impacted on a County level due to the close proximity of trees and the build-up of fungal spores within the leaf litter.</p> <p>Without baseline information on the composition of these blocks of woodland it is not possible to accurately comment on the impact of ash die-back. Johnson's Pit benefit from a public right of way and local knowledge recalls that this is predominantly sycamore, birch and oak so will not be significantly impacted by die-back. The Local Wildlife citation has been sought for Bentley Moor Wood, dating from 2009 which details frequent mature ash. Impacts are therefore likely but we are unable to provide an assessment of the magnitude of effect. The Local Planning Authority hold no data for Eleven Acre Plantation.</p>	<p>The Applicants' response to ISH2.9.18 in <b>The Applicants' Responses to Issue Specific Hearing 2 (ISH2) Supplementary Agenda Questions</b> [REP1-050] notes that loss of some trees to ash die back is unlikely to significantly alter the screening capability of these woodlands.</p> <p>The Applicants welcome the detail provided in relation to Bentley Moor Wood. We highlight the Applicants' response to Question 14 in <b>The Applicants' Responses to January 2025 Hearing Action Points</b> [REP1-051] which describes the proposed management activities at Bentley Moor Wood. Management will assist in securing its long-term health of the woodland, which would have benefits for local biodiversity, for the landscape, and for visual screening of the Onshore Converter Stations. The <b>OEMP (Revision 4)</b> [document reference 8.10] has been updated at Deadline 2 to include these measures.</p> <p>The <b>Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 2)</b> [AS-036] identified ash dieback on 28 trees across the Onshore Development Area, representing approximately a quarter of the total ash trees recorded. Infected trees included one veteran tree (To78 – suspected infection), two category B, 21 category C and 4 category U trees. As most of the trees infected are of category C and U, relating to young to semi-mature specimens, it is unlikely that ash dieback will have a potential effect on landscape character or visual amenity in relation to the Projects.</p>
REP1-056: 6	ISH2.10.1	<p>Your Local Impact Report suggests that there would be less than substantial harm to conservation areas and listed buildings from the route of the pipeline, the landfall zone and substation zone. The ExA requests the following clarification:</p> <ul style="list-style-type: none"> <li>- Confirm what you mean by pipeline.</li> <li>- Set out each conservation area and listed building the Proposed Development would cause less</li> </ul>	<p>- "Pipeline" was inserted in error and should read cable corridor route.</p> <p>- While the development runs in close proximity to a number of designated heritage assets, it will only have the potential to affect the significance of a small number of them. Those that it will not affect include all the conservation areas and the majority of the listed buildings in close proximity. The exception to these would potentially be:</p> <p>Catfoss Hall - Late eighteenth century house with later alterations, listed at grade II. Its setting is strongly defined by its relationship to its associated complex of buildings, but its setting is also characterised by its open and agricultural nature, and by its sense of separation and isolation. The construction phase of the development has the potential to adversely affect the contribution that this element of its setting makes to its significance, through audial and visual interaction. However, this impact will be diminished by the fact that there will be some separation between the development and the listed building, that it will affect one of a number of elements that contribute to its significance, and would be transitory</p>	<p>The Applicants acknowledge this comment.</p> <p>The Applicants draw the Examining Authority's attention to their response to their response to WQ10 in the <b>Applicants' Responses to the January 2025 Hearing Action Points</b> [REP1-051] that;</p> <p><i>'...the contribution of the agricultural landscape through which the cable route passes to setting of these heritage assets is to allow the viewer to place them into the regionally distinctive agricultural landscape of Holderness. Change to setting arising from the construction works would be observed, but this would be read by a viewer as works within a wider agricultural landscape and would not affect that contribution to significance.'</i></p> <p>The Applicants support ERYCs view that, in relation to Heritage Assets discussed, the pre-mitigation and residual effects wouldn't meet the level to be considered significant.</p>

I.D.	ISH2 Question Number	Question	East Riding of Yorkshire Council's Response	Applicants' Comment
		<p>than substantial harm to, and why.</p> <ul style="list-style-type: none"> <li>- Detail whether this harm would be as a result of construction or operation of the Proposed Development.</li> <li>- Confirm whether any pre-mitigation or residual effects would be significant in Environmental Impact Assessment terms.</li> </ul>	<p>in that it would only have an impact during the construction phase. Harm would be less than substantial, with the overall impact on significance being low and limited to the construction period.</p> <p>The Black Mill- Surviving section of an early nineteenth century mill, tarred and now crenelated. Listed at grade II. It is a prominent landmark feature in views looking across the Westwood, particularly in views approaching from the south and west. While not inherently contributing to understanding its historic use and function, it does contribute to its communal value and its value to more recent generations. The proposed route of the development is likely to result in the introduction of distracting works associated with construction, within these longer views of the mill, which would have a potential impact on how the asset is viewed and experienced during the construction phase of the works. However, this is not considered to impinge on the ability to appreciate the significance of the asset post-construction, and nor will it have a major impact on the contribution that the setting makes to the significance of the listed building. The impact will therefore be low, and the harm less than substantial, limited to the construction period.</p> <p>Beverley Minster- Hugely significant ecclesiastical building of multiple phases of medieval construction. Exceptional architectural merit both internally and externally, strengthened by the high quality of its decorative detailing. Hugely significance also in understanding the evolution of high-status ecclesiastical architecture and in determining the trajectory of the history of both Beverley and the surrounding area. Listed at grade I. The building's setting is in part defined by its placement within the medieval settlement plan of Beverley, which illustrates both its importance to the history of the town, but also remains comparatively unchanged from how it would have been experienced historically. However, its setting is also defined by the ability to appreciate it in the much wider landscape- as this is not only serves an important function for an ecclesiastical establishment that became rich on the back of pilgrims who travelled vast distances to visit the shrine of St. John of Beverley, but it also allows for the full scale and magnificence of its architecture to be appreciated in a manner that is different to experiencing this in close proximity. Its historical wide landowning, and association with surrounding settlement also gives a strong historic association between the wider landscape and the listed building. The introduction of the substation will be appreciable in longer views from the towers of the Minster. However, they would be read in the context of existing intervening development between the site and the asset, as well as across a considerable distance. While the substation would potentially be visible, it is not concluded that it will adversely affect the ability to appreciate the heritage asset within its wider setting, nor will it diminish its significance. The construction, operation and decommissioning of the proposals are therefore not considered to harm the significance of the Minster.</p>	

I.D.	ISH2 Question Number	Question	East Riding of Yorkshire Council's Response	Applicants' Comment
			<p>Risby Hall Park and Garden- Concerns were initially raised in relation to this asset, as it is close proximity to the site of the substation and there was a potential that the development would impact on intended 'borrowed views' looking north and east from the park and garden. However, further analysis would seem to suggest that the boundary treatment around the park and garden is deliberately tight and enclosing, intended to create enclosed and terminated views within the boundary of the designed landscape. It is therefore not concluded that the development would result in harm to this asset.</p> <p>Overall the pre-mitigation and residual effects wouldn't meet the level to be considered significant</p>	
REP1-056: 7	ISH2.10.2	Your Local Impact Report, paragraph 7.92 states that key views of Beverley Minster and those from its tower would not be substantially harmed by the proposal. Please confirm if you consider there would be less than substantial harm to Beverley Minster or its setting, what you consider the level of harm to be to this heritage asset in EIA terms and why you consider this to be the case.	Please see response above.	No response is required.
REP1-056: 8	ISH2.10.4	Do you consider the proposed mitigation measures in the Outline Onshore Written Scheme of Investigation to be adequate? If not, please set out any recommended changes.	Please see response to Action Point 19 from ISH2.	No response is required.
REP1-056: 9	ISH2.10.14	Are there any current cross-project forums or meetings that take place and, if so, could public outreach and community engagement aims regarding the mitigation and enhancements of heritage assets be considered at these?	We are not aware of any cross-project forums or meetings.	The Applicants set out their position in <b>The Applicants' Responses to Issue Specific Hearing 2 (ISH2) Supplementary Agenda Questions</b> [REP1-050] point ISH2.10.14, that they 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 Written Scheme of Investigation</b> [APP-239] which the Applicants propose to submit Deadline 4.

I.D.	ISH2 Question Number	Question	East Riding of Yorkshire Council's Response	Applicants' Comment
REP1-056: 10	ISH2.12.4	Your Local Impact Report would not appear to make reference to the appropriateness or information in relation to commuting and foraging bats. Please could you confirm your views on the assessment of commuting and foraging bats? Do you consider additional mitigation measures should be considered and, if so, what should they be?	<p>An oversight led to the response on commuting and foraging bats being omitted from the ERYC Local Impact Report [PDC-007] and is provided below.</p> <p>Transect and static monitoring surveys have been undertaken, equipment failure is noted and it is agreed that this does not pose a significant constraint to interpretation of the data or understanding the use of the onshore cable corridor by bats. Common and widespread species typical of the region were recorded. Of note is the increased, activity recorded in October at locations T4, T5 and T8. Section 4 of the Bat Surveys: Transects and Static Monitoring, Issue 7(Peak Ecology, 2024) provides guidance on project design and methodology to avoid and mitigate impacts on bats and many of these are secured in para 99 – 106 of APP-235 which is welcomed, however, there is no further narrative on the potential swarming site where APP-146 recommends "Further survey would be required to determine the cause of the increased activity in October. It is recommended that works in these areas do not take place overnight and artificial light is minimised during the autumn months (September to November) to avoid disturbance or disruption of flight lines and foraging features." Para 178 of APP-235 detailed restrictions on night lighting that would benefit bats and this could be extended to November as recommended in APP-146.</p> <p>This has subsequently been discussed at the Expert Topic Group and the Local Authority are satisfied that this embedded mitigation running to 31<sup>st</sup> October is a sufficiently precautionary approach to the potential construction impacts on foraging and commuting bats. Replacement of hedgerows as soon as possible following construction works is also welcomed.</p>	The Applicants acknowledge this comment and welcome ERYC's agreement on this matter.

## 2.4 Historic England

Table 2-5 The Applicants' response to Historic England's Response to Action Points from Issue Specific Hearing 2 [REP1-057]

I.D.	Question Reference	Question	Historic England's Response	Applicants' Response
REP1-057:1.1	N/A	N/A	<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>	No response is required.

I.D.	Question Reference	Question	Historic England's Response	Applicants' Response
			<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. 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>	
REP1-057: 2.1	ISH 2.10.10	<p><b>Title: Lighting</b></p> <p>Do you have any concerns regarding the effects from lighting on heritage assets during construction or operation of the Proposed Development?</p>	<p>Historic England does not have concerns regarding the effects from lighting on heritage assets during the construction phase. We accept that the construction phase will be temporary, and whilst the lighting might be intrusive it will not be lasting. The effects from lighting on heritage assets during the operational phase may be more problematic. At this stage in the examination process the precise extent, scale and location of the Onshore Converter Station(s) has not been defined and agreed. As a consequence, the extent and location of the associated lighting has not been defined, and therefore it is not possible to assess or understand the wider impact of that lighting on the significance of heritage assets. For example, the applicant has not provided a visualisation of the lighting at nighttime. Similarly, the materials and finish of the proposed building(s) has not been finalised, and therefore the impact of any lighting effects on those buildings(s) and the wider landscape has not been tested.</p> <p>The Scheduled World War II anti-aircraft gun site at Butt Farm (NHLE 1019186), a scheduled monument, is immediately adjacent to the proposed location of the Onshore Converter Station, and part of its significance derives from its rural setting, accentuated by dark skies. The lack of certainty concerning the scale and location of the Onshore Converter Station(s) and the associated lighting means that it is not yet possible to understand the scale of harm to significance generated by any lighting scheme. We do not have concerns regarding the effects from lighting on other designated heritage assets during the construction or operation phases of the Proposed Development. This is referred to in our Written Representation.</p>	<p>The Applicants have confirmed in evidence presented at Issue Specific Hearing 2 (ISH2) that the '<i>...Onshore Converter Stations 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>...There would also be a dark corridor provided around the site.</i>' (4.9.1). This is presented in the <b>Applicants' Written Summaries of Oral Submissions made at CAH1, ISH1 and ISH2</b> [REP1-049].</p> <p>Historic England have not previously requested any night visualisations of the proposed Onshore Converter Stations.</p> <p>No permanent lighting is required during operation. Therefore, night-time visualisations have not been prepared as part of the Environmental Statement. Operational lighting will be controlled by Requirement 22 of the <b>Draft DCO (Revision 5)</b> [REP1-004] which requires a written scheme for the management and mitigation of artificial light emissions to be approved by East Riding of Yorkshire Council (ERYC).</p> <p>The <b>Design and Access Statement</b> [APP-233] sets out the intention of lighting design, including: "<i>Lighting should only operate when required and be directional within the site boundary only [...] to reduce light spill into the surrounding landscape.</i>"</p> <p>Requirement 9 (4) of the <b>Draft DCO (Revision 5)</b> [REP1-0004] i.e. Detailed design parameters onshore, states that construction of Works No. 25A or</p>



I.D.	Question Reference	Question	Historic England's Response	Applicants' Response
				<p>26A/B, which includes the Onshore Converter Stations '<i>must be in accordance with the design and access statement</i>'. Therefore, the security lighting design measures included in the <b>Design and Access Statement</b> [APP-233] and the maximum dimensions set out in this document and Requirement 9, including height, of up to 24m and maximum footprint of 32,208m<sup>2</sup> for each Onshore Converter Station are secured and must be adhered to by the Applicants.</p> <p>The Onshore Converter Stations will be located within Works No. 25A or 26A/B on the <b>Works Plans (Onshore)</b> [PDA-003], they cannot be located anywhere within the Onshore Substation Zone. An Indicative Landscape Plan is included in <b>Chapter 23 Landscape and Visual Impact Assessment - Figure 23-1 to Figure 23-15 (Revision 3)</b> [document reference 7.23.1], this has been updated for Deadline 2 to include the revised Onshore Substation Zone design set out in <b>Project Change Request 2</b> [AS-152]. The cultural heritage photomontages, viewpoint Cultural Heritage Viewpoint 2 and Cultural Heritage Viewpoint 3 have also been updated to include the revised design of the Projects. The Applicants therefore do not feel there is any ambiguity about the scale and location of the Onshore Converter Stations, as worst case is included in the assessment.</p> <p>In relation to the comment on the materials and finish of the Onshore Converter Stations, the Applicants will agree the materials at the detailed design stage, a worst case grey finish is included on the photomontages. As set out in the <b>Design and Access Statement (Revision 2)</b> [document ref. 8.8] submitted at Deadline 2 several options for external materials may be considered and the final proposal will be reviewed by a design panel including internal and external experts. ERYC will also be consulted on the design. The choice of external material is not relevant to the outline lighting design, set out in the <b>Design and Access Statement</b> [APP-233].</p>
REP1-057: 2.2	ISH 2.10.12	<p><b>Title: Mitigation</b></p> <p>In your RR [RR-022], you state that you do not consider that, 'screening through planting is an effective or lasting mitigation measure in this instance' with regards to mitigating effects on the scheduled monument close to Butt Farm. What would you suggest might be an</p>	<p>We consider that the suggested planting and landscape strategy is a generic approach, lacking nuance. To propose screening as an effective mitigation measure does not pay sufficient cognisance to the point that planting will always be subject to seasonal variation, the lifespan of the chosen species, wind throw, climate change and loss through disease. Clearly all vegetation is subject to these pressures and therefore the proposed landscaping does provide some degree of mitigation. However, it is also worth thinking ahead to decommissioning, and considering what sort of landscape might then obtain. Given the character and appearance of the current landscape it might be more beneficial to approach the landscape mitigation as the creation of parkland-style planting with blocks of trees and individual specimens in addition to a screen. The parkland-style approach might also be more appropriate for the landscape at and after the decommissioning phase.</p> <p>The Applicants might also find it beneficial to examine and learn from the landscaping approaches adopted in the 1950s and 1960s to reduce the visual impact of power stations</p>	<p>The Projects note that 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 ref: 8.8] submitted at Deadline 2.</p> <p>The core principle adopted in the Applicants' 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</p>

I.D.	Question Reference	Question	Historic England's Response	Applicants' Response
		appropriate form of mitigation? Do you consider that the proposed landscaping would provide any degree of mitigation?	<p>and nuclear power plants in the United Kingdom. In this context, the landscape architects knowing that they could not remove the visual impact of such structures, sought to reduce it by introducing horizontal earth banding in addition to planting. We also consider that the Applicants must identify climate resilient planting species rather than select purely native species. This is referred to in our Written Representation.</p> <p>However, we are aware that the Applicants has submitted a Change Request which includes revisions to the proposed Onshore Converter Station and therefore we recognise that the development proposal is fluid. All landscape proposals should be reviewed and checked by independent landscape professionals in addition to the local authority environmental and ecology team.</p>	<p>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>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</b> [APP-233] 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> <p>As detailed in the <b>Design and Access Statement</b> [APP-233] the Applicants have committed to implementing a Design Review Panel to develop the detailed scheme design. The Applicants' preference is that the Design Review Panel will be a professional team formed of internal and external experts who understand issues relating to design and engineering. The panel would review and provide expert knowledge which could then be discussed with ERYC. The Applicants discussed this approach with the ERYC at a meeting on the 27<sup>th</sup> January 2025 and have agreed to amend the wording in the <b>Design and Access Statement</b> [APP-233] at Deadline 2 to provide further clarification on the design panel and the consultation process.</p>
REP1-057: 2.3	ISH 2.10.14	<p><b>Title: Historic England Recommendations</b></p> <ul style="list-style-type: none"> <li>Are there any current cross-project forums or meetings that take place and, if so, could public outreach and community engagement aims regarding the mitigation and enhancements of heritage assets (as recommended by Historic England [RR-022]) be considered at these?</li> <li>Could there be a commitment in the</li> </ul>	<p>There has been email communication between the Applicants and Historic England about public benefit, public outreach and community engagement (usually as part of emails on the subject of archaeological mitigation), in which the Applicants have expressed their willingness to engage in discussion with us about outreach and engagement. However, there have been no cross-project forums or meetings to pursue these matters.</p> <p>Historic England would welcome a commitment in the draft DCO or any of the supporting documents to try to facilitate cross-project working and deliver greater public benefit.</p>	<p>As set out in <b>The Applicants' Responses ISH2 Supplementary Agenda Questions</b> [REP1-050], 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 Written Scheme of Investigation (OWSI)</b> [APP-239]. If this approach is agreed, the Applicants can supply an updated <b>Outline OWSI</b> [APP-239] at the next appropriate deadline.</p>

I.D.	Question Reference	Question	Historic England's Response	Applicants' Response
		draft DCO or any of the supporting documents to try to facilitate cross-project working?		
REP1-057: 2.4	ISH 2.10.16	<p><b>Title: Viewpoints</b></p> <p>Did you agree to all the cultural heritage viewpoints prior to submission of the application as suggested by the Applicants' [PDA-013]? If not, please explain any additional viewpoints you requested and why.</p>	<p>Historic England agreed to all the cultural heritage viewpoints as suggested by the Applicants' PDA-013 (RR-022-2.2). In addition, following a site visit between the Applicants and HBMCE to Butt Farm, the Applicants and Historic England agreed additional viewpoints from a third location. This additional viewpoint is PDA-010 Fig 23.9 in the Examination Library.</p> <p>Historic England is aware that the Applicants have submitted a Change Request which includes revisions to the size and location of the Onshore Converter Station. Should the revision in the Change Request be accepted it may be possible to microsite the Onshore Converter Station within the application boundary and therefore additional cultural heritage viewpoints and visualisations will be required.</p>	<p>The Applicants acknowledge this comment but would like to clarify that viewpoint 3 (<b>Figure 23-9</b> [PDA-101]) was submitted in the original application and was available at the time of the site visit.</p> <p><b>Project Change Request 2</b> [AS-152] has now been accepted by the Examining Authority (ExA). All viewpoints including Cultural Heritage Viewpoint 2 and Cultural Heritage Viewpoint 3 have been updated at Deadline 2 to include the revised design which includes the reduced Onshore Converter Stations footprints, see <b>Chapter 23 Landscape and Visual Impact Assessment - Figure 23-1 to Figure 23-15 (Revision 3)</b> [document reference 7.23.1].</p> <p>As detailed in ISH2.10.10 the Onshore Converter Stations will be located within Works No. 25A or 26A/B on the <b>Works Plans (Onshore)</b> [PDA-003]. They cannot be located anywhere within the Onshore Substation Zone. Therefore, although there may be some micro siting at the detailed design stage, the larger structures including the valve halls will be limited to these work areas. A revised Indicative Landscape Plan is included in <b>Chapter 23 Landscape and Visual Impact Assessment - Figure 23-1 to Figure 23-15 (Revision 3)</b> [document reference 7.23.1]. This has been updated for Deadline 2 to include the revised Onshore Substation Zone design set out in <b>Project Change Request 2</b> [AS-152] and the planting required to provide visual screening, where possible. The Applicants, therefore, do not feel there is any ambiguity about the scale and location of the Onshore Converter Stations and a worst case is set out in the application for assessment. Although additional viewpoints for photomontages have been requested by ERYC and the ExA they are from the A164, Jocks Lodge development looking North. No additional viewpoints have been prepared to support the agreed design change, as the area of the Onshore Converter Stations has reduced, and the Applicants consider the original viewpoints are adequate for the Landscape Visual Impact Assessment and Cultural Heritage assessment. No further viewpoints are proposed at the detailed design stage, as the worst case has been assessed in the Application.</p>



## 2.5 Natural England

5. Table 2-6 below presents the Applicants’ responses to the following Natural England submissions provided at Deadline 1:
- **Deadline 1 Submission** [REP1-063]; and
  - **Appendix B1 - Natural England’s comments and updated advice on 10.38 Coastal Erosion Technical Note [AS-116, Rev. 01]** [REP1-064]
6. The Applicants’ responses to **Natural England’s Risk and Issue Log** [REP1-067], also provided by Natural England at Deadline 1, are detailed separately in **Table 2-7** below.
7. The Applicants have not included responses to items where Natural England have provided no material comments or have indicated that a response to / comments on a document will be provided later in the examination process. In line with this approach, no specific responses have been provided to the following Deadline 1 submissions:
- **Appendix H1 - Natural England's Advice on Seabird Compensation Calculations Ornithology** [REP1-065]; and
  - **Appendix I1 Natural England's Advice on Terrestrial Ecology and Ornithology** [REP1-066].

Table 2-6 The Applicants’ response to Natural England’s Deadline 1 Submissions [REP1-063] and [REP1-064]

I.D.	Natural England’s Response	Applicants’ Response
<b>Deadline 1 Cover Letter</b> [REP1-063]		
REP1-063:1	<p><b>1. Natural England’s Deadline 1 Submissions</b></p> <p>In the interests of issue resolution Natural England combined our Relevant Representation and Written Representations which were submitted on 6<sup>th</sup> September 2024 [RR-039]. Natural England has noted the additional documents relevant to our statutory remit submitted by the Applicant prior to Deadline 1. An update of Natural England’s position regarding these documents is provided in Annex 1, including anticipated timing of responses. Natural England is also submitting the following detailed responses, signposted from Annex 1:</p> <ul style="list-style-type: none"> <li>• EN010125 489450 DBS – Natural England’s Risks and Issues Log Deadline 1</li> <li>• EN010125 489450 Dogger Bank South Appendix B1 - Natural England’s Advice on 10.38 Coastal Erosion Technical Note [AS-116] Deadline 1</li> <li>• EN010125 489450 Dogger Bank South Appendix H1 - Natural England's Advice on Seabird Compensation Calculations Ornithology Deadline 1</li> <li>• EN010125 489450 Dogger Bank South Appendix I1 - Natural England’s Advice on Terrestrial Ecology and Ornithology Deadline 1</li> </ul> <p>Natural England acknowledges the Examiner’s request that comments on all additional submissions submitted whilst the Preliminary Meeting was adjourned are provided at Deadline 1. As noted in our 7<sup>th</sup> January 2025 response [PDC-009] to the Rule 6 letter, it will not be possible for Natural England to provide our detailed comments on all of the submitted documents at this time. As we prioritised those reviews relevant to the issued Rule 17 letters prior to the Christmas period to expedite our responses to those letters, our detailed review of documents did not begin in earnest until January. We anticipate that advice on all documents not commented on at Deadline 1 will be provided at Deadline 2, with the exception of Offshore Ornithology (see Section 6).</p> <p>As outlined within our Relevant Representation, we deferred our comments on the Offshore In-Principle Monitoring Plan (IPMP) [APP-247] to Deadline 1. However, owing to the volume of documentation submitted since the Relevant Representations deadline and the upcoming Change Request review, we will defer our response to the IPMP until Deadline 3 in order to take account of additional information.</p>	<p>The Applicants reiterate their concerns expressed in the <b>Deadline 2 Cover Letter</b> [document reference 12.1] regarding the proposed timescales for submission of Natural England’s review material.</p>

I.D.	Natural England's Response	Applicants' Response
REP1-063:2	<p><b>2. Natural England's Engagement through Examination</b></p> <p>Natural England wishes to highlight that the focus of our engagement during Examination will be on reviewing relevant updated Environmental Statement (ES) Chapters/technical documents/outline plans or thematic clarification notes submitted by the Applicant only. We will not be responding to commentary on our representations, other interested parties' representations or to comments from the Applicant or other stakeholders on the Risk and Issues Log, unless the ExA questions direct us to do so.</p> <p>In addition, Natural England highlights that we do not consider that the Applicant's response to our Relevant Representations alone is sufficient to address our issues and concerns. For issues to be considered resolved, the amendment or commitment will need to be included within/secured within the DCO/dML, a named technical document or plan and reviewed within the wider context of the Application.</p>	<p>The Applicants note that NE does not intend to be '<i>responding to commentary on our representations, other interested parties' representations or to comments from the Applicant or other stakeholders on the Risk and Issues Log</i>, unless the ExA questions direct us to do so'.</p> <p>This is disappointing as it seems to rule out engagement in technical discussion and disagreement (increasing the difficulty in reaching agreement on the remaining key issues) and presupposes that NE is correct in all of its representations. The Applicants have therefore requested in the <b>Deadline 2 Cover Letter</b> [document reference 12.1] some instances related to offshore ornithology and compensation where the Applicants would welcome Natural England's response.</p> <p>The Applicants will update the DCO / dMLs where appropriate in line with commitments made in responses to representations, the Applicants do not propose to provide updates at every deadline, to reduce workloads for stakeholders and because this has not been requested by the ExA in the examination timetable.</p> <p>With regard to updates to documents, the Applicants consider that evolving documents (e.g. outline management plans) will be updated in line with the Applicants' responses to representations. The Applicants have provided updates to some assessments where there were multiple changes (e.g. APP-046 was superseded by AS-051, APP-048 superseded by AS-085) as this aids understanding however we do not consider that it is appropriate to be updating documents in line with every comment and representation generally throughout examination.</p>
REP1-063:3	<p><b>3. Relevance of Environmental Statement (ES) and Report to Inform Appropriate Assessment (RIAA)</b></p> <p>Natural England understands from the Applicant's response to our Relevant Representations [AS-048] and the transcript from the resumed Preliminary Meeting [EV6-002], that the Applicant views the Environmental Statement (ES) and RIAA as 'point in time' documents which will not be updated during the Examination.</p> <p>Natural England strongly disagrees with this approach. We consider that not having an integrated and updated ES on which to base their recommendations will make the Examining Authority's role significantly more challenging, and DESNZ as the decision-maker is likely to encounter similar difficulties. Furthermore, the ES is used extensively in the post-consent phase by both Regulators and Statutory Nature Conservation Bodies to ensure that documents submitted to discharge DCO/dML conditions are in line with what was assessed and consented. Due to the time-lapse between consent and condition discharge, it cannot be guaranteed that those working on the project will also have been involved in Examination with awareness of updates made to Maximum Design Parameters and Worst-Case Scenarios assessed, or that all Examination communications will accessible.</p> <p>We therefore advise that all changes and/or updates accepted in additional submissions are reflected in updated ES chapters and assessments to be submitted within Examination timeframes. We acknowledge that it is likely unfeasible for the ES to be updated at every deadline and therefore suggest that larger updates could be 'saved up' to be submitted at a confirmed point in the Examination. We understand that a similar approach is currently being taken in the Morecambe Offshore Wind Farm Examination and Outer Dowsing OWF. We acknowledge that there may be particular topic areas where an ES chapter update may be more effectively delivered through a technical addendum or similar; but advise that should that be the case, this should be included as a certified document in the DCO/dML.</p>	<p>The Applicants note this previous comment regarding the updating of the ES and RIAA is now outdated, with updates having been provided on a case-by-case basis where there were multiple material changes to be made (e.g. <b>RIAA HRA - Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish</b> [APP-046] was superseded by <b>RIAA HRA - Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish (Revision 2)</b> [AS-051], <b>RIAA HRA- Part 4 of 4 – Marine Ornithological Features</b> [APP-048] superseded by <b>RIAA HRA- Part 4 of 4 – Marine Ornithological Features (Revision 2)</b> [AS-085]). However, the Applicants do not consider that it is appropriate to be updating documents in line with every comment and representation generally throughout examination.</p> <p>There are many parts of the ES that are not relevant to NE or their competencies, but which would need to be updated for consistency if it were general practice to update assessments as NE requests. In general, this is not an efficient use of time and does not add value to the examination process. In addition, the actual footprints of effect, noise impacts, mortalities etc will relate to the final detailed design not the Rochdale Envelope consented by Secretary of State, so in the longer term any updates to the ES would also be superseded when final designs are known. Again, we note that this is not normal practice, would not add significant value to the delivery of the Projects and is not proportionate.</p> <p>We would question NE's assertion that the ES is used extensively post-consent for the simple reason that it is the Secretary of State's decisions (including HRA) DCO and ML and certified documents which are the basis of consent compliance, not the EIA, RIAA as presented at Application. The DCO, DMLs and certified documents will refer to the parameters permitted, and the Application will need to demonstrate how detailed design fits within these – it should</p>

I.D.	Natural England's Response	Applicants' Response
		<p>not be necessary (given that the parameters are consented) for NE to re-examine how these relate to the Maximum Design Parameters and Worst-Case Scenarios assessed in the EIA/RIAA where the design envelope remains at, or below that presented within the Rochdale Envelope.</p> <p>The Applicants have updated Schedule 19 of the <b>Draft DCO (Revision 5)</b> [REP1-004] to ensure that the definition of "environmental statement" incorporates the changes to the Projects made by Project Change Requests 1 and 2. At the request of the ExA, the Applicants are also considering the structure of Schedule 19 with a view to making it as clear as possible where any aspects of the ES have been updated since submission of the DCO application.</p>
REP1-063:4	<p><b>4. Risk and Issues Log and Principal Areas of Disagreement Summary Statement</b></p> <p>Natural England has submitted a Risk and Issues (R&amp;I) Log and Principal Areas of Disagreement Summary Statement (PADSS), password protected in excel format to allow ease of use. It is anticipated that the R&amp;I Log will be updated and submitted alongside our submissions at each deadline to reflect any progress in issue resolution during Examination. The PADSS will be updated from Deadline 4 onwards. Please note for Deadline 1 there are no updates provided to the Offshore Ornithology or Ornithology Compensation (See Section 5 of this letter) aspects of the log.</p>	<p>The Applicants reiterate their concerns expressed in the <b>Deadline 2 Cover Letter</b> [document reference 12.1] regarding the proposed timescales for submission of Natural England's review material.</p>
REP1-063:5	<p><b>5. Approach to Change Request</b></p> <p>Natural England acknowledges receipt of the Rule 9 and 17 letter dated 21<sup>st</sup> January 2025 [PD-012] confirming acceptance of the Applicant's Change Requests. We understand that any updated documentation associated with the Change Request should be submitted by the Applicant by Deadline 2, and that Interested Parties will be invited to submit comments by Deadline 3. We will endeavour to meet this Deadline. For clarity, we have highlighted in our Deadline 1 R&amp;I log where the Applicant has indicated issues will be progressed through the Change Request documents, and therefore where further updates will not be provided until Deadline 3.</p>	<p>The Applicants acknowledge this comment.</p>
REP1-063:6	<p><b>6. Offshore Ornithology</b></p> <p>As noted in our letter of 7<sup>th</sup> January and in Section 1 above, it was not possible for Natural England to provide our detailed comments on the ornithology assessment at Deadline 1. We will endeavour to provide a full ornithology update as soon as possible following Deadline 2; we currently anticipate this to be within two weeks of the deadline. We hope that the Examiners will exercise their discretion and accept this submission into the Examination in advance of Deadline 3.</p> <p>In the interim, we refer the Applicant and the Examiners to our comments [AS-126] provided in response to the Request for Information dated 26<sup>th</sup> November 2024 [PD-008]. In Appendix H1 to our Deadline 1 submission we also provide additional guidance on calculating the number of breeding pairs required for seabird compensation measures involving habitat provision or protection (i.e. the Hornsea Three versus Hornsea Four approach), which the Applicant had requested additional clarification on.</p>	<p>The Applicants acknowledge this comment, and note concern that it may not be possible to respond to the detailed comments to be provided on Offshore Ornithology for Deadline 3 and therefore ahead of the hearings if these are submitted two weeks following Deadline 2.</p>
REP1-063:7	<p><b>7. Updated Piling Noise Mitigation Guidance</b></p> <p>The Defra Policy Paper on Reducing Marine Noise was published on 21<sup>st</sup> January 2025 as part of Defra's Marine Noise Package. This paper outlines the expectation that from January 2025, <i>'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>.</p> <p>The Marine Noise Package sits alongside several other papers, namely;</p>	<p>The Applicants are aware that the Defra Policy Paper on Reducing Marine Noise was published on the 21<sup>st</sup> January 2025. The Applicants have reviewed the paper and associated documents listed. Amendments have been made, where relevant, to the <b>Outline Marine Mammal Mitigation Protocol (MMMP) (Revision 3)</b> [document reference 8.25] and the <b>In Principle SIP for the SNS SAC (Revision 3)</b> [document reference 8.26] to align with the policy paper and submitted at Deadline 2.</p>

I.D.	Natural England's Response	Applicants' Response
	<ul style="list-style-type: none"> <li>A joint statement from science and nature conservation advisors (Cefas, JNCC and NE) on the use of noise reduction methods when piling (published by JNCC) JNCC, Natural England and Cefas position on the use of quieter piling methods and noise abatement systems when installing offshore wind turbine foundations   JNCC Resource Hub</li> <li>The statement is supported by a Cefas evidence review of noise reduction methods (published by JNCC alongside the joint statement on noise reduction methods) Evidence on the efficacy of underwater noise abatement</li> <li>A report on progress made by the SAC Noise Management Working Group during 2024 (published by OPRED) SAC_NRWG_Progress_Report_2024.pdf</li> <li>A report on confirming noise was well managed below thresholds in the SACs between Oct 2022 and March 2024 (published by JNCC) JNCC Report 788. Impulsive noise in the Southern North Sea SAC and other harbour porpoise SACs (2022–2024)</li> <li>A package of supporting research publications on marine noise management and impacts (published by Defra and JNCC) Impacts of underwater noise from offshore wind - ME5610 and Management of underwater noise from offshore wind - ME5611</li> </ul> <p>Natural England advises that the Applicant should review the content of these documents and ensure their assessment and mitigation measures are aligned. Natural England will provide further, more detailed advice in due course. For clarity, we have highlighted in our R&amp;I log which issues are subject to further update pending this review.</p>	
REP1-063:8	<p><b>8. Updated UXO Joint Position Statement and new Mitigation Guidelines</b></p> <p>Defra have, in the last week, published their Marine Noise package, which as well as their Marine Noise Policy paper, includes several updated guidance documents in relation to the clearance of UXO, namely;</p> <ul style="list-style-type: none"> <li>An updated Unexploded Ordnance (UXO) Joint Position Statement, which can be found here - <a href="#">Marine environment: unexploded ordnance clearance Joint Position Statement - GOV.UK</a></li> <li>UXO clearance supporting guidance providing more detail for <a href="#">Supporting minimising environmental impacts from unexploded ordnance clearance - GOV.UK</a></li> <li>Alongside these documents, JNCC have also published new mitigation guidelines for UXO clearance, which can be found here - <a href="#">JNCC guidelines for minimising the risk of injury to marine mammals from unexploded ordnance (UXO) clearance in the marine environment   JNCC Resource Hub</a></li> </ul> <p>Together, these documents set out that low-order UXO clearance should now be the default clearance method, with high-order detonations restricted to extraordinary circumstances, and provide updated advice regarding mitigation of UXO clearance activities. Natural England advises that the Applicant should review the content of these documents and ensure their assessment and mitigation measures are aligned. Natural England will provide further, more detailed advice in due course.</p>	<p>The Applicants are aware that Defra's Marine Noise package was published on the 21<sup>st</sup> January 2025. The Applicants have reviewed the recent publications in relation to UXO clearance. As a result of this, updates to section 2 of the <b>Outline MMMP (Revision 3)</b> [document reference 8.25] have been made, where relevant, and submitted at Deadline 2. Updates to the <b>Unexploded Ordnance Clearance Information and Assessment (Revision 2)</b> [AS-055] in regards to the JNCC UXO mitigation guidance (2025) will be submitted at Deadline 3.</p>
REP1-063:9	<p><b>9. Issue Specific Hearings</b></p> <p>With regards to Issue Specific Hearings (ISH) 1 and 2 which took place on 15 – 16 January 2025, Natural England has reviewed the recordings, transcripts and associated Action Points. Our responses to the Action Points listed in EV5-003 from ISH2 (Day 1) held on Wednesday 15 January 2025 are provided in Annex 2. Should the ExA have any further questions or points of clarification relating to our advice, we would be happy to address this through responding to additional Examiner's Questions.</p>	<p>No response is required.</p>



I.D.	Natural England's Response	Applicants' Response
REP1-063:10	<b>8. Terrestrial Ecology and Ornithology</b>  Natural England's advice on Terrestrial Ecology and Ornithology is provided in Appendix I1 of this submission. We consider all onshore matters from our Relevant Representations are now resolved and will therefore only provide further comment where explicitly requested through the Examining Authority's written questions and requests for information.	The Applicants welcome Natural England's agreement that all Terrestrial Ecology and Ornithology matters are now resolved.
<b>Annex 2: Natural England's Response to [EV5-003] Action Points from Issue Specific Hearing 2 (ISH2) (Day 1) held on Wednesday 15 January 2025</b>		
REP1-063:6.1	Natural England maintains the advice set out in our Relevant Representation [RR-039] that a commitment is made and secured in the DCO to remove all on and above seabed infrastructure associated with the development within benthic designated sites and high potential spawning habitat (excluding cable crossings).	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.
REP1-063:6.3	Natural England is aware that Government (DEFRA) will be providing relevant guidance and assurances in relation to the delivery of strategic benthic compensation (including timings etc.) in the very near future. In the meantime, we advise that all queries on strategic compensation are directed to Mike Rowe, Director of Marine and Fisheries, DEFRA, email address Mike.Rowe@defra.gov.uk Natural England highlights that the progression of strategic compensation has come about due to the extreme difficulties in delivering project specific benthic compensation. In this context and at this stage, we do not believe that there is merit in progressing and/or placing reliance upon project specific benthic compensation measures.	<p>The Applicants acknowledge this comment and can confirm the Written Ministerial Statement<sup>1</sup> from Defra was published on 29<sup>th</sup> January 2025.</p> <p>Following the publication of the Written Ministerial Statement, an updated <b>Appendix 3 - Project Level Dogger Bank Compensation Plan (Revision 2)</b> [document reference: 8.21] has been issued at Deadline 2 which reduces the detail regarding secondary compensation measures and notes the Applicants do not plan to progress any secondary compensation measures.</p>
REP1-063:6.4	<p><i>Action Point - The ExA note that the Applicants have allocated a value of low for habitats or species that provide prey items for other species of greater conservation value. The reference for this is chapter 9 of the ES [APP-085] Benthic and Intertidal Ecology. Can the Applicant cite any other projects for which a low value has been used for this parameter and deemed appropriate by the SoS, or has been put forward in a DCO application?</i></p> <p>Natural England maintains our advice as outlined in our Relevant Representations [RR-039, C20].</p>	<p>The Applicants' direct Natural England to their response to Action Point (22) of Table 4-1 detailed in <b>The Applicants' Responses to January 2025 Action Points (Revision 2)</b> [AS-155] 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 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.</i></p> <p><i>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</i></p>

<sup>1</sup> Written statements - Written questions, answers and statements - UK Parliament

I.D.	Natural England's Response	Applicants' Response
		<p><i>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.</i></p> <p><i>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>2</sup>; Russel et al., 2014<sup>3</sup>) habitat gain effects are expected to be negligible in the context of foraging ranges.'</i></p>
REP1-063: 6.5	Natural England will be providing detailed comments on the In Principle Monitoring Plan (IPMP) [APP-247] at Deadline 3, in order to take into account all of the updates from Change Request 1, the Defra Marine Noise Policy paper and updated ornithology assessments. We would welcome further engagement with MMO and the Applicant during this period on necessary updates to the corresponding DCO conditions.	The Applicants acknowledge this comment. An updated <b>IPMP (Revision 2)</b> [document reference 8.23] has been submitted at Deadline 2.
REP1-063: 8.1	In response to the question regarding other projects proposing a maximum hammer energy of 6,000 kJ, we can confirm that several other Round 4 projects have also proposed hammer energies of 6,000 kJ if not higher. Natural England's concerns remain as set out in our Relevant Representations regarding mitigating the injury zone and reducing the sound at source. Following the publication of the Defra Marine Noise Package on 21 <sup>st</sup> January 2025, Natural England are currently reviewing how this will impact our advice and will comment further at Deadline 2.	The Applicants acknowledge this comment.
REP1-063: 8.2	<p>It is NE's understanding that the Applicant will provide a written response to Action No. 34 in relation to the Worst-case location for UWN and herring spawning (Agenda item 8.3). We await the Applicant's written response to the ExA's request, to which we will then provide further comment.</p> <p>However, we note the Applicant's assertion that underwater noise modelling for herring was previously agreed during the Evidence Plan Process and Expert Topic Group (ETG) meetings. NE disputes this. According to our records Natural England confirmed in the ETG held on 23<sup>rd</sup> February 2024 that it would not be possible for us to provide agreement without seeing the full details of the analysis, methodologies and modelling approach. This was not provided until the point of Application.</p>	<p>The Applicants acknowledge this comment and direct Natural England to Action Point 34 of Table 4-1 detailed in <b>The Applicants' Responses to January 2025 Action Points (Revision 2)</b> [AS-155] and presented below:</p> <p><i>'The underwater noise modelling locations were chosen to give the greatest geographical spread across the DBS site, in the deepest water (acoustically the 'worst case'). In some specific circumstances, this means that the closest modelled location in the site may not be the closest location in respect of a specific receptor. In the case of herring, Natural England have correctly identified that the South West corner of DBS West Array Area is slightly closer to spawning potential than the West location that was used. However, the region of higher herring spawning potential informed by IHLS data used within the Kyle-Henney et al. (2024<sup>4</sup>) figure can be seen to recess inwards to the south, reducing the overlap of areas of higher spawning potential with the &gt;186dB threshold. There is no expectation for potential population level impacts on herring below this threshold.</i></p> <p><i>The 'mapping' of receptors in the marine environment, especially mobile ones as shown in <b>Heat Mapping Report: Atlantic Herring and Sandeel</b> [AS-105], should be treated as indicative of their location, location of spawning potential or nursery grounds etc, rather than as hard, fast absolute</i></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. "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> Kyle-Henney, M., Reach, I., Barr, N., Warner, I., Lowe, S., and Lloyd Jones, D., 2024. Identifying and Mapping Atlantic Herring Potential Spawning Habitat: An Updated Method Statement. Available at: [https://www.erm.com/globalassets/insights/documents/Identifying\\_and\\_Mapping\\_Atlantic\\_Herring\\_Potential\\_Spawning\\_Habitat\\_An\\_Updated\\_Method\\_2024\\_w\\_Appendices.pdf](https://www.erm.com/globalassets/insights/documents/Identifying_and_Mapping_Atlantic_Herring_Potential_Spawning_Habitat_An_Updated_Method_2024_w_Appendices.pdf)

I.D.	Natural England's Response	Applicants' Response
		<p>areas. This is due to the uncertainties with all marine data sets and the need therefore to combine a range of data sources to inform our understanding.</p> <p>As a result of the above, it is important to note that the real distance at which there may be disturbance is not precise, although numerically it is sometimes treated as such. Small changes in noise are not in general distinguishable, and at the ranges of potential disturbance of many kilometres, this should lead to very small changes in the level of noise if it were from the SW location that would not materially change the risk of disturbance on fish.</p> <p>Given therefore that the 'mapping' of both noise and receptor presence is not precise (but based nonetheless on best available evidence), the Applicants consider that the assessment is robust and reassessment is not necessary.'</p>
<b>Appendix B1 - Natural England's Advice on 10.38 Coastal Erosion Technical Note [AS-116] Deadline 1 [REP1-064]</b>		
REP1-064:1	<p><b>1. Beach Elevation Data</b></p> <p>[RR-039, B20] Natural England raised that the beach elevation change data presented in Chapter 8 Marine Physical Environment [APP-080] from 2008 to 2015 was out of date and that there was insufficient information regarding beach elevation change and shore platform lowering.</p> <p>The additional information presented in the above report [AS-116] provides further evidence around beach elevation and platform lowering. We consider that the new information is sufficient to demonstrate that the cables will be buried at a sufficient depth as to prevent exposure for the lifetime of the project.</p>	The Applicants welcome Natural England's agreement on this matter.
REP1-064:2	<p><b>2. Coastal Erosion and UKCP18 emission scenarios</b></p> <p>[RR-039, B23] Natural England highlighted that the use of the UKCP18 high emission scenario (RCP8.5) at the 50% confidence level was not consistent with the National Coastal Erosion Risk Mapping project (NCERM2), which uses the 70% and 95% confidence levels.</p> <p>Whilst new data has been presented, the Applicant is still using the 50% confidence level rather than a worst-case scenario (95%). We consider that sea level rise data from the 95<sup>th</sup> percentile UKCP18 Representative Concentration Pathway (RCP) 8.5 climate projection is publicly available and should be able to be applied to the local data that the Applicant has received from East Riding of Yorkshire Council. However, we also note that the Applicant has committed in paragraph 14 of AS-116 that "Should NCERM2 be made available (estimated to be in 2025) whilst the DBS DCO Examination is ongoing the Applicants will be happy to present erosion predictions around the proposed the landfall as requested". We welcome this commitment and understand that NCERM2 data is going to be publicly released on the 28<sup>th</sup> January 2025, so should be available to inform updated landfall cable installation assessments during this examination.</p>	The Applicants acknowledge this comment and will update the <b>Coastal Erosion Rate Technical Note</b> (AS-116) in relation to the publication of NCERM2 for submission at Deadline 3.

Table 2-7 The Applicants' response to Natural England's Deadline 1 Risks and Issues Log [REP1-067]

I.D.	Natural England's Response <sup>5</sup>	Applicant's Response
<b>Draft Development Consent Order</b>		
REP1-067:A2	<p><i>All references to Natural England should be replaced with 'the Relevant SNCB' (Article 1).</i></p> <p>Issue addressed. References to Natural England have been replaced throughout the DCO.</p>	The Applicants welcome Natural England's agreement on this matter.
REP1-067:A5	<p><i>Regarding the commitment to secure Biodiversity Net Gain (BNG) for this project, there is a need to secure the BNG for a minimum of 30 years, which should be reflected in the DCO wording. We also encourage the delivery of minimum 10% BNG to be secured in the DCO wording (Schedule 2, Part 1, Req.32).</i></p> <p>The Applicant considers that as detail of the minimum 30 year period will be included in the BNG Strategy that it is unnecessary to include within the DCO. They also disagree with committing to the recommended minimum 10% of BNG. Natural England maintains our advice, however as BNG is not yet mandatory for NSIPs we will not pursue this issue further.</p>	The Applicants acknowledge this comment and will continue to liaise with Natural England on BNG matters.
REP1-067:A9	<p><i>Include a condition to secure the maximum hammer energy for piling of monopiles and pin piles (Schedule 10, Part 2).</i></p> <p>Issue resolved. The Applicant has included maximum hammer energy for piling of monopiles (6,000kJ) and pin piles (3,000kJ) in Schedule 10, Part 2, Condition 15 (7), pg 124; Schedule 11, Part 2 Condition 15 (7) (pg 148); Schedule 12, Part 2, Condition 13 (10) (pg 174); Schedule 13, Part 2, Condition 13 (10) (pg 199).</p>	The Applicants welcome Natural England's agreement on this matter.
REP1-067:A10	<p><i>Amend the condition such that the Site Integrity Plan for piling must be submitted no later than 6 months prior and no sooner than 9 months prior to piling. (Schedule 10, 16(3))</i></p> <p>Issue progressed. Natural England welcome the update that the SIP will be submitted no later than six months prior to the commencement of piling. We continue to advise it is submitted no sooner than nine months prior to piling.</p>	The Applicants acknowledge Natural England's comment. The Applicants have updated the relevant conditions in the <b>Draft DCO (Revision 5)</b> [REP1-004] so that the SIP must be submitted no later than six months prior to the commencement of piling. The Applicants note Natural England's additional request that the SIP should be submitted no sooner than nine months prior to piling (in addition to no later than six months). The Applicants do not agree that this restriction is necessary or proportionate as it is possible that piling programmes will be known in sufficient detail more than nine months in advance of the start of piling operations, and note this requirement could directly impact the delivery programme of the Projects, therefore potentially impacting government policy regarding the significant and urgent need for new renewable energy generation (see as an example NPS EN-1 at 3.1.1),.
REP1-067:A11	<p><i>This condition provides that most of the plans and documents under Condition 15 must be submitted 4 months prior to the works starting. Due to the size and complexity of this project, this time period is not appropriate. Given the large volume of documentation and the often complex nature, we request this be amended to six months prior to commencement. Alternatively, we are willing to discuss the required timing for each plan with the Applicant and the MMO. (Schedule 10, Part 2, 17(1)).</i></p> <p>Natural England maintain that due to the increasing complexity of construction of large offshore works, six months is now considered an appropriate period for approval of pre-construction documentation and agreement of documents. And in some instances where high risks issues remain unresolved post consent, longer may be required.</p>	The Applicants acknowledge this comment and direct Natural England to the newest revision of the <b>Draft DCO (Revision 5)</b> [REP1-004] submitted at Deadline 1 in which this is amended to six months, as requested. The Applicants consider this sufficient for approval to be provided, given the significant and urgent need for new renewable energy generation (see as an example NPS EN-1 at 3.1.1).

<sup>5</sup> Natural England's Relevant Representations included in italics where relevant to provide context for their updated response.



I.D.	Natural England's Response <sup>5</sup>	Applicant's Response
REP1-067:A13	<p><i>Schedule 12</i></p> <p><i>It is outlined for Pre-construction plans and documentation under Part 2, Condition 13 (1) (a) (v) of that "any exclusion zones or micro-siting requirements identified pursuant to 13(1)(f)(v) or relating to any habitats of principal importance identified as part of surveys undertaken in accordance with condition 19"; However, 13(1)(f)(v) does not exist. Furthermore, Condition 19 relates to Construction monitoring surveys, not pre-construction surveys (18)(4)(a).</i></p> <p><i>Schedule 13</i></p> <p><i>Similar to above, it is outlined under Part 1 Condition 13 (1) (a) (v) that "any exclusion zones or micro-siting requirements identified pursuant to 14(1)(f)(v) or relating to any habitats of principal importance identified as part of surveys undertaken in accordance with condition 18"; However, 14(1)(f)(v) does not exist. Furthermore, Condition 18 relates to Construction monitoring surveys, not pre-construction surveys (18)(4)(a).</i></p> <p><i>Amend errors in Schedules 12 and 13 as needed.</i></p> <p>Issue resolved. The applicant has updated the errors in cross-referencing in the DCO</p>	<p>The Applicants welcome Natural England's agreement on this matter.</p>
REP1-067:A16	<p><i>Natural England advise further clarity is required from the Applicant on the purpose of the document before we can provide any detailed nature conservation advice.</i></p> <p>Issue resolved. The Applicant has confirmed that the Commitments Register is a certified document and has updated the DCO [Rev 03; AS-121]. However, this does not address our concerns with the Current Commitments Register as written.</p>	<p>The Applicants welcome Natural England's agreement on this matter. However, it should be noted that although the <b>Commitments Register</b> [APP-231] is a certified document, it is not the securing document. The 'Relevant Application Document(s)' column includes the document in which the detailed mitigation measure is documented. The 'How is Commitment Secured / Implemented?' column includes the relevant DCO requirement or Deemed Marine License (DML) condition which secures that Application Document.</p>
REP1-067:A18	<p><i>Natural England advise that a Schedule of Mitigation is provided for the DBS projects. If alternative approaches are taken by the Applicant, then any document needs to be more certain on key deliverables.</i></p> <p>No change. Natural England maintain their concerns around the content and context of the Commitments Register.</p>	<p>Following the last discussion on this issue Natural England clarified that specific comments on mitigation measures which they felt were not specific enough would be provided for each topic in their Relevant Representation [RR-039] and <b>Deadline 1 submission</b> [REP1-063]. Therefore, specific responses on the wording of mitigation are included where raised throughout <b>The Applicants' response to the Relevant representation</b> [AS-048] and <b>The Applicants' Responses to Deadline 1 Documents</b> [document reference 12.3].</p> <p>The Applicants have reviewed the Schedule of Mitigation from the Norfolk Boreas Offshore Wind Farm Project referenced by Natural England. The Applicants consider the <b>Commitments Register</b> [APP-231] to be robust and provide sufficient detail on the mitigation measures committed to in the DCO application and do not propose to update the structure which is adapted from Planning Inspectorate Guidance: "Nationally Significant Infrastructure Projects: Commitments Register" (September 2024). However, the <b>Commitments Register (Revision 2)</b> [document reference 8.6] has been updated at Deadline 2 to include any updates to the wording of mitigation or commitments which have occurred since the Application was submitted. A spreadsheet format Commitments Register has been provided to Natural England to allow them to filter commitments by ES Chapter, as they have previously requested.</p> <p>Where a mitigation measure or commitment is relevant to multiple ES chapters wording has been standardised across assessments and this is clearly identified. This approach was adopted to avoid duplicating mitigation measures and commitments. This is also a similar approach to that adopted by the Hornsea Project Four Offshore Windfarm and the Applicants note that the naming of the document as a Commitments Register is in accordance with the Planning Inspectorate Guidance:</p>

I.D.	Natural England's Response <sup>5</sup>	Applicant's Response
		"Nationally Significant Infrastructure Projects: Commitments Register" (September 2024). We will seek to discuss this matter with Natural England ahead of Deadline 3, when they have had an opportunity to review the spreadsheet format.
<b>Marine Physical Environment</b>		
REP1-067:B1	<p><i>For indentations on the seabed due to installation vessels, the Maximum Design Scenario (MDS) for anchoring for either DBS E or W in isolation is 244,640m<sup>2</sup>, however, the maximum total impacted area by anchoring is stated as 22,061m<sup>2</sup>. It is unclear which of these values is the MDS for seabed area affected by anchoring. This is also the case for the DBS E and DBS W concurrent/sequential scenario MDS. Clarification on the MDS for all construction scenarios is required. (7.8: Table 8-1)</i></p> <p>Issue progressed. We agree with the clarification provided by the Applicant and advise that Table 8-1 of [APP-080] is updated to resolve this issue.</p>	The Applicants welcome Natural England's agreement with the clarification provided. In addition, please see the response to REP1-063:3.
REP1-067:B2	<p><i>For changes to bedload sediment transport due to cable protection measures, there are inconsistencies in the total footprint of inter-platform cable protection, number of array/inter-platform cable pipeline/cable crossings, and the total footprint of pipeline/cable crossing material for array cables and inter-platform cables across project build scenarios. Clarification is required. (7.8)</i></p> <p>Issue resolved. The Applicant has confirmed that the numbers presented are correct.</p>	The Applicants welcome Natural England's agreement on this matter.
REP1-067:B5	<p><i>For the Operational impact "Cable Repairs and Reburial", the activity has been described, but no associated LSE pathways have been included. The Applicant should specify the LSEs and provide the MDS for each activity during operation (for all build scenarios). The WCS impact on each MPA and affected features should also be provided for direct and indirect effects. (7.8: Table 8-1)</i></p> <p>Issue progressed. The Applicant has confirmed that text was missing from the table. We advise that Table 8-1 of [APP-080] is updated accordingly.</p>	The Applicants acknowledge Natural England's comment. In addition, please see the response to REP1-063:3.
REP1-067:B6	<p><i>Clarification is needed on the WCS volumes for sandwave levelling/seabed for the export cable route. (7.5, 7.8)</i></p> <p>Issue progressed. The Applicant has clarified that the sandwave clearance volume presented was incorrect. We advise that Table 8-1 of [APP-080] is updated accordingly.</p>	The Applicants acknowledge Natural England's comment. In addition, please see the response to REP1-063:3.
REP1-067:B10	<p><i>We consider the beach elevation change data presented in the ES from 2008-2015 to be out of date. More recent beach/shore platform elevation change data should be sought and analysed (alongside the older data collected), to inform the cable burial/asset integrity assessment and assess coastal vulnerability through the lifetime of the Projects. (7.5, 7.8). Whilst there is a commitment to carry out beach profile change monitoring if trenchless technique exit pits are located within the intertidal area, we advise that beach profile change monitoring should be carried out regardless to confirm beach recovery and support predictions regarding impacts to Holderness cliffs, and also monitor cable burial success and asset integrity over the lifetime of the Projects. (7.8)</i></p> <p>Issue resolved. We are satisfied that information provided in AS-116 (10.38 Coastal Change Technical Note Rev 01) is sufficient to demonstrate that the cables will be buried at sufficient depth to prevent exposure for the lifetime of the project. See Appendix B1 of Natural England's Deadline 1 submission for further detail.</p>	The Applicants welcome Natural England's agreement on this matter.

I.D.	Natural England's Response <sup>5</sup>	Applicant's Response
REP1-067:B30	<p><i>It is suggested that the magnitude of decommissioning effects on the marine physical environment would be comparable to those during the construction phase. However, the baseline conditions at the end of design life may differ significantly from those at pre-construction and the value of receptors may change over the lifetime of the project. Consequently, the EIA cannot confidently determine decommissioning impacts at the end of the design life of the Projects. A number of alternatives to decommissioning are emerging, and whilst these alternatives may be beyond the scope of the present ES, we advise that the EIA is updated as such alternatives progress. The Applicant should provide a pre-consent outline decommissioning plan which considers the potential long-term impacts to the marine physical environment and processes of any assets left in situ. (7.5, 7.8)</i></p> <p>No change. The Applicant does not agree that an outline decommissioning plan at this stage is helpful. We continue to advise that a pre-consent outline decommissioning plan is produced. We highlight that under S105 of the Energy Act 2004 a decommissioning plan must be provided to the SoS prior to construction of which the outline decommissioning plan would form the basis.</p>	<p>The Applicants do not agree that drafting an outline decommissioning plan at this stage would be helpful. The reasons for this include, but are not limited to:</p> <ul style="list-style-type: none"> <li>Final designs for the Projects not being available. Without knowing what is to be built, it is not possible to develop clear plans for decommissioning;</li> <li>Decommissioning is unlikely to be undertaken for several decades. At the present time the technologies available to enact decommissioning cannot be understood; and</li> <li>Best-practices and the legislative regimes relating to decommissioning will be better understood closer to the timing of decommissioning.</li> </ul> <p>The Applicants note that Natural England have acknowledged that a decommissioning plan is required for SOS approval under S105 of the Energy Act 2004 <b>prior to construction</b>. It is for this reason that the <b>Draft DCO (Revision 5)</b> [REP1-004] contains Requirement 7 which prescribed that the Projects:</p> <p><i>'must not be commenced until a written decommissioning programme in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2)(a) (requirement to prepare decommissioning programmes) of the 2004 Act has been submitted to the Secretary of State for approval'.</i></p> <p>The Applicants maintain that the deferral of the production of this programme to the post-consent / pre-construction phases of the Projects is the most appropriate and meaningful time for its delivery. One of the key reasons is that detail designs for the Projects will not be developed until that point. Without knowledge of the specific detail of what is to be constructed, and how it is to be installed, little value can be conveyed about any details relating to decommissioning. Were any decommissioning plans to be produced at the present time they would not be able to extend further than the statements already made in the Environmental Statement. With this being the case, any plan produced during examination would be of limited value. Thus, the Applicants maintain the position that any decommissioning plans should be brought forward for the approval of the SOS prior to the commencement of construction and no sooner. This approach is line with other recently consented offshore wind farm projects, including the Sheringham and Dudgeon Extension projects and Hornsea Project Four.</p>
REP1-067:B37	<p><i>The mitigation measures to minimise scour protection do not provide certainty that impacts will be minimised to acceptable levels. Pre-construction surveys do not relate to either the MCZ or mitigation measures unless surveys cover the secondary impacts zone within the MCZ, and remedial actions are taken should impacts be greater than predicted. Further consideration is required of mitigation measures that will reduce impacts to the MCZ. (8.17)</i></p> <p>No change. Natural England welcomes the Applicant's commitments to not anchoring or using jack up vessels in the MCZ, however these aren't necessarily mitigating for scour protection impacts</p>	<p>The Applicants acknowledge Natural England's comment. However, scour protection is designed to minimise scour. Should secondary scour occur, the magnitude of sediment dispersion as a resulting from secondary scour would be considerably smaller when compared to the volume of sediment dispersed as a result of seabed preparation for foundation installation, which has been modelled and the results show that there is a negligible significance of effect on the receptors of the MCZs. Therefore, post construction monitoring of the MCZ is not proposed. Further, it should be noted that the Applicants have no proposals to deposit scour protection within, or in the vicinity of, any MCZs. Should any scour protection be used as the Projects are developed, its use will be confined to the Array Areas which are approximately 80km away from the nearest MCZ.</p>
REP1-067:B49	<p>This document will need updating pre-consent based on comments Natural England <i>has provided on the EIA within Appendix B and C, as we currently do not agree with conclusions included within the document. (8.20)</i></p> <p>Issue progressed. Natural England welcomes the Applicant's commitment to the separate bundling of pairs of the export cables as outlined in the updated Cable Statement [AS-079] and advise that this commitment is</p>	<p>The Applicants acknowledge this comment. The commitment to cable bundling has been made in the <b>Cable Statement (Revision 2)</b> [AS-078]. Each Deemed Marine Licence (Schedules 10-14) presented in the <b>Draft DCO (Revision 5)</b> [REP1-004] contains a condition (such as condition 15 (1) (g) in Schedule 10) which states that construction activities may not commence until a final cable statement (in accordance with the cable statement) has been submitted to and approved in writing by MMO, in</p>

I.D.	Natural England's Response <sup>5</sup>	Applicant's Response
	secured in the DCO. This is notwithstanding other outstanding issues such as updates to the CBRA being required.	consultation with Trinity House, the MCA, the relevant statutory nature conservation body and UKHO as appropriate. Through this mechanism this commitment is secured by the Draft DCO as it stands and no updates to the Application are necessary.
<b>Benthic and Intertidal Ecology</b>		
REP1-067:C1	<p><i>There are inconsistencies in the impact assessment calculations across the various chapters/documents. For example, maximum anchoring footprint for export cable installation, total array areas and offshore ECC cable corridor construction footprint etc. We advise that the maximum temporary construction footprints are reviewed and updated where necessary. (7.05)</i></p> <p>Issue progressed. The Applicant has clarified the differences in values presented and confirmed that some were incorrect. We advise that the relevant ES chapters and documents are updated as needed.</p>	The Applicants acknowledge Natural England's comment. In addition, please see the response to REP1-063:3.
REP1-067:C6	<p><i>There are contradictions with regard to the inclusion of cofferdams in the Project scope, including the dimensions provided. It is also stated that the Project has committed to not using cofferdams within the exit pits. Clarification is required on the WCS for the landfall works in relation to cofferdam usage - any documents and assessments should be updated accordingly. (7.09) Issue progressed.</i></p> <p>The Applicant has confirmed that no cofferdams would be used in the Projects' Landfall Zone and that the inclusion of cofferdams within Table 9-1 was an error. The relevant ES chapters and documents should be updated to reflect this.</p>	The Applicants acknowledge Natural England's comment. In addition, please see the response to REP1-063:3.
REP1-067:C12	<p><i>The Applicant has not committed to using any specific type of cable/scour protection and has not considered the limitations some methods present with regard to successful decommissioning and/or likelihood of degradation over the lifetime of the project, which could have wider impacts in the case of grout bags/bagged solutions. Due consideration should be given to the nature of the cable/scour protection used and should favour those engineering options with the greatest likelihood of successful removal at the Projects' end of life. We advise against the use of rock protection within designated sites and against grout bags, unless filled with locally sourced sediment similar to that within the SAC. (7.05)</i></p> <p>No change.</p> <p>To note: We believe the Applicant's response to comment C22 in [AS-048] may be an error and are therefore basing our response on their response to comment C43 (which has been signposted from the response to C44).</p>	<p>To note: The Applicants thank Natural England for noticing the error to the response for RR-039: C22 within the <b>Response to Natural England's Relevant Representations</b> [AS-048]. The Applicants can confirm that the response to RR-039: C43 is the relevant response. This response is provided below for clarity:</p> <p><i>The Applicants acknowledge Natural England's response. At this stage, it is not possible for the Applicants to determine whether components would be left in situ or removed from the seabed as part of decommissioning. This will be determined as part of decommissioning planning which will be subject to consultation and would require approval from the regulator towards the end of operational period.</i></p> <p><i>It is important to note that infrastructure left in situ may present a lesser impact in terms of potential changes to marine water and sediment quality. In order to present an assessment of the worst case scenario the likely significant effects of the deposition of scour and cable protection on habitat loss have been assessed as permanent to a minor adverse significance of effect. The classification of these effects as permanent was undertaken in consultation with stakeholders. This assessment covers the worst case eventuality that cable and scour protection may not be removed. The impacts of the Projects on the Dogger Bank SAC will be compensated for, with compensation plans to be agreed with stakeholders including Natural England.</i></p>
REP1-067:C13	<i>We advise that the Applicant commits to bundling the export cables for each project as mitigation - this would halve the number of trenches needed (from two to one for each array) and reduce cable protection requirements. (7.05)</i>	The Applicants acknowledge this comment and note that this commitment is secured by the <b>draft DCO (Revision 5)</b> [REP1-004] at present. See response to REP1-067 B49 for further information. This commitment has also been included in the updated <b>Commitments Register (Revision 2)</b> [document reference: 8.6] submitted at Deadline 2.



I.D.	Natural England's Response <sup>5</sup>	Applicant's Response
	Issue progressed. We welcome the Applicant's commitment to bundling the export cables in the updated Cable Statement ([AS-079] 8.20 Cable Statement Rev 02). We advise that this commitment is secured in the DCO and/or commitment register and relevant application documents and assessments are revised accordingly.	
REP1-067:C17	<p><i>Penetration and/or disturbance of the substratum below the surface of the seabed, including abrasion, should be screened in for the Operation and Maintenance phase for Dogger Bank SAC. (6.1)</i></p> <p>Issue progressed. The Applicant has clarified that this impact was screened in. We advise that the relevant Tables (6-4, 6-6) in APP-046 are updated to reflect this.</p>	The Applicants acknowledge Natural England's comment. In addition, please see the response to REP1-063:3.
REP1-067:C20	<p><i>The Applicant has calculated an 'as built' estimate for habitat loss for consented projects within Dogger Bank SAC to inform impacts to extent and distribution. These are not legally secured, thus we advise that consented parameters should be used to inform habitat loss estimates for assessment. (6.1)</i></p> <p>Issue addressed. We welcome the confirmation from the Applicant that the habitat loss estimate based on consented parameters was used in the assessment.</p>	The Applicants welcome Natural England's agreement on this matter.
REP1-067:C21	<p><i>Clarification is required on the WCS for sandwave levelling/seabed clearance. We also advise that within benthic MPAs any sediment deposition is located within areas of similar sediment type, as close to and upstream of the original sandwave, and is deposited using a fall pipe (should a suction hopper dredger be used). An outline sandwave levelling, deposition and recovery plan should be provided as either a standalone document or as part of the Cable Statement [APP-242] /Outline Cable Burial Risk Assessment. (6.1, 7.09, 8.18)</i></p> <p>No change. Natural England are reviewing the Applicant's response and will provide further comment at Deadline 2.</p> <p>However, we note that the Applicant has indicated that the Cable Statement would be updated to include detail relating to sandwave levelling and deposition. The most current version of this (8.20 Cable Statement, Rev 02, [AS-079]) does not include such update.</p>	The Applicants can confirm that section 1.4.5.4, page 28 of [AS-079] contains updates relating to sandwave levelling, deposition and recovery. Additional detail relating to dredging and disposal can be found in the response to Action Point 12 in Table 4-1, section 4 Responses to ISH2 Hearing Questions – Offshore Topics of <b>The Applicants' Responses to January 2025 Action Points</b> (Revision 2) [AS-155].
REP1-067:C28A	<p><i>The Applicant has given consideration to identifying areas of shallow glacial till in the Offshore Development Area to inform post-consent discussions on microsites. However, the DCO conditions listed do not secure this as they only refer to identifying priority habitats, which would not include glacial till. We advise this mitigation should be applicable to underlying glacial sediments within Dogger Bank SAC as well as priority habitat identified along the ECC, e.g. piddocks. We advise that the DCO conditions listed are updated to secure this.</i></p> <p>Issue resolved. The relevant DCO conditions have been updated to include surficial deposits of glacial till [AS-121]. For consistency, we would welcome this also being updated in the Commitments Register.</p>	The Applicants welcome Natural England's agreement on this matter. An updated <b>Commitments Register (Revision 2)</b> [document reference 8.6] has been submitted at Deadline 2.
REP1-067:C30	<p><i>The identified biotope 'A4.231 Piddocks with a sparse associated fauna in sublittoral very soft chalk or clay' (and peat and clay exposures more generally) is considered likely to be irreplaceable and is also a priority habitat. The EIA would benefit from considering the importance and rarity of peat and clay exposures - every effort should be made to avoid impacts to these priority habitats, particularly where habitats support rare and/or irreplaceable communities such as boring piddocks. (7.09)</i></p> <p>Issue resolved. The Applicant has provided an update to the DCO [AS-121] including habitats of principal importance in microsites requirements.</p>	The Applicants welcome Natural England's agreement on this matter.

I.D.	Natural England's Response <sup>5</sup>	Applicant's Response
REP1-067:C31	<p>There is no strong commitment to avoid/microsite around Priority Habitats as listed under Section 41 of the NERC Act 2006. The adoption of mitigation measures via a Benthic Mitigation Plan should be further considered in order that impacts (particularly permanent loss), on all Section 41 Habitats are avoided and/or reduced wherever feasible through mitigation measures such as micro-siting. (7.09)</p> <p><i>Issue resolved. The Applicant has provided an update to the DCO [AS-121] including habitats of principal importance in micro-siting requirements.</i></p>	The Applicants welcome Natural England's agreement on this matter.
<b>Fish and Shellfish Ecology</b>		
REP1-067:E18	<p><i>Indirect effects on Humber Estuary SAC river lamprey and sea lamprey should be screened into the assessment.</i></p> <p>Natural England maintain that river lamprey and sea lamprey should be screened into the assessment, however we acknowledge that the uncertainties and data poor environment would prevent a reliable assessment being made.</p>	<p>The Applicants responded in detail to this point in the <b>Response to Natural England's Relevant Representations</b> [AS-048] (page 142, RR- 039 E34) and reiterate key points here:</p> <ol style="list-style-type: none"> <li>1 This potential pathway for LSE was not raised in previous consultations held for <b>Appendix A - Habitats Regulations Assessment Screening</b> [APP-049], when the document was issued in December 2022 for initial review or when the report was issued for further review alongside the Projects Preliminary Environmental Information Report (PEIR) in 2023. The purpose of consulting on screening is to ensure that all features and effect pathways are included for assessment and that the assessment can proceed iteratively. The Examination should not be an opportunity to revisit such basic screening decisions which implicitly NE agreed at the time.</li> <li>2 The River Derwent SAC and Humber Estuary SAC are 43km (inland of landfall) and 44km from the export cable corridor. They are remote from the Projects and potential effects of the Projects. Lamprey and their prey could interact with any number of industries and activities across the North Sea. Given the wide range of prey types, determining any source-pathway-receptor (S-P-R) relationship specific to the Projects is not possible for either species.</li> <li>3 Indirect effects could be screened into an updated RIAA (i.e. updating [AS-051]o but this would be of little value. As NE concede in their latest submission 'the uncertainties and data poor environment would prevent a reliable assessment being made'. The Applicant maintains that given the lack of significant effects on fish species generally (reached in <b>Chapter 10 Fish and Shellfish Ecology</b> [APP-091]) it can be inferred that even if S-P-R relationships could be established between lamprey and their prey species there would be no adverse effect on integrity.</li> </ol> <p>As a result of the above, the Applicants do not intend to update the Report to Inform Appropriate Assessment material.</p>
<b>Terrestrial Ecology and Ornithology</b>		
REP1-067:I1	<p><i>We advise that the air quality modelling undertaken for assessing impacts from construction traffic be tested against Natural England's thresholds, as detailed in the guidance document NEA001. We have engaged with the Applicant regarding this approach and understand that the Applicant will be updating the assessment following advice provided through our Discretionary Advice Service (DAS). (7.26)</i></p> <p>Issue resolved. See Appendix I1 of Natural England's Deadline 1 submission for further detail.</p>	The Applicants welcome Natural England's agreement on this matter.



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REP1-067:12	<p><i>We advise that potential alternate routes that could be taken by vessels plus size of the vessels is provided - this could be detailed via an outline Port Management Plan. If the operational port is in the Humber Estuary SAC/SPA, provision of a Port Management Plan should be secured in the DCO to be submitted preconstruction, taking into account air quality impacts and vessel management. (7.26)</i></p> <p>Issue resolved. See Appendix I1 of Natural England's Deadline 1 submission for further detail.</p>	The Applicants welcome Natural England's agreement on this matter.
REP1-067:13	<p><i>The outline Code of Construction Practice should be updated to include separation buffers for the use of back-up generators. (7.26)</i></p> <p>Issue resolved. See Appendix I1 of Natural England's Deadline 1 submission for further detail.</p>	The Applicants welcome Natural England's agreement on this matter.
REP1-067:14	<p><i>Consideration should be given to further survey of 'dry' ponds to determine if they have permanently dried out or if it was an occasional drying event and whether great crested newt (GCN) are present. (7.18)</i></p> <p>Issue resolved. See Appendix I1 of Natural England's Deadline 1 submission for further detail.</p>	The Applicants welcome Natural England's agreement on this matter.
REP1-067:15	<p><i>We advise:</i></p> <ul style="list-style-type: none"> <li><i>- Supervision measures relevant to soil management and handling of soils should be held by competent soil specialist and secured in the OLEM.</i></li> <li><i>- Soil surveyors should be named with a list of qualifications and experience on the Agricultural Land Classification (ALC) survey submitted as part of the DCO.</i></li> <li><i>- Soil handling methods should normally be as specified as in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites</i></li> <li><i>- A commitment for best and most versatile (BMV) agricultural temporality required for the development to be returned to its original ALC grade</i></li> <li><i>- Clarification on the frequency of inspections to be undertaken to ensure soil is being managed in line with the detailed Soil Management Plan.</i></li> <li><i>- Production of the final SMP should be secured within the DCO wording.</i></li> <li><i>- The outline SMP should be updated with the recommendations listed here as needed. (7.21)</i></li> </ul> <p>Issue resolved. See Appendix I1 of Natural England's Deadline 1 submission for further detail.</p>	The Applicants welcome Natural England's agreement on this matter.

## 2.6 Marine Management Organisation (MMO)

8. 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.
9. 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.
10. With this in mind, in this section, 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, **Table 2-8** within this document, 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 (**Table 2-9**)
11. Responses to MMO's Written Representations, as presented in Responses to the Applicants' Response to RRs [PDA-013] and [AS-048] [REP1-074], have been provided in Table 2-6 of **The Applicants' Responses to Written Representations** [document reference 12.2].

Table 2-8 The Applicant's response to the summary of the MMO's written relevant representation [REP1-075]

I.D.	MMO's Summary of Written Relevant Representation	Applicants' Response
REP1-075:0	<p>On 22 July 2024 the MMO received notice under Section 56 of the Planning Act 2008 (the PA 2008) that the Planning Inspectorate (PINS) had accepted an application made by RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd (the Applicant) for a DCO Application (MMO ref: DCO/2022/00007; PINS ref: EN010125).</p> <p>The DCO Application includes a draft development consent order (the DCO) and an Environmental Statement (the ES). The draft DCO includes, Marine Licence 1 (Schedule 10), Marine Licence 2 (Schedule 11), Marine Licence 3 (Schedule 12), Marine Licence 4 (Schedule 13) and Marine Licence 5 (Schedule 14) which are draft Deemed Consent under Part 4 (Marine Licensing) of MCAA 2009 (DML).</p> <p>The DCO Application seeks authorisation for the construction, operation and maintenance of Dogger Bank South (DBS) Offshore Wind Farm (OWF), comprising of up to 100 wind turbine generators in DBS East and up to 100 wind turbine generators in DBS West together with associated onshore and offshore infrastructure and all associated development (the Project).</p> <p>As a marine licence has been deemed within the draft DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcements, and revocation of provisions relating to the marine environment. As such, the MMO has an interest in ensuring that provisions drafted in a deemed marine licence enable the MMO to fulfil these obligations.</p> <p>The summary of the MMO's written relevant representation (RR), show below, is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation summary is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.</p>	No response is required.
REP1-075:1.1	<p><b>1. DCO and DMLs</b></p> <p><b>1.1. Unexploded Ordnance (UXO)</b></p>	The Applicants welcome the MMO's agreement.

I.D.	MMO's Summary of Written Relevant Representation	Applicants' Response
	1.1.1. The MMO welcomes that a separate investigation and clearance Marine Licence will be applied for post-consent.	
REP1-075:1.2	<b>1.2. Article 5 Benefit of the Order</b> 1.2.1. The MMO has a major issue on the inclusion of this Article (sections 3.3.1 to 3.10.4 of the Relevant Representations (RR)).	<p>The Applicants note that the MMO will provide comment on the remaining representations at Deadline 2 of the Examination.</p> <p>The Applicants previously submitted response on the matter is detailed under Item 6, RR-030: 3.3.1 in Annex 1 of the <b>Responses to the Applicants' Response to RRs [PDA-013] and [AS-048] [REP1-074]</b>.</p>
REP1-075:1.3	<b>1.3. Determination dates</b> 1.3.1. Requesting a timeline for determination of documentation is not appropriate, however the MMO are open to discussion regarding which documents are required to be submitted 4 or 6 months in advance.	<p>The Applicants note that the MMO will provide comment on this matter at Deadline 2 of the Examination.</p> <p>The Applicants previously submitted response on the matter is detailed under Item 17, RR-030: 3.11 in Annex 1 of the <b>Responses to the Applicants' Response to RRs [PDA-013] and [AS-048] [REP1-074]</b>. All time periods associated with documents for MMO's approval presented within <b>Draft Development Consent Order (Revision 05) [REP1-004]</b> are now reflective of a 6-month advance submission period.</p>
REP1-075:1.4	<b>1.4. Decommissioning</b> 1.4.1. Works cannot commence until the decommissioning plan has been approved by the Secretary of State (SoS). MMO are currently reviewing decommissioning process and will provide comments in due course.	<p>The Applicants acknowledge this comment.</p> <p>The Applicants note that the MMO have acknowledged that works cannot commence until the decommissioning plan is approved by SOS. It is for this reason that the <b>Draft Development Consent Order (Revision 5) [REP1-005]</b> contains Requirement 7 which prescribes that the Projects:</p> <p><i>must not be commenced until a written decommissioning programme in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2)(a) (requirement to prepare decommissioning programmes) of the 2004 Act has been submitted to the Secretary of State for approval.</i></p>
REP1-075:1.5	<b>1.5. Schedule 10 – Schedule 14 DMLs</b> 1.5.1. The MMO raised a number of issues in relation to the DMLS. These can be found in Table 1 of RR.	<p>The Applicants previously submitted response on the matter is detailed under Item 17, RR-030: 3.11 in Annex 1 of the <b>Responses to the Applicants' Response to RRs [PDA-013] and [AS-048] [REP1-074]</b> and the Applicants have made a number of amendments to the <b>Draft DCO (Revision 5) [REP1-004]</b> at the MMO's request.</p> <p>The Applicants note that the MMO will provide comment on the remaining representations at Deadline 2 of the Examination.</p>
REP1-075:1.6	<b>1.6. Additional Conditions</b> 1.6.1. The MMO requested a number of conditions to be included in the DML: <ul style="list-style-type: none"> <li>Reporting of impact pile driving</li> <li>Maintenance reporting</li> <li>Any seasonal restrictions are a standalone condition.</li> <li>Ornithological Monitoring</li> <li>Sediment sampling</li> </ul>	<p>The Applicants have provided responses to these requests within <b>The Applicants' Responses to Relevant Representations (Revision 1) [PDA-013]</b> and have made a number of amendments to the <b>Draft DCO (Revision 5) [REP1-004]</b> at the MMO's request.</p> <p>For the latest detail pertaining to these matters, see responses to point 31, RR-030: 3.17 and point 34, RR-030: 3.20 in <b>Table 2-9</b> regarding the reporting of impact pile driving and ornithological monitoring respectively.</p> <p>The Applicants note that the MMO will provide comment on RR-030: 3.18 and RR-030: 3.21.5 (regarding maintenance reporting and sediment sampling) at Deadline 2 of the Examination.</p> <p>With regards to seasonal piling restrictions, the Applicants note that the <b>Draft DCO [REP1-005]</b> was updated to remove standalone conditions 24 in DML 3 and 4 following acceptance of <b>Project Change Request 1 – Offshore and Intertidal Works [AS-141]</b> into Examination on 21<sup>st</sup> January 2025 which includes the removal of the Electrical Switching Platform and removes piling in the Offshore Export Cable Corridor.</p>

I.D.	MMO's Summary of Written Relevant Representation	Applicants' Response
REP1-075:1.7	<b>1.7. Disposal Sites</b> 1.7.1. The MMO requested clarity on disposal sites and is working with the Applicant to ensure they are designated and included on the DMLs.	<p>The Applicants have provided a response to this request within <b>The Applicants' Responses to Relevant Representations (Revision 1) [PDA-013]</b>.</p> <p>The Applicants have submitted an updated <b>Disposal Site Characterisation Report (Revision 2)</b> [document reference 8.18] at Deadline 2.</p> <p>The <b>Draft Development Consent Order (Revision 5)</b> [REP1-004] will be updated with the names of the relevant disposal sites and any associated changes at Deadline 3.</p>
REP1-075:2.1	<b>2. Other Application Documents</b> <b>2.1. General comments</b> 2.1.1. Where projects impact overlap MMO and the Local Planning Authority (LPA) jurisdiction, the Applicant should submit the full plan for approval to both MMO and LPA prior to works commencing.	<p>The Applicants acknowledge this comment, and note that, by way of example of the MMO being consulted on the discharge of any relevant onshore requirements, Requirement 19 (1) of Schedule 2 of the Draft DCO [REP1-004] states that:</p> <p><i>'Any phase of the onshore works must not be commenced until a code of construction practice (which must accord with the outline code of construction practice) for that phase has been submitted to and approved by the relevant planning authority in consultation as appropriate with the Environment Agency, the relevant statutory nature conservation body and the MMO where required.'</i></p>
REP1-075:2.2	<b>2.2. Cable Statement</b> 2.2.1. The MMO requested updates to this document.	<p>The Applicants acknowledged the MMO's request in Table 4.6.1 of <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] (RR-030: 4.2). An updated <b>Cable Statement (Revision 3)</b> [document reference 8.20] has been submitted at Deadline 2.</p>
REP1-075:2.3	<b>2.3. Outline Written Scheme of Investigation (Offshore)</b> 2.3.1. The MMO defers to Historic England (HE)	<p>The Applicants acknowledge this comment.</p>
REP1-075:2.4.1	<b>2.4. Outline Offshore Operations and Maintenance Plan.</b> 2.4.1. The MMO requested clarifications and updates to this document.	<p>The Applicants acknowledged the MMO's request in Table 4.6.1 of <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] (RR-030: 4.5.1 – RR-030:4.5.4). An updated <b>Outline Offshore Operations and Maintenance Plan (Revision 3)</b> [document reference 8.24] has been submitted at Deadline 2.</p>
REP1-075:2.4.2	2.4.2. Table 2-3 inappropriately considers new cable/scour protection placed in area where there was no protection during construction as 'maintenance'.	<p>The Applicants previously submitted response to RR-030: 4.5.4 on the matter in <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] is detailed below:</p> <p><i>The Applicants acknowledge this comment. The requested amendment to clarify that a separate licence will be sought for the deposit of new cable and scour protection in areas where no protection was installed during construction will be made in an update to the Outline Offshore Operations and Maintenance Plan [APP-248].</i></p> <p><i>The wording related to "New cable protection beyond the maximum, in terms of both volume of material and area covered, set out in for construction under the relevant Deemed Marine Licences" and "New scour protection beyond the maximum, in terms of both volume of material and area covered, set out in the relevant Deemed Marine Licences" will be updated to clarify that protection in new areas will require a separate Marine Licence. The updated Outline Offshore Operations and Maintenance Plan [APP-248] will be presented at Deadline 1.</i></p> <p>To note an updated version of the <b>Outline Offshore Operations and Maintenance Plan</b> [AS-027] was issued on the 8<sup>th</sup> November 2024 and an updated version of <b>Other Consents and Licences (Revision 3)</b> [REP1-023] was submitted at Deadline 1 to address this matter</p>

I.D.	MMO's Summary of Written Relevant Representation	Applicants' Response
		The Applicants note that the MMO will provide comment on the remaining representations at Deadline 2 of the Examination.
REP1-075:2.4.3	2.4.3. The MMO requests that it is clarified if scour protection is required for the offshore platform.	<p>The Applicants previously submitted response to RR-030: 4.5.4 on the matter in <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] is detailed below:</p> <p><i>By way of clarification, detail related to scour protection for offshore platforms is presented under the heading "Wind Turbine and Platform Foundations" within Table 2-3 (of the Outline Offshore Operations and Maintenance Plan [APP-248]).</i></p> <p>The Applicants note that the MMO will provide comment on the remaining representations at Deadline 2 of the Examination.</p>
REP1-075:2.5	<b>2.5. Outline Scour Protection Plan</b> 2.5.1. The MMO requested updates to this document.	The Applicants acknowledged the MMO's request in Table 4.6.1 of <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] (RR-030: 4.6) and the updated <b>Outline Scour Protection Plan (Revision 3)</b> [document reference 8.27] has been submitted at Deadline 2.
REP1-075:2.6.1	<b>2.6. Outline Fisheries Liaison and Co-existence Plan</b> 2.6.1. It is appropriate that the MMO will not act as arbitrator.	The Applicants welcomed agreement from the MMO on this point in Table 4.6.1 of <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] (RR-030: 4.7.1).
REP1-075:2.6.2	2.6.2. All changes to the Fisheries Liaison and Co-existence Plan must be submitted to the MMO for approval and this should be reflected within the document.	The Applicants acknowledged the MMO's request in Table 4.6.1 of <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] (RR-030: 4.7.2) and the updated <b>Outline Fisheries Liaison and Co-existence Plan (Revision 3)</b> [document reference 8.28] has been submitted at Deadline 2.
REP1-075:2.7	<b>2.7. Outline Vessel Traffic Monitoring Plan</b> 2.7.1. The MMO defers to Maritime and Coastguard Agency (MCA).	The Applicants acknowledge this comment.
REP1-075:2.8.1	<b>2.8. Habitat Regulations Assessment</b> 2.8.1. The MMO requests confirmation that within the Ecological Management Plan no offshore mitigation and management measures will be secured within this document which relates to the marine licensable activities.	As noted under item 54 (RR-030:4.9.2) in Annex 1 of the <b>Responses to the Applicants' Response to RRs</b> [PDA-013] and [AS-048] [REP1-074], the Applicants confirmed that no offshore mitigation and management measures would be secured within the Ecological Management Plan, with the MMO acknowledging the Applicants' comment and considering the matter closed.
REP1-075:2.8.2	2.8.2. The MMO defers to Natural England (NE) for appropriateness of compensation measures secured in DCO.	The Applicants acknowledge this comment.
REP1-075:2.9.1	<b>2.9. Marine Conservation Zone Assessment Screening Report</b> 2.9.1. The MMO thanks Applicant for setting out how embedded mitigation and additional mitigation are secured in the DCO/DMLs.	The Applicants acknowledge this comment.
REP1-075:2.9.2	2.9.2. The MMO defers to Natural England (NE).	The Applicants acknowledge this comment.
REP1-075:2.10.1	<b>2.10. In Principal Monitoring Plan (IPMP)</b>	The Applicants acknowledged the MMO's comment in Table 4.6.1 of <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] (RR-030: 4.15.1) and stated that:



I.D.	MMO's Summary of Written Relevant Representation	Applicants' Response
	2.10.1. IPMP does not include MCZ monitoring and the MMO has concerns in relation to the Holderness Inshore MCZ. If anchoring events do happen in MCZ area, the MMO would expect that monitoring would be required.	<p><i>'The Applicants have amended the commitment that no jack-up activities will occur with the Holderness Inshore Marine Conservation Zone (MCZ), to also include anchoring. Therefore, there is no longer any potential for direct impacts during cable installation activities to occur within the MCZ.'</i></p> <p>An updated version of the <b>In Principle Monitoring Plan</b> [document reference: 8.23] has been submitted at Deadline 2.</p>
REP1-075:2.10.2	2.10.2. The MMO requests updates to ensure commitment that first four piles monitored would be the worst-case scenario piles.	<p>The Applicants acknowledged the MMO's comment in Table 4.6.1 of <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] (RR-030: 4.15.2) and stated that:</p> <p><i>The Applicants recognise the importance of monitoring in the management and verification of the Projects' actual effects. The Applicants reiterate that they are committed to undertake underwater noise monitoring of the first four piles of each piled foundation type, as confirmed within the IPMP [APP-247] and that this approach is in line with the standard requirements for offshore wind farm developments. Monitoring locations would be confirmed within post-consent monitoring plans that will be submitted prior to the commencement of piling.</i></p> <p><i>The Applicants reiterate that the exact detail, including timings and expectations, of the proposed surveys would be agreed through the development of topic-specific monitoring plans that would be produced prior to the start of construction, as conditioned in the DMLs. The Applicants note that the details of monitoring programmes for Dogger Bank Creyke Beck A &amp; B (now Dogger Bank A and B) and Dogger Bank Teesside A &amp; B (now Dogger Bank C and Sofia) have been agreed at the post-consent stage account of the actual construction programmes and details of the works to be undertaken and would use the same approach, as is described in the IPMP [APP-247].</i></p> <p>The MMO has acknowledged in their Deadline 1 document [REP1-074] 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.</p> <p>The Applicants acknowledge that the MMO will review the post-consent monitoring plans and provide comments in due course.</p>
REP1-075:2.10.3	2.10.3. The MMO requires more information on timing of proposed surveys, the expectations, and the Applicant's intentions should the observations not meet the expectations.	<p>The Applicants acknowledged the MMO's comment in Table 4.6.1 of <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] (RR-030: 4.15.2) and stated that:</p> <p><i>The Applicants reiterate that the exact detail, including timings and expectations, of the proposed surveys would be agreed through the development of topic-specific monitoring plans that would be produced prior to the start of construction, as conditioned in the DMLs. The Applicants note that the details of monitoring programmes for Dogger Bank Creyke Beck A &amp; B (now Dogger Bank A and B) and Dogger Bank Teesside A &amp; B (now Dogger Bank C and Sofia) have been agreed at the post-consent stage account of the actual construction programmes and details of the works to be undertaken and would use the same approach, as is described in the IPMP [APP-247].</i></p>
REP1-075:2.11.1	2.11. In Principle Site Integrity Plan (SIP) for the Southern North Sea (SNS) Special Area of Conservation (SAC)	The Applicants acknowledge this comment.



I.D.	MMO's Summary of Written Relevant Representation	Applicants' Response
	2.11.1. The MMO welcomes the approach to liaise with other OWF schemes to produce up to date in-combination assessment using most recent information.	
REP1-075:2.11.2	2.11.2. The MMO requests map of SNS SAC and project location included in relation to other schemes for context. Further information has also been requested.	<p>The Applicants acknowledged the MMO's request in Table 4.6.1 of <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] (RR-030: 4.16.2) with Figure 5-1 being added to revision 2 of the <b>In Principle SIP for the SNS SAC (Revision 2)</b> [AS-102].</p> <p>The Applicants note the additional request of including other schemes for context. Schemes that are considered in the in-combination assessment have been included in Figure 5-1 of the <b>In Principle SIP for the SNS SAC (Revision 3)</b> [document reference 8.26] submitted at Deadline 2.</p>
REP1-075:2.12.1	<p><b>2.12. Outline Marine Mammal Mitigation Protocol</b></p> <p>2.12.1. The MMO requests specific section included regarding Noise Abatement.</p>	<p>The Applicants acknowledged the MMO's request in Table 4.6.1 of <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] (RR-030: 4.17.1) with sections added to <b>Outline Marine Mammal Mitigation Protocol (MMMP) (Revision 2)</b> [AS-100] and submitted on 22<sup>nd</sup> November 2024.</p> <p>However, revision 3 of the document has been submitted at Deadline 2 to incorporate the <b>Project Change Request 1 – Offshore and Intertidal Works</b> [AS-141] which was accepted into Examination on 21<sup>st</sup> January 2025 and updates following the Applicants' review of Defra's policy paper on marine noise and associated documents.</p>
REP1-075:2.12.2	2.12.2. Reservations remain regarding breaks in piling but welcomes further discussion on this before finalisation of MMMP (see RR 4.17.2 - 4.17.5).	The Applicants acknowledge this comment and welcome further discussions with the MMO before the finalisation of the MMMP.
REP1-075:3.1	<p><b>3. Environmental Statement</b></p> <p><b>3.1. General Comments</b></p> <p>3.1.1. The MMO requests Applicant to amend the ES chapters to include anticipated impacts to receptors from decommissioning stage of the development. Including a high level outline of works anticipates and likely impacts arising from them.</p>	See the response to point 69 (RR-030: 5.1) in <b>Table 2-9 of The Applicants' Responses to Deadline 1 Documents</b> [document reference: 12.3] submitted at Deadline 2 for the Applicant's latest position in relation to this matter.
REP1-075:3.2.1	<p><b>3.2. Coastal Processes</b></p> <p>3.2.1. The MMO requests applicant discusses 30-year operational lifespan on coastal processes (see RR 5.2.1 - 5.2.3).</p>	<p>See the response to REP1-074:2.3.4 in <b>The Applicants Responses to Written Representations</b> [document reference: 12.2] submitted at Deadline 2.</p> <p>The Applicants previously submitted response on the matter in <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] is detailed below:</p> <p><i>'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 would change sediment transport rates. The Applicants agree that changes to tidal currents could potentially alter the gradients of sediment transport from one area to another along sediment transport pathways over the 30-year operational lifespan of the Projects.</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. Residual sediment transport is approximately south-east to north-west, and so there is potential for less sediment to be transported (supplied) from the south to the north of the arrays, with more sediment from north of the arrays lost further to the north. This could potentially lead to accretion of the seabed in the south with erosion of the seabed in the north.</i></p>

I.D.	MMO's Summary of Written Relevant Representation	Applicants' Response
		<p>However, these morphological changes are not significant over 30 years because the changes in bed shear stress are less than 3% of the baseline bed shear stress and would then remain constant during the operational lifespan. Change of this magnitude would have insignificant long-term effects on the mobilisation and sediment transport characteristics of the seabed sediments across the arrays. The sediment transport gradients would be effectively unchanged by the presence of the infrastructure.</p> <p>There would be no cumulative impacts on sediment transport gradients given there will be no overlap of the changes to bed shear stresses of DBS and other infrastructure. This is because the predominant south-east to north-west residual sediment transport direction is away from, not towards, the other offshore wind farms on Dogger Bank.'</p>
REP1-075:3.2.2	3.2.2. The MMO queries volume for the changes on suspended sediment concentration and transport due to seabed preparation for foundation installation.	<p>The Applicants previously submitted explanation on this matter is detailed under Item 74, RR-030: 5.2.5 in Annex 1 of the <b>Responses to the Applicants' Response to RRs [PDA-013] and [AS-048]</b> [REP1-074]. The Applicants note the following response from the MMO:</p> <p>'The MMO welcomes this explanation, and considers the matter closed.'</p>
REP1-075:3.3	<b>3.3. Dredge and Disposal</b> 3.3.1. The MMO largely agrees with the comments, reporting and mitigations in this section.	The Applicants welcome the MMO's agreement on this matter.
REP1-075:3.4.1	<b>3.4. Benthic ecology</b> 3.4.1. The MMO requests the design of the pre-construction monitoring survey is submitted at least six months rather than four months prior to the first survey.	The Applicants previously agreed to this request in <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] and have made the corresponding updates to the relevant DML Conditions in the <b>Draft Development Consent Order (DCO) (Revision 5)</b> [REP1-004]. The Applicants note the MMO welcomed this update in item 82, RR-030:5-4-1 of <b>Annex 1 of the Responses to the Applicants' Response to RRs [PDA-013] and [AS-048]</b> [REP1-074].
REP1-075:3.4.2	3.4.2. The MMO requests Applicant interprets available geophysical data to inform a ground truthing survey to confirm the presence/absence of Annex I biogenic reef along the entire cable route.	<p>The Applicants note that the MMO will provide comment on this topic at Deadline 2 of the Examination.</p> <p>The Applicants previously submitted response on the matter in <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] is detailed below:</p> <p>'Table 9-3 within <b>Chapter 9 Benthic and Intertidal Ecology</b> [APP-085] details the commitment to pre-construction surveys and micro-siting.</p> <p>Pre-construction surveys will be undertaken to determine the presence of potential Annex I / UK Biodiversity Action Plan (BAP) Priority Habitats within the proposed wind turbine locations or the Offshore Export Cable Corridor. The preconstruction survey methodology would be agreed with the MMO in consultation with Natural England. The survey design would be based on best practice at the time and is anticipated to consist of a mixture of geophysical, drop-down video (DDV) and grab surveys (as applicable) to ensure a comprehensive ground-truthing of the proposed final wind turbine locations and cable route design. Initial geophysical surveys will be reviewed with DDV ground truthing surveys to confirm presence as appropriate. This shall then be used to inform detailed layout design in the design plan and will inform the mitigation scheme requirements.</p> <p>These pre-construction surveys are secured in Conditions 15 and 20 of DMLs 1 and 2, Conditions 13 and 18 of DMLs 3 and 4; and Conditions 11 and 14 of DML 5.'</p>

I.D.	MMO's Summary of Written Relevant Representation	Applicants' Response
REP1-075:3.4.3	3.4.3. The MMO defers to SNCB regarding the impact of construction activities on 'Pidcock' habitat and recommends the Applicant provides further clarification on the specific mitigation measures.	The Applicants direct the MMO to REP1-067:C30 and REP1-067:C31 in <b>Table 2-7</b> , where agreement between the Applicants and Natural England is noted regarding the specific mitigation measures for UK BAP Priority Habitats.
REP1-075:3.5	<b>3.5. Fish ecology</b> 3.5.1. The MMO has major concerns relating to Fish ecology (see RR 5.5.1 to 5.5.39). There are several points that need to be resolved throughout examination.	The Applicants provided responses to these representation within <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] The Applicants note that the MMO will provide comment on RR 5.5.1 to 5.5.39 'in due course' during examination, and request for responses to be provided at the earliest opportunity.
REP1-075:3.6.1	<b>3.6. Shellfish</b> 3.6.1. The MMO requests the Applicant considers a monitoring program for shellfish species.	The Applicants provided a response to this representation within <b>The Applicants' Responses to Relevant Representations</b> [PDA-013] The Applicants note that the MMO will provide comment on the remaining representations at Deadline 2 of the Examination.
REP1-075:3.6.2	3.6.2. Conditions for the approval of shellfish monitoring plan and submission of the results must be included within the DMLs as part of the In Principle Monitoring Plan.	The Applicants provided a response to this representation within <b>The Applicants' Responses to Relevant Representations</b> [PDA-013]. The Applicants note that the MMO will provide comment on the remaining representations at Deadline 2 of the Examination.
REP1-075:3.7	<b>3.7. Underwater Noise</b> 3.7.1. The MMO has major concerns relating to UWN (see RR 5.7.1 to 5.7.17). There are several points that need to be resolved throughout examination.	The Applicants direct the MMO to Point 128, RR-030: 5.7.1 of <b>Annex 1 of the Responses to the Applicants' Response to RRs</b> [PDA-013] and <b>[AS-048]</b> [REP1-074] where the MMO welcomed the Applicants' agreement on this matter. Responses to RR-030: 5.7.2, RR-030: 5.7.4, RR-030: 5.7.8 and RR-030: 5.7.9 are provided in <b>Table 2-9</b> . The Applicants note that the MMO will provide comment on the remaining representations at Deadline 2 of the Examination.
REP1-075:3.8.1	<b>3.8. Noise Abatement</b> 3.8.1. Although maximum (monopile) hammer energy has now been reduced from 7,000 kJ to 6,000 kJ in the ES, significant impact ranges are still predicted. The MMO welcomes the commitment to consider all suitable mitigation options within the outline MMMP.	The Applicants provided a response to this representation within <b>The Applicants' Responses to Relevant Representations</b> [PDA-013]. For the Applicants' latest position see responses to REP1-074:4.1.4 and REP1-074:4.1.6 in Table 2-6 of <b>The Applicants Responses to Written Representations</b> [document reference: 12.2] submitted at Deadline 2.
REP1-075:3.8.2	3.8.2. The MMO believe there is clear justification and evidence that noise abatement measures will be required for the Project. Requests modelling and mitigation requirements is updated to include Noise Abatement measures throughout.	The Applicants provided a response to this representation within <b>The Applicants' Responses to Relevant Representations</b> [PDA-013]. See responses to REP1-074:4.1.6, REP1-074:4.1.7 and REP1-074: 2.5.14 in Table 2-6 of <b>The Applicants Responses to Written Representations</b> [document reference: 12.2] submitted at Deadline 2.

Table 2-9 The Applicants' response to Annex 1 of the MMO's Responses to the Applicants' Response to RRs [PDA-013] and [AS-048] [REP1-074]

Point	I.D.	MMO's Relevant Representation Comment	Applicants' Response	The MMO's Updated Response	Applicants' Updated Response
20	RR-030: 3.14.1	<p><b>Disposal Sites</b></p> <p>The MMO notes that the Applicant is proposing five new Disposal Sites (one associated with each DML) (Disposal Site Characterisation Report Figure 3:1). These are the following:</p> <ul style="list-style-type: none"> <li>East Array Offshore Export Cable Corridor Disposal Site</li> <li>West Array Offshore Export Cable Corridor Disposal Site</li> <li>DBS East Array Area Disposal Site</li> <li>DBS West Array Area Disposal Site</li> <li>Inter-Platform Cable Corridor Disposal Site</li> </ul> <p>However, in the main text of the document, the Applicant is proposing only four disposal sites. This should be clarified within the document. The disposal site(s) must also be clearly named within the appropriate DML.</p>	<p>Section 3 (paragraph 25) of the <b>Disposal Site Characterisation Report</b> [APP-242] presents the proposed disposal areas whilst Figure 3-1 displays the five different proposed disposal sites. The Offshore Export Cable Corridor is listed twice as DBS East or DBS West could be developed in isolation. Annex 1 also includes coordinates to delineate the five proposed disposal sites. The Applicants will update the appropriate DMLs to add the names of the relevant disposal sites and will submit an updated <b>Draft DCO</b> [APP-027] at Deadline 1.</p>	<p>The MMO acknowledges the Applicants comment and will provide a response in Deadline 2.</p>	<p>The Applicants have submitted an updated <b>Disposal Site Characterisation Report (Revision 2)</b> [document reference 8.18] at Deadline 2.</p> <p>The <b>Draft Development Consent Order (DCO) (Revision 5)</b> [REP1-004] will be updated with the names of the relevant disposal sites and any associated changes.</p>
31	RR-030: 3.17	<p><b>Additional Conditions</b></p> <p><i>Reporting of impact pile driving</i></p> <p><i>To comply with UK requirements on noise reporting, the MMO requests this condition is added to both</i></p> <p><i>Schedule 10, Schedule 11, Schedule 12 and Schedule 13.</i></p> <p><i>"25.-(1) Only when driven or part-driven pile foundations are proposed to be used as part of the foundation installation the undertaker must provide the following information to the Marine Noise Registry-</i></p> <p><i>(a) prior to the commencement of each stage of construction of the licensed activities, information on the expected location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements:</i></p> <p><i>(b) at six-month intervals following the commencement of pile driving or by 25 March for works which take place in the preceding year January to December (whichever is earlier), information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's</i></p> <p><i>Close Out requirements; and</i></p> <p><i>(c) within 12 weeks of completion of impact pile driving or by 25 March for works which take place in the preceding year January to December (whichever is earlier), information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's Close Out requirements.</i></p>	<p>The Applicants acknowledge this comment and will make appropriate updates to the DMLs to reflect the comments made by the MMO and submit an updated Draft DCO [APP-027] for Deadline 1.</p>	<p>The MMO welcomes the Applicant providing updates to the DML. The MMO has made further updates to the condition on the back of discussions with JNCC and updates to the marine noise registry. Please can the condition be updated to:</p> <p><i>"25.-(1) In the event that driven or part-driven pile foundations are proposed to be used as part of the foundation installation the undertaker must provide the following information to the Marine Noise Registry—</i></p> <p><i>(a) no less than six months prior to the commencement of each stage of construction of the licensed activities, information on the expected location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements,</i></p> <p><i>(b) within two weeks after commencement of each stage of construction of the licensed activities, information on the location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements;</i></p> <p><i>(c) at six month intervals following the commencement of pile driving, information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's Close Out</i></p>	<p>The Applicants will update the wording in the <b>Draft DCO (Revision 5)</b> [REP1-004] as requested.</p>



Point	I.D.	MMO's Relevant Representation Comment	Applicants' Response	The MMO's Updated Response	Applicants' Updated Response
		<p>(2) The undertaker must notify the MMO in writing of the successful submission of Forward Look or Close Out data pursuant to paragraph (1) above within seven days of the submission.</p> <p>(3) For the purpose of this condition, "Forward Look" and "Close Out" mean the requirements as set out in the UK Marine Noise Registry Information Document Version 1 (July 2015) as amended, updated, or superseded from time to time."</p>		<p>requirements by 7 April for winter season October – March inclusive and 7 October for summer season April – September inclusive or within 12 weeks of completion of impact pile driving whichever is earlier."</p>	
34	RR-030: 3.20	<p><b>Ornithological Monitoring</b></p> <p>The MMO request a specific ornithological monitoring condition is added to the Deemed Marine Licences. This is to ensure the monitoring report and results are submitted. The MMO note ornithological monitoring is discussed within the Outline In Principle Monitoring Plan.</p>	<p>The Applicants disagree that there is a need for a specific ornithological monitoring condition in the DML as this is already secured through the submission and approval of the construction programme and monitoring plan under the relevant conditions of the DMLs (Draft DCO [APP-027]) (conditions 15(1)(b), 20, 21 and 22 of DMLs 1 and 2; conditions 13(1)(b), 18, 19 and 20 of DMLs 3 and 4; and conditions 11(1)(b), 14, 15 and 16 of DML 5). The construction programme and monitoring plan must accord with the IPMP [APP-247], which includes (at section 1.6.7) outlines of the in-principle monitoring proposed in relation to offshore ornithology. The construction programme and monitoring plan must be submitted to and approved by the MMO.</p>	<p>The MMO would highlight that a number of projects include Ornithological monitoring as a separate document, this is best practice due to the detailed discussions required. Due to the number of issues raised on ornithology the MMO believes that a separate plan is the best place for ornithological monitoring to be as it enables specific discussions on a complex topic. In addition to this if the ornithological discussions are ongoing there could be a delay to the discharge of other monitoring as in the current format there would be no possibility of a phased approach to discharging parts of the IPMP.</p>	<p>The Applicants have reviewed their position on this and will update the wording in the <b>Draft DCO (Revision 5)</b> [REP1-004] as requested, and submit the updated version at Deadline 3.</p>
50	RR-030: 4.7.2	<p>The MMO requests the below text in Section 1.2 paragraph 6 is updated to remove the word 'material'. All changes to the Fisheries Liaison and Co-existence Plan must be submitted to the MMO for approval.</p>	<p>The Applicants acknowledge this comment and will update the Outline Fisheries Liaison and Co-existence Plan [APP-252] in line with the request.</p>	<p>The MMO acknowledges the Applicant's comment and will review the updated document in due course.</p>	<p>An updated <b>Outline Fisheries Liaison and Co-existence Plan (Revision 3)</b> [document reference 8.28] has been submitted at Deadline 2 which includes the MMO's request.</p>
59	RR-030: 4.15.1	<p><b>In Principal Monitoring Plan (IPMP)-APP-247</b></p> <p>The MMO considers most of the comments provided in our Section 4.2 response has been addressed satisfactorily. However, the MMO has the following comments to make:</p> <p>In Principle Monitoring Plan:</p> <p>The MMO raised previous comments in relation to what are the expectations and mitigations may be needed. This includes if there will be monitoring in relation to the MCZ. As the IPMP does not include MCZ monitoring the MMO has concerns in relation to the Holderness Inshore MCZ. The Applicant states that: 'As the</p>	<p>The Applicants have amended the commitment that no jack-up activities will occur with the Holderness Inshore Marine Conservation Zone (MCZ), to also include anchoring. Therefore, there is no longer any potential for direct impacts during cable installation activities to occur within the MCZ. As such, no monitoring is required for direct impacts on the MCZ. The IPMP [APP-247] will be updated during the examination process.</p>	<p>The MMO welcomes the changes made by the Applicant and will review the IPMP and confirm this matter can be closed in due course.</p>	<p>The Applicants acknowledge this comment and welcome the MMO's agreement on this matter. An updated <b>IPMP (Revision 2)</b> [document reference 8.23] has been submitted at Deadline 2.</p>

Point	I.D.	MMO's Relevant Representation Comment	Applicants' Response	The MMO's Updated Response	Applicants' Updated Response
		Offshore Export Cable Corridor construction buffer zone overlaps with the Holderness Inshore MCZ, there still exists the potential for direct impacts from anchoring events during cable installation activities. 'Therefore, if any anchoring events do happen in the MCZ area, the MMO would expect that monitoring would be required to ensure that the prediction of no impact is validated.			
60	RR-030: 4.15.2	<p>The In Principle Monitoring Plan (IPMP) has been produced to provide the basis for delivering the monitoring measures as required by the conditions contained within the DMLs for the DBS OWFs. The report confirms that if piled foundations are used in the final project design, underwater noise monitoring of the first four piles of each piled foundation type would be undertaken with the methods agreed with the MMO and relevant SNCB in the pre-construction period (point 3.21). This is in keeping with the standard requirements for OWF developments. The MMO would like the report updated to ensure a commitment that the first four piles monitored would be the worst-case scenario piles. Monitoring of less impactful piles would not validate the predictions of the worst-case scenario assessed within the ES.</p> <p>Please provide more information on the timing of these proposed surveys, and the expectations (i.e., what the monitoring is intended to observe), plus the Applicant's intentions should the observations not meet these expectations i.e., the express intention is monitor bed recovery in Holderness inshore MCZ and Smithic bank, plus scour impacts, implying potentially extensive surveying, interpretation and reporting requirements.'</p>	<p>The Applicants recognise the importance of monitoring in the management and verification of the Projects' actual effects. The Applicants reiterate that they are committed to undertake underwater noise monitoring of the first four piles of each piled foundation type, as confirmed within the IPMP [APP-247] and that this approach is in line with the standard requirements for offshore wind farm developments. Monitoring locations would be confirmed within post-consent monitoring plans that will be submitted prior to the commencement of piling.</p> <p>The Applicants reiterate that the exact detail, including timings and expectations, of the proposed surveys would be agreed through the development of topic-specific monitoring plans that would be produced prior to the start of construction, as conditioned in the DMLs. The Applicants note that the details of monitoring programmes for Dagger Bank Creyke Beck A &amp; B (now Dagger Bank A and B) and Dogger Bank Teesside A &amp; B (now Dogger Bank C and Sofia) have been agreed at the post-consent stage account of the actual construction programmes and details of the works to be undertaken and would use the same approach, as is described in the IPMP [APP-247].</p>	<p>The MMO's current position is that at least 2 of the first four piles should be the worst case piles, this has changed from previous OWF examinations due to the monitoring being provided on projects in the construction stage and issues raised by the SNCBs. The MMO understands that the Applicant's require flexibility as usually the first four piles are softer sediment to ensure the equipment is working as expected. The MMO requires commitment that 2 of the worst case piles will be monitored, this may be after the first four piles but this would allow the predictions to be validated. This commitment should be updated within the condition. The MMO is currently reviewing the condition wording with SNCBs including the submission date of the data and may suggest updated wording in due course. The MMO welcomes further discussions with the App on this request and how it can be captured within the DML.</p>	<p>The Applicants are seeking to arrange a meeting with the MMO to discuss any potential amendments to the relevant condition and the Applicants reserve their position with regard to any potential updates to this wording until they have seen what is suggested by the MMO.</p>
62	RR-030: 4.16.2	The MMO request a map of the Southern North Sea SAC and the projects' location in relation to this be added to the document for context.	The Applicants acknowledge this request, the figure will be added to an updated version of the In Principle Site Integrity Plan (SIP) for the Southern North Sea (SNS) Special Area of Conservation (SAC) [APP-250], which will be provided at Deadline 1.	The MMO acknowledges the Applicant's comment and will review the document and provide comments in due course.	The figure was included in the <b>In Principle Site Integrity Plan (SIP) for the Southern North Sea (SNS) Special Area of Conservation (SAC) (Revision2)</b> [AS-102] submitted on 29 <sup>th</sup> November 2024.



Point	I.D.	MMO's Relevant Representation Comment	Applicants' Response	The MMO's Updated Response	Applicants' Updated Response
					However, revision 3 of the document has been submitted at Deadline 2 to incorporate the <b>Project Change Request 1 – Offshore and Intertidal Works</b> [AS-141] which was accepted into Examination on 21 <sup>st</sup> January 2025 and updates following the Applicants' review of Defra's policy paper on marine noise and associated documents.
63	RR-030: 4.16.3	<p>The MMO request the following sections are also included within the SIP:</p> <ul style="list-style-type: none"> <li>• Introduction</li> <li>• The Southern North Sea SAC</li> <li>• Project Description</li> <li>• Project Commitments</li> <li>• In Principle Management and Mitigation Measures <ul style="list-style-type: none"> <li>○ Measure X: Scheduling of UXO Clearance</li> <li>○ Measure X: Clustering of UXO devices</li> <li>○ Measures Not Applicable</li> <li>○ Other Mitigation Measures outside the scope of the SIP</li> </ul> </li> </ul>	The Applicants acknowledge this request and will include the requested section in an updated version of the In Principle SIP for the SNS SAC [APP-250], which will be provided at Deadline 1.	The MMO acknowledges the Applicant's comment and will review the document and provide comments in due course.	<p>The requested sections were added to the <b>In Principle SIP for the SNS SAC (Revision 2)</b> [AS-102] submitted on 29<sup>th</sup> November 2024.</p> <p>However, revision 3 of the document has been submitted at Deadline 2 to incorporate the <b>Project Change Request 1 – Offshore and Intertidal Works</b> [AS-141] which was accepted into Examination on 21<sup>st</sup> January 2025 and updates following the Applicants' review of Defra's policy paper on marine noise and associated documents.</p>
64	RR-030: 4.17.1	<p><b>Outline Marine Mammal Mitigation Protocol -Volume 8.25 - APP-249</b></p> <p>The MMO welcome that the Applicant will be considering all suitable mitigation options including the use of Noise Abatement when developing the final MMMP (as stated in Table 1-2). However, the MMO requests that a specific section regarding noise abatement is added to the MMMP. At this stage the MMO considers there is clear justification and evidence that noise abatement measures will be required for the project, to reduce the risk of potential impact on marine receptors.</p>	<p>The Applicants acknowledge this request and will add a section on the potential use of noise abatement systems (NAS) as mitigation into the <b>Outline Marine Mammal Mitigation Protocol (MMMP)</b> [APP-249], which will be provided at Deadline 1.</p> <p>The Applicants are considering the use of NAS as mitigation for underwater noise, and the use of it will be dependent on the final project design and determined at the post-consent stage. 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>	The MMO acknowledges the Applicant's comment and will review the document and provide comments in due course.	<p>The <b>Outline Marine Mammal Mitigation Protocol (MMMP) (Revision 2)</b> [AS-100] was submitted on 22<sup>nd</sup> November 2024.</p> <p>However, revision 3 of the document has been submitted at Deadline 2 to incorporate the <b>Project Change Request 1 – Offshore and Intertidal Works</b> [AS-141] which was accepted into Examination on 21<sup>st</sup> January 2025 and updates following the Applicants' review of Defra's policy paper on marine noise and associated documents.</p>
65	RR-030: 4.17.2	The MMO has reviewed the Outline Marine Mammal Mitigation Protocol (MMMP) and largely agrees with the approach set out in the document. The Outline MMMP is clear and informative and in keeping with other OWF developments. The only reservation at this stage is regarding the breaks in piling, as per Section 3.1.6 of	The Applicants acknowledge this request and will update the <b>Outline MMMP</b> [APP- 249] to follow the breaks in piling procedure as stated in Joint Nature Conservation Committee (JNCC) guidelines for piling (2010). This will be provided at Deadline 1	The MMO acknowledges the Applicant's comment and will review the document and provide comments in due course.	After further discussion with engineers, and depending on the final Project design, it may not be feasible to implement the full soft-start procedure after breaks in piling of greater than 10 minutes. The exact protocol required may also be varied depending on

Point	I.D.	MMO's Relevant Representation Comment	Applicants' Response	The MMO's Updated Response	Applicants' Updated Response
		<p>the document. The current version of the MMMP has been updated to state that:</p> <p>"For any breaks in piling of more than 10 minutes but less than two hours, as long as MMObs and/or PAM Ops have been in continuous watch and no marine mammals are detected within the MA during the break period then piling can recommence with an altered soft-start procedure (e.g. five to six blows of the hammer at starting hammer energy) before continuing as required, provided there are no marine mammals within the Monitoring Area".</p>			<p>any noise reduction being implemented by the Projects.</p> <p>The Applicants will confirm the final procedures for breaks in piling post consent in the final MMMP through consultation with the MMO and relevant SNCBs.</p>
66	RR-030: 4.17-3	<p>This procedure is something that will need to be agreed with the MMO and Natural England. It was previously raised during the PEIR consultation that the JNCC (2010) guidance recommends that if there is a pause in piling operations for a period of greater than 10 minutes, then the pre-piling search and soft-start procedure should be repeated before piling recommences. If a watch has been kept during the piling operation, the Marine Mammal Observer (MMO) or PAM (Passive Acoustic Monitoring) operative should be able to confirm the presence or absence of marine mammals, and it may be possible to commence the soft start immediately. However, if there has been no watch, the complete pre-piling search and soft-start procedure should be undertaken. The guidance recommends that the soft-start duration should be a period of not less than 20 minutes. Any requested variation from a 20-minute soft-start should be agreed with the relevant agency and regulator.</p>	<p>The Outline MMMP [APP-249] will be updated to match the JNCC (2010) guidance on piling. This will be provided at Deadline 1.</p>	<p>The MMO acknowledges the Applicant's comment and will review the document and provide comments in due course.</p>	<p>See response to point 65 above.</p>
69	RR-030: 5.1	<p><b>General Comments</b></p> <p><b>Decommissioning</b></p> <p>5.1.1 No final decision regarding the final decommissioning policy for the offshore project infrastructure including landfall, has yet been made. It is also recognised that legislation and industry best practice change over time. It is likely that offshore project infrastructure will be removed above the seabed and reused or recycled where practicable. The detail and scope of the decommissioning works will be determined by the relevant legislation and guidance at the time of decommissioning and will be agreed with the regulator.</p> <p>5.1.2 It is anticipated that for the worst-case scenario, the impacts will be no greater than those identified for the construction phase. A decommissioning plan for the offshore</p>	<p>The Applicants acknowledge the MMO's comments regarding decommissioning. The Applicants' approach to assessing decommissioning impacts within the ES has followed the industry standard approach and is proportionate to the level of information available to consider on the topic at this time.</p> <p>Each ES chapter has a "Potential Effects During Decommissioning" section which describes the impacts of relevance and details how/ if they differ from construction.</p> <p>The decommissioning sequence will generally be the reverse of construction and will involve similar types and numbers of vessels and equipment. As such, the effects of</p>	<p>It has been discussed that a section/table is included within the ES that combines each chapters decommissioning detail and scope. This is to give a clearer overview of impacts at the decommissioning stage within one section.</p> <p>The MMO is currently reviewing the requirement for an outline decommissioning plan and condition within the DML and will provide comments in due course.</p>	<p>The Applicants do not intend to update the ES in this manner, recalling only that MMO would be provided with direction relating to sections of the ES that are of relevance to decommissioning. The Applicants refer to their relevant representation response [PDA-013] in that each chapter has a 'Potential effects During Decommissioning' section which describes the impacts of relevance and details how / if they differ from construction. For ease, the Applicants have noted in each chapter the sections of relevance:</p> <ul style="list-style-type: none"> <li>• <b>Chapter 8 Marine Physical Environment</b> [APP-o8o]</li> <li>○ Table 8-1</li> </ul>

Point	I.D.	MMO's Relevant Representation Comment	Applicants' Response	The MMO's Updated Response	Applicants' Updated Response
		<p>works would be submitted prior to any decommissioning commencing.</p> <p>Whilst the MMO recognises that no final decisions as to the exact process or extent of works to decommission the projects will be made for some time, this response is not acceptable at the ES stage for a project of this nature and scale. This response was also raised as unacceptable when it was presented at the PEIR stage. A high-level outline of the works anticipated during the decommissioning phase, and the likely impacts arising from them, have been provided within PEIRs and ESs for other wind farm projects of a similar size. It is understood that this information is indicative given that the period of decommissioning will not occur for 30+ years, however this information is necessary for a complete assessment.</p> <p>5.1.4 The MMO requests the Applicant to amend the ES chapters by incorporating a section which clearly outlines the anticipated impacts to receptors from the decommissioning stage of the development. All impacts scoped into the decommissioning phase must be appropriately assessed in the ES so that it is clear to the examining authority that the Applicant has put sufficient thought into the impacts that their proposed development will have on the environment at all stages of its lifecycle. Presenting an incomplete assessment for a development of this nature and scale is not acceptable.</p>	decommissioning will be comparable or less than those during the construction phase.		<ul style="list-style-type: none"> <li>○ Section 8.7.5</li> <li>○ Table 8-67</li> <li>● <b>Chapter 9 Benthic and Intertidal Ecology</b> [APP-085] <ul style="list-style-type: none"> <li>○ Table 9-1</li> <li>○ Section 9.6.4</li> <li>○ Table 9-27</li> </ul> </li> <li>● <b>Chapter 10 Fish and Shellfish</b> [APP-091] <ul style="list-style-type: none"> <li>○ Table 10-1</li> <li>○ Section 10-7.7</li> <li>○ Table 10-35</li> </ul> </li> <li>● <b>Chapter 11 Marine Mammals</b> [APP-095] <ul style="list-style-type: none"> <li>○ Table 11-1</li> <li>○ Section 11.6.3</li> <li>○ Table 11-142</li> </ul> </li> <li>● <b>Chapter 12 Offshore Ornithology (Revision 2)</b> [AS-057] <ul style="list-style-type: none"> <li>○ Table 12-2</li> <li>○ Section 12.9</li> <li>○ Table 12-108</li> </ul> </li> <li>● <b>Chapter 13 Commercial Fisheries</b> [APP-117] <ul style="list-style-type: none"> <li>○ Table 13-1</li> <li>○ Section 13.6.3</li> <li>○ Table 13-59</li> </ul> </li> <li>● <b>Chapter 14 Shipping and Navigation</b> [APP-121] <ul style="list-style-type: none"> <li>○ Table 14-1</li> <li>○ Section 14-6</li> <li>○ Table 14-32</li> </ul> </li> <li>● <b>Chapter 15 Aviation and Radar</b> [APP-125] <ul style="list-style-type: none"> <li>○ Table 15-1</li> <li>○ Section 15.6.3</li> <li>○ Table 15-14</li> </ul> </li> <li>● <b>Chapter 16 Infrastructure and Other Users (Revision 3)</b> [REP1-011] <ul style="list-style-type: none"> <li>○ Table 16-1</li> <li>○ Section 16-6</li> <li>○ Table 16-16</li> </ul> </li> </ul>

Point	I.D.	MMO's Relevant Representation Comment	Applicants' Response	The MMO's Updated Response	Applicants' Updated Response
					<ul style="list-style-type: none"> <li>Chapter 17 Offshore Archaeology and Cultural Heritage [APP-133] <ul style="list-style-type: none"> <li>Table 17-1</li> <li>Section 17.6.3</li> <li>Table 17-25</li> </ul> </li> </ul>
81	RR-030: 5.3.6	It should be noted that there are no agreed upper action level 2 (AL2) threshold values for polyaromatic hydrocarbons, the MMO suggests that the reference to AL2 for THC is removed from point 70 in the Disposal site Characterisation report.	The Applicants acknowledge this comment and will remove this in a future revision of the <b>Disposal Site Characterisation Report</b> [APP-242].	The MMO welcomes the Applicant's agreement to remove this point from the Disposal Site Characterisation Report [APP-242] and will confirm this matter is closed once the updated document has been reviewed.	The updated <b>Disposal Site Characterisation Report (Revision 2)</b> [document reference 8.18] within which this amendment has been made has been submitted at Deadline 2.
129	RR-030: 5.7.2	<p><b>Comments on Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment:</b></p> <p>It is appropriate that the estimation of the source noise level for each charge weight has been carried out in accordance with the methodology of Soloway and Dahl (2014), which follows Arons (1954) and the Marine Technical Directorate Ltd (MTD) (1996). This is the standard and recommended practice that we would expect to see. In general, the predicted ranges look plausible, and reasonably match our predictions. We note that the report predicts a Permanent Threshold Shift (PTS) range of 13 km for very -high frequency (VHF) cetaceans and a 968 kilogram (kg)+ donor charge weight. This is different (somewhat slightly smaller) than our predictions, where we estimate a PTS range of -14.1 km using the methodology from Soloway and Dahl (2014). Nevertheless, the report acknowledges that an acoustic deterrent device (ADD) alone will not be sufficient to mitigate the potential risks to harbour porpoise (see paragraph 59 of Appendix 11 -6). The MMO agrees that alternative mitigation measures such as noise reduction options could and should be required (e.g. bubble curtains) to avoid injury to this European Protected Species (EPS). It is noted that low yield is only mentioned once in the report, in Table 11 - 6 - 4 where a (SPL<sub>peak</sub>) source level of 281.9 (dB re 1µPa@ 1m) is given. There is no further assessment as such of low yield, or an indication as to what the assumed charge weight is. Low yield, however, is further discussed in Appendix 11.3. Table 11 - 6 - 3 (below for reference): The first column lists the UXO devices potentially present. The middle column presents the Net Explosive Quantity (NEG) for the UXO sizes potentially present. The final column in the table presents the NEG for the UXO devices included within the assessment. It is not clear how these NEQ values in the final column relate to the other two columns. The table should be</p>	The Applicants note that potential mitigation options, including NAS, are listed within <b>Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment</b> [APP-102] which would be finalised post consent. The Applicants acknowledge and welcome the agreement of the estimation of the noise source levels. An explanation of the low-yield clearance will be added to a future revision of <b>Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment</b> [APP -102]. The Applicants would like to highlight that not including the underwater noise modelling results for UXO clearance method low -yield was an error and are grateful for the identification. Results will be added to Table 11 - 6 -5 and Table 11 - 6 -6 in a future revision of <b>Appendix 11 - 6 Unexploded Ordnance Clearance Information and Assessment</b> [APP -102]. In Table 11 - 6 -3 of <b>Appendix 11 - 6 Unexploded Ordnance Clearance Information and Assessment</b> [APP -102]; the first column lists the UXO devices with the documented Net Explosive Quantity (NEG) values in the second column. The third column in the table represents the NEG value that is taken forward for the underwater noise modelling. The Applicants note the error within Table 11 - 6 - 6 of <b>Appendix 11 - 6 Unexploded Ordnance Clearance Information and Assessment</b> [APP - 102] (MMO signposted the incorrect table) and confirm that the TTS	The MMO welcomes the Applicant's amendments and will keep a watching brief for these changes.	<p><b>Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment (Revision 2)</b> was submitted on 22<sup>nd</sup> November 2024 which incorporated the amendments stated in RR-030: 5.7.2 (<b>The Applicants' Responses to Relevant Representations</b> [PDA-013]).</p> <p>However, revision 3 of the document will be submitted at Deadline 3 to incorporate updates to align with the JNCC mitigation guidance (2025) and amending the low yield impact ranges as required.</p>



Point	I.D.	MMO's Relevant Representation Comment	Applicants' Response	The MMO's Updated Response	Applicants' Updated Response
		updated to clarify this: Table 11-6-5: Please note that the TTS SPLpeak threshold for High Frequency (HF) cetaceans (i.e., Bottlenose dolphin, common dolphin, and white-beaked dolphin) is 224 dB re 1µPa and not 230 dB re 1 µPa. The unweighted SPLpeak and SELss source levels used for the UXO clearance modelling are appropriately provided in Table 6-9 of the report. Please could Subacoustech explain how they obtain a SPLpeak source level of 281.9 dB for low yield? The report earlier states that <i>"as with the low order clearance, the low yield clearance still generates sound from the donor charge. Based on recent tests from clearance using the HYDRA system at the Seagreen Alpha and Bravo offshore wind farm development sites (Cook and Banda, 2021), the donor charge is predicted to be 750 g, which will be used in the calculations of noise impact on the environment"</i> .	SPLpk threshold for High Frequency (HF) cetaceans is 224dB re 1µPa and will be updated in a future revision of the report. Regarding Table 6 -9 within <b>Appendix 11 -3 Underwater Noise Modelling Report</b> [APP - 099], the Applicants are grateful for identifying an error in the source levels. For a 750g charge, the Source Level should be 273.4dB SPLpk and 218.2dB SELss. This will be rectified in a future revision of the report.		
131	RR-030: 5-7-4	Table 4-2 presents the piling profile including the soft start and ramp up scenario used for the monopile foundation modelling. The bottom of the table states that there will be "7,500 strikes over 5 hours 20 mins per pile". This should be "7,500 strikes over 6 hours 20 mins per pile" and should be updated within the document.	The Applicants acknowledge that the MMO is correct and will update this in the next revision of <b>Appendix 11-3 Underwater Noise Modelling Report</b> [APP-099].	The MMO welcomes this update and will provide a response upon review of the updated document.	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.  To clarify the original text of "7,500 strikes over 5 hours 20 mins per pile" was correct. However the duration for 6000kJ hammer energy was incorrect, this has been amended to 4 hours 10 mins, rather than 5 hours 10 mins.
135	RR-030: 5-7.8	Multi-leg foundations (Section 5.3): 5.7.8 As the MMO advised for the PEIR, for these kind of predictions (i.e., PTS out to 26 km, with receptors fleeing a few additional tens of km further away from their starting positions indicated by the PTS zones), much depends on the Received Levels far beyond 750 therefore, monitoring at large ranges during the construction phase would be required to validate these predictions, otherwise it is rather speculative, and small changes in propagation assumptions can have large effects on these long-range predictions.	The Applicants acknowledge this comment and will refer to this when finalising the <b>IPMP</b> [APP-247], to ensure large ranges are monitored to validate the underwater noise modelling results.	The MMO acknowledges the Applicant's comment but would expect this to be clear within the outline IPMP.	The updated <b>IPMP (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.
136	RR-030: 5-7-9	The Applicant has acknowledged (in their consultation response log) that 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	The Applicants acknowledge this comment and will update the <b>IPMP</b> [APP-247] in a future revision to include this detail.	The MMO acknowledges the Applicant's comment and review the updated IPMP.	See response above to point 135 above.



Point	I.D.	MMO's Relevant Representation Comment	Applicants' Response	The MMO's Updated Response	Applicants' Updated Response
		proposed approach would be agreed and outlined, where relevant, including in relevant plans. The MMO cannot see reference to this within the In Principle Monitoring Plan and request the plan is updated.			

## 2.7 Mining Remediation Authority (previously known as the Coal Authority)

Table 2-10 The Applicants' response to Mining Remediation Authority's Deadline 1 Submission [REP1-061]

I.D.	Written Representation	Applicants' Response
REP1-061:1	<p>Thank you for your notification of 16 January 2025 seeking the views of the Coal Authority on the above.</p> <p>The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>The site to which this submission relates is not located within the defined coalfield. On this basis we have no specific comment to make.</p>	The Applicants acknowledge this comment and no response is required.

## 2.8 Riplingham Estates Limited and the Los Trustees

Table 2-11 The Applicants' response to Riplingham Estates Limited and the Los Trustee's Additional Submission [AS-153]

I.D.	Riplingham Estates Limited and the Los Trustees Response	Applicants' Response
AS-153	<p>SITE REFS.</p> <p>Riplingham Estates Limited – Vinegar Hill Farm, Beverley – (DM PARCEL REF: 2586)</p> <p>(Land Plan: 17-011) (10,135 m<sup>2</sup>)</p> <p>Los Trustees – Land at Molescroft, Beverley – (DM PARCEL REF: 2432)</p> <p>(Land Plan: 14-006) (32,110 m<sup>2</sup>)</p> <p>AGENDA ITEM CAH1</p> <p>Introduction</p> <p>1. The issues upon which we would like to draw attention to the EXa relate to the manner in which the proposed acquiring authority, RWE, in the event of confirmation of a DCO, seemingly seek to apply the CPO powers that they would secure, in the case of two parcels of land, referred to above in respect of which they currently seek voluntary easements.</p>	<p>The Applicants understand there is a key outstanding issue to be resolved with both of the Interested Parties relating to future development value. The appointed land agent has indicated that the sites have development potential, and the Interested Party would like to redevelop for an alternative use.</p> <p>The Applicants accept that both sites may have development potential and has sent to the appointed agents a Development Clause to be included in the legally binding Option and Deed of Grant, allowing for the loss in development value to be recovered once planning consent has been granted for alternative use development in the future, and the Applicants and the appointed agent are currently in discussions. The Applicants have agreed this development clause as a mechanism to recover future loss with several Interested Parties who have all signed Heads of Terms and are awaiting a response from the appointed land agent.</p> <p>The Applicants have been consistent in their approach in seeking to acquire voluntary agreement with all Interested Parties and have based their commercial offer on a £/metre basis unrelated to land value but reflective of the rights sought, similar to what other Development Consent Order (DCO) Projects have agreed subject to inflation and have seen great success with over 80% of landowners agreeable to the terms offered. The Applicants hope to agree commercial terms with the Interested Parties within the DCO Examination.</p>

I.D.	Riplingham Estates Limited and the Los Trustees Response	Applicants' Response
	<p>2. We consider that the proposals put forward by RWE in the context of their approach for a voluntary agreement, are contrary to the principles of the Compulsory Purchase Code in both the case of Riplingham Estates Limited land and that of the Los Trustees.</p> <p>3. Whilst we accept that the quantum of disputed compensation in the case of Compulsory Purchase acquisitions is a matter for the Upper Tribunal (Lands Chamber), we believe it is the role of the examining authority, in the case of consideration of a grant of DCO powers, to be satisfied that the steps the body seeking those compulsory powers intends to take would be in compliance with the Compulsory Purchase Code.</p> <p>4. The key elements of our concern are clearly set out in correspondence following meetings prior to and following a meeting on 10<sup>th</sup> September 2024 with Dalcour Maclaren, RWE's agents.</p> <p>5. The basis of our arguments can be clearly followed by reference to correspondence over the matter, set out within the following attached documents: -</p> <p>6. Annex A – MGLLP email to Georgina Hurley of Dalcour Maclaren of 31<sup>st</sup> August 2024 at 11:08. This related to heads of terms RWE had proposed seeking a voluntary agreement for an option for an easement. This meeting followed earlier correspondence and meetings within which we have consistently made the same points, starting in 2022. Annex B – MGLLP email of 30<sup>th</sup> September 2024 at 17:24 to Georgina Hurley at Dalcour Maclaren, together with attached notes of a meeting on 10<sup>th</sup> September 2024 between Michael Glover LLP, Dalcour Maclaren and RWE. There was, at the same time, correspondence about the terms of a development clause proposed by RWE to address our concerns over interference with development potential. Those proposals placed the cost of diverting the cables, should that be necessary onto the Grantor, which we have pointed out was likely to be wholly uneconomic. These discussions are ongoing.</p> <p>Annex C – Georgian Hurley (Dalcour Maclaren) email to MGLLP of 11th October 2024 at 17:25 and 17:34. Point 5 of the email acknowledges that the offer made by RWE for an easement is not made on the basis of land values, but for a package of Grantor covenants.</p> <p>Annex D – MGLLP letter of 31<sup>st</sup> October 2024 to Georgina Hurley of Dalcour Maclaren.</p> <p>Annex E – MGLLP email of 12<sup>th</sup> January 2025 relating, inter alia, to further settlement edge sales comparables, together with the precursor email from Georgina Hurley.</p> <p>Annex F – Gladman letter of 19<sup>th</sup> June 2024 (Redacted Element).</p> <p>Annex G – East Riding of Yorkshire Council Local Plan Sustainability Matrix (Site 7) – see pdf page 4 and associated plan identifying sites.</p> <p>7. The development clause issue has been progressed since, in that RWE consider that, in the event of the land having a development opportunity, the detrimental impacts of the existence of the cables would best be served by a development clause which RWE have proposed and which they state would address the issue of whether any compensation is due for an inability to develop the easement land (and, presumably, but not stated, land severed by the easement strip).</p> <p>8. Given RWE's position to date, we would not have faith in the reasonable chances of the operability of such a clause anyway, given the tests set out that the Grantor would have to meet.</p>	<p>The Applicants, through their land agent, Dalcour Maclaren, made initial contact with the Interested Parties in April 2022. The Interested Parties and their appointed agent and Dalcour Maclaren have been negotiating the generic set of heads of terms from October 2023. During this time five face to face meetings were held to negotiate the terms on 12<sup>th</sup> December 2023, 16<sup>th</sup> January 2024, 8<sup>th</sup> March 2024, 9<sup>th</sup> April 2024 and 28<sup>th</sup> May 2024.</p> <p>Populated terms were issued on 7<sup>th</sup> June 2024 with a revised populated Heads of Terms issued on 13<sup>th</sup> August 2024 to the Appointed Agent. Correspondence between the parties' appointed agents has continued since this time via email and phone calls and the Applicants met with the Interested Parties appointed agent on 10<sup>th</sup> September 2024 and most recently on 11<sup>th</sup> February 2025.</p> <p>The parties are in principal disagreement as to how and when compensation should be qualified. The Interested Parties are seeking enhanced land value to be paid on completion of an Option and Deed of Grant in the speculative hope that the sites may be successfully promoted for an alternative use of an unqualified value. Whereas the Applicants are seeking to provide a mechanism for the actual loss to be recovered if the sites were to secure planning consent for an alternative use in the future.</p> <p>The Applicants welcome the submissions from the Interested Part at Annex F – Gladman letter of 19<sup>th</sup> June 2024 (Redacted Element) and Annex G – East Riding of Yorkshire Council Local Plan Sustainability Matrix (Site 7).</p> <p>The Gladman expression of interest letter (Annex F) notes the Interested Parties land was not allocated for residential use in the development plan for the period 2012-2029 and remains unallocated in the emerging Local Plan for the period 2020-2039.</p> <p>It further notes that East Riding of Yorkshire Council is currently required to demonstrate a four-year supply of land for housing. The Council currently claims a housing land supply of 9.3 years. Therefore, there is no 'window of opportunity' to submit a speculative planning application on the site to take advantage of the Council not being able to demonstrate a robust four-year housing land supply.</p> <p>The Proposed Submission Local Plan Update Options Assessment 2022 (Annex G) for site BEV-7 cites in the Conclusion and Summary that the site is not selected for the reasons of '<i>Significant intrusion into open countryside. Not well related to existing form of the settlement. Other, more suitable, sites have been identified</i>'. This is stated on page 65 of the Interested Parties submission.</p> <p>Citing the commentary in Annex F and G the Applicants believe the fairest means of enabling the Interested Parties to realise future hope value is by entering into a voluntary Option and Deed of Grant, allowing the Development Clause to enable the Interested Party to recover actual development loss are the areas sterilised by the Onshore Cable Corridor was the site to secure planning consent for an alternative use in Local Plan period 2020-2039.</p>

I.D.	Riplingham Estates Limited and the Los Trustees Response	Applicants' Response
	<p>9. The alternative to compensation, set out in the Draft Development Clause, (until 10<sup>th</sup> January 2025 when RWE's position changed) was the ability of the Grantor to meet the cost of diverting the cables, which we believe RWE will be well aware is likely to be completely uneconomic.</p> <p>10. Within LIG meetings, it was made abundantly clear to RWE by Edward Smith of Michael Glover LLP that land directly on the urban fringe needs to be addressed differently in terms of land valuation in the context of the rights RWE seek.</p> <p>11. We would acknowledge that, for pure agricultural land away from settlements, the compensation figure and terms put forward are probably, in many cases, not an unreasonable basis of settlement but, for the two sites in question, on the very edge of a settlement like Beverley, the terms are not reasonable from a landowner's perspective.</p> <p>12. It is appreciated that it is only an easement RWE seek to acquire, but the implications greatly restrict what can be undertaken on the land, both on the easement strip and by virtue of restrictions on crossing the easement strip with roads and services, what can be undertaken on the severed areas of the ownerships.</p> <p>13. Within our letter of 31<sup>st</sup> October 2024 (Annex D) we set out the core principle CP Code case of Horne v Sunderland Corporation. In fact, since 1941 and the principle of "Equivalence" –which Scott LJ advanced, there have been rights to various supplementary forms of compensation, such as home loss and farm loss payments and compensation for disturbance. These, we understand, were designed to reflect the imposition of a compulsory acquisition.</p> <p>14. Whilst we appreciate that wide-ranging schemes such as RWE's Dogger Bank South proposals do have to try to approach matters with a 'broad brush' because of the number of rights they seek to acquire, provision should be made to address circumstances where, clearly, the Compulsory Purchase Code requirements would not be met by application of a standardised 'one size fits all' approach. The Compulsory Purchase Code is supposed to address not only land values but also severance and injurious affection. The issues of disturbance are an issue RWE have sought to address in their terms in an agricultural context.</p> <p>15. The over-arching basis of our objection is that RWE are refusing to accept that land on the urban fringe is worth more than land way out in open countryside. Dalcour Maclaren have claimed that other owners on the urban fringe have accepted their proposals but have not provided any evidence and we do not know whether any of these are distorted by virtue of any arrangements associated with converter station site acquisitions.</p> <p>16. As we have stated earlier, disputed compensation quantum is ultimately matters that can be determined by the Upper Tribunal (Lands Chamber). The issue here, however, is that we do not believe Compulsory Purchase powers should be granted to an applicant that is not prepared to acknowledge a position that is generally accepted by any reasonable person conducting normal enquiries and particularly in relation to land in highly advantageous locations from a planning perspective. Namely, that land on the urban fringe, particularly in advantageous positions in a planning context, where, on the rare occasions it is sold, normally achieves a significantly higher selling price than land in open countryside.</p> <p>17. Landowners that face compulsory acquisition should be able to have faith in the Compulsory Purchase process and not be faced with, what we will have sought to show, are clearly, erroneous and unsupportable arguments advanced by a prospective acquiring authority, should it receive DCO powers.</p> <p>18. Finally, as evidence of the points we have been making for over two years now, we attach at Annex G the East Riding of Yorkshire Council Forward Planning Section Land Bid analysis (Sustainability Matrix) identifying the attributes of Site BEV- 7, land at Vinegar Hill Farm, and other sites put forward in the area. We also attach,</p>	

I.D.	Riplingham Estates Limited and the Los Trustees Response	Applicants' Response
	at Annex F, Gladman's letter of 19 <sup>th</sup> June 2024. It should be noted that Gladman approached our client first, having identified the site opportunity.	

Table 2-12 The Applicants' response to Riplingham Estates Limited and the Los Trustee's Expression of Interest Letter from Gladman Developments [REP1-083]

I.D.	Riplingham Estates Limited and the Los Trustee's Response	Applicant's Response
REP1-083:1	<p>LAND SOUTH WEST OF BEVERLEY, EAST RIDING OF YORKSHIRE COUNCIL</p> <p>Further to our recent correspondence, I have had the opportunity to present the Riplingham Estate's land at Beverley to my Senior Planning and Management Team and I am delighted to confirm that your client's land is very much of interest to the whole team at Gladman.</p> <p>It is my understanding that your client's land extends to approximately 60 acres to the South West of Beverley and is one of the last areas of the town that is available for development and free from constraints. We have conducted an initial review of an access strategy for the site and believe that access off Alexandra Drive and Normandy Avenue to the east of the site could be possible, alongside third party land options we can look to explore further if we are selected as preferred party.</p> <p>Taking the above into consideration, I am delighted to present the below terms for your client's consideration:</p> <ul style="list-style-type: none"> <li>-</li> <li>1. A 5 year Promotion Agreement over the land.</li> </ul> <p>This would be extendable by a further 5 years in the event that Gladman are yet to achieve a planning permission on the whole land.</p> <ul style="list-style-type: none"> <li>2. An undertaking from Glad man to submit a planning application when there is a greater than 60% chance of success following the exchange of the Promotion Agreement and if necessary, a planning appeal led by our expert team.</li> <li>3. An obligation on Gladman to optimise the scale and value of any development.</li> <li>4. The ability for your client to approve the planning application prior to submission.</li> <li>5. Once outline planning permission has been secured, a marketing strategy would be agreed with you and your client. Once agreed, we would then undertake a competitive tender process with house builders to achieve optimum value for the land which will be led by Michael Glover LLP with Gladman there as a supporting role. This ensures that the land has been properly and thoroughly "market tested" to ensure we achieve the best price for your client's land.</li> <li>6. Once the land has been sold via competitive tender process, we would retain 20% plus VAT of the total net land value with 80% plus VAT retained by your client.</li> </ul> <p>For the avoidance of doubt, our 20% plus VAT of the total net proceeds would include all planning costs, both internal and external and costs of all professional fees, consultants and Barrister fees, technical investigations, and surveys.</p>	No response is required.

I.D.	Riplingham Estates Limited and the Los Trustee's Response	Applicant's Response
	<p>7. A Promotion Fee of XX would be paid to your client on exchange of the Promotion Agreement. This fee would be non-refundable but would be deductible from the final proportion of the net land value received by your client.</p> <p>8. Gladman would be happy to cover reasonable professional fees which shall be nonrefundable but would be deductible from the net land value received by your client.</p> <p>A Promotion Agreement guarantees that landowners are in control of the process, whilst ensuring they are not exposed to any risk or cost. As the UK's leading strategic land promoter, winning over 90% of the sites we take on, we are highly incentivised to achieve the best possible planning permission for your client, optimising its value.</p>	
REP1-083:2	<p><b>PLANNING STRATEGY</b></p> <p>Your client's land is located within the planning jurisdiction of East Riding of Yorkshire Council. The development plan for East Riding of relevance to the site consists of:</p> <ul style="list-style-type: none"> <li>• Strategy Document</li> <li>• Allocations Document</li> </ul> <p>The Strategy Document was adopted in April 2016 and covers the period 2012-2029. The Strategy Document makes provision for 23,800 dwellings to be delivered over the plan period, equating to an average of 1,400 dwellings per annum. Housing growth is distributed according to a settlement hierarchy; Beverley is classified as a second-tier settlement and is one of four 'Principal Towns'. In recognition of its sustainability and suitability for growth, the Strategy Document directs 3,300 dwellings to Beverley between 2012 and 2029. Therefore, your client's land is located in an area that has previously been a key focus for housing growth. The Allocations Document was adopted in July 2016 and allocates sites for development. Your client's land was not allocated for residential development in the development plan.</p> <p>The Council is currently preparing a new Local Plan. The Local Plan Update was submitted to the Secretary of State for examination on the 31<sup>st</sup> of March 2023. The examination is currently ongoing. The latest timetable published by the Council in February 2022 estimated that the Local Plan Update would be adopted in June 2024; however, the progression of the emerging Local Plan is significantly behind schedule. Gladman expects the Local Plan Update to be adopted in late 2024 or early 2025 should it be found 'sound' by the examining Inspector. The Local Plan Update makes provision for 20,900 dwellings to be delivered between 2020 and 2039, equating to an average of 1,100 dwellings per annum. Within the Local Plan Update, Beverley retains its status as a second-tier settlement and remains a focus for housing growth with 3,010 dwellings being directed to the settlement between 2020 and 2039. Your client's land remains unallocated in the emerging Local Plan.</p> <p>Due to the emerging Local Plan being at the examination stage, we believe the most appropriate planning strategy currently is to promote your client's land through the Local Plan Review that must take place within 5 years of adoption of the Local Plan Update. We will have the opportunity to influence the Local Plan Review from the start of the plan-making process. We believe your client's land represents an ideal location for growth, offering an opportunity for much-needed housing to be delivered in a sustainable location. We will promote the site on this basis through the plan-making process. East Riding of Yorkshire Council is currently required to demonstrate a four year supply of land for housing. The Council currently claims a housing land supply of 9.3 years. Therefore, there is no 'window of opportunity' to submit a speculative planning application on the site to take advantage of the Council not being able to demonstrate a robust four year housing land supply. On adoption of the emerging Local Plan, the Council will not be required to demonstrate a housing</p>	No response is required.



I.D.	Riplingham Estates Limited and the Los Trustee's Response	Applicant's Response
	<p>land supply. Critically, following the General Election on the 4<sup>th</sup> of July, the next Government may reinstate the requirement for every council to continually demonstrate a five year housing land supply.</p> <p>During the promotion process, we will undertake technical due diligence to demonstrate to the Council that the site is deliverable and should be allocated for residential development. Once the technical work has been completed, our internal masterplanner will prepare an indicative Development Framework Plan. The indicative Development Framework Plan will take into consideration all of the constraints and opportunities and provide a visual representation of how the site could be developed. We will engage with planning policy officers and other key stakeholders and submit representations to demonstrate the suitability, deliverability and sustainability of the site to each consultation stage of the planmaking process.</p> <p>As part of the promotion process, we will utilise an ArcGIS 'Story Map' to illustrate the sustainability and potential opportunities your site can offer. A Story Map is a key digital tool used to highlight the spatial benefits of a site; it is user-friendly and stands out to key stakeholders. The Story Maps we have submitted in support of the promotion of other sites to date have been well received by councils, which are now aiming to do more local plan consultation events online using interactive mapping tools such as ArcGIS.</p>	
REP1-083:3	<p><b>OUR PROCESS</b></p> <p>Gladman Developments has become the country's largest, longest established, and most successful promoter, having been formed 35 years ago. To date, we have successfully promoted over 230 sites, totalling over 35,000 dwellings, all without cost of our landowner partner.</p> <p>Our Promotion Agreement ensures our interests are aligned with those of the landowners, we take all the cost risk, and we are only paid upon a successful sale of the land. Our obligations will remain to secure the best scheme we can, and to achieve the best prices we can, following an open and transparent marketing exercise led by you. Whilst we were acquired by BDW Developments, within the last 2 and a half years, we remain a stand-alone autonomous company but backed by the country's largest house builder, both in terms of investment and delivery credentials.</p> <p>Our in-house skills and resources have put us in an enviable position as an extremely good source of land for house builders, bringing quality, consented land to the market throughout the UK. We not only achieve planning permission but importantly, we act fast and achieve good quality planning permissions with properly and robustly negotiated Section 106 Agreements which are "developer friendly". This has allowed us to sell many sites recently with the benefit of outline planning permission, removing the many uncertainties to development and, indeed, the sales process.</p>	No response is required.
REP1-083:4	<p><b>FUNDING AND SECURITY</b></p> <p>With site promotion costs ever increasing, it is essential that you can have confidence in the financial covenant of a promotion partner, and I can confirm that Gladman has access to substantial finance to fund the promotion of your client's land.</p>	No response is required.
REP1-083:5	<p><b>RECENT SUCCESSES</b></p> <p>Since our acquisition in January 2022 by BDW Developments, Gladman have sold 27 sites on the open market with all of our landowner partners happy with the purchaser they selected. Out of the 27 sites sold, 6 of those have been sold to a BDW region; 2 of those sites had terms agreed and were in legals prior to the acquisition and completed post-acquisition. One of the sites sold to BDW was a site that Gladman owned and the other 3</p>	No response is required.

I.D.	Riplingham Estates Limited and the Los Trustee's Response	Applicant's Response
	<p>sites were a result of a competitive tender process led by the landowner's respective agents and BDW offering the optimum bid that was, ultimately, selected by the landowner.</p> <p>We are highly committed to ensure that our landowner partners are selecting a developer that is right for their aspirations, whether that be from a design point of view or from the financial return and the team at Gladman are equally as incentivised to ensure this goal is achieved for our landowner partners.</p>	
REP1-083:6	<p>SUMMARY</p> <p>I sincerely hope that the proposal outlined herein is of interest and I would be delighted to arrange a meeting with you and your client to discuss our proposal in further detail. However, should you have any immediate queries or require clarification on any points, please do not hesitate to get in contact.</p>	No response is required.

Table 2-13 The Applicants' response to Riplingham Estates Limited and the Los Trustee's Response to Supplementary Agenda Items [REP1-084]

I.D.	Riplingham Estates Limited and the Los Trustee's Response	Applicants' Response
REP1-084:1	<p>SITE REFS.</p> <p>Riplingham Estates Limited – Vinegar Hill Farm, Beverley – (DM PARCEL REF: 2586)</p> <p>(Land Plan: 17-011) (10,135 m<sup>2</sup>)</p> <p>Los Trustees – Land at Molescroft, Beverley – (DM PARCEL REF: 2432)</p> <p>(Land Plan: 14-006) (32,110 m<sup>2</sup>)</p> <p>AGENDA ITEM CAH1</p> <p>Supplementary Statement</p> <ol style="list-style-type: none"> <li>1. This statement is supplementary to that submitted via Caroline Hopewell on 13th January 2025.</li> <li>2. We believe that the nature of our representation has been misunderstood by the Inspectorate and wish to clarify the nature of our representation.</li> <li>3. Our concern is about the CONDUCT of the Applicant and not the issue of compensation per se. It is amply illustrated in the government guidance that compensation is not a matter for consideration by the Inspectorate.</li> <li>4. The Inspectorate are interested in the progression of voluntary agreements, which we are also happy to progress on behalf of our clients.</li> <li>5. I attach a copy of our email and letter of 16<sup>th</sup> January 2025 enclosing an AI analysis which illustrates our concern.</li> <li>6. The Applicants are represented by professional agents and it is abundantly clear that, as I have put it, 'black is white' arguments are being put forward which make it impossible for us to progress a voluntary agreement. Months have elapsed, over which period we have been faced with the same argument which we believe we have shown to be wholly erroneous.</li> </ol>	No response is required.

I.D.	Riplingham Estates Limited and the Los Trustee's Response	Applicants' Response
	<p>7. Compulsory acquisition should be a last resort and the parties should be able to reach agreement if reasonable discussion takes place. We have proved beyond reasonable doubt that, in our view, contempt is being shown for the Compulsory Purchase process by virtue of the arguments being advanced by the Applicant through their agents.</p> <p>8. Our representation is therefore about the CONDUCT of the Applicant and not about compensation per se and, therefore feel that the Applicant should not be afforded Compulsory Purchase powers until such time as these attitudes change. I have set out clear reasoning why the Applicant's conduct is unacceptable and should not be endorsed. We believe that this is a matter within the jurisdiction of the Panel and is a matter that should register concern.</p>	
REP1-084:2	<p>Dear Georgina,</p> <p>Please see attached a letter together with an AI response to a question we posed, such question relating to the issue between us that is impeding progression of a voluntary agreement. On the attached you will note that the question and the AI response does not support your contention that land on the urban fringe without planning consent or allocation is not worth more than similar land in open countryside.</p> <p>We are happy to have a further meeting on the conditions set out in the accompanying letter.</p> <p>We will also be making a further statement to the Inspectorate before the closing date.</p> <p>Kind regards,</p> <p>Michael Glover</p> <p>ChatGPT - Does agricultural land sold on the urban fringe achieve higher sale rates per acre than similar agricultural land quality and parcel size sold in open countryside? If so, what are the reasons for it and typically by what percentage increase?</p> <p>@ Yes, agricultural land sold on the urban fringe typically achieves higher sale rates per acre compared to similar land in the open countryside. The price premium is primarily due to its proximity to urban areas, which offers potential for future development or higher-value uses. Here's an explanation of the key factors and typical percentage increases:</p> <p>Reasons for Higher Sale Rates:</p> <ol style="list-style-type: none"> <li>1. Development Potential: <ul style="list-style-type: none"> <li>Land on the urban fringe is often perceived as having potential for rezoning or future development for residential, commercial, or industrial purposes.</li> <li>Buyers may speculate on the possibility of increased land value if planning permissions are granted.</li> </ul> </li> <li>2. Demand for Accessibility: <ul style="list-style-type: none"> <li>Proximity to urban centers makes such land attractive for uses like hobby farming, equestrian facilities, or lifestyle properties.</li> <li>Accessibility to infrastructure, markets, and services adds to its desirability.</li> </ul> </li> <li>3. Market Dynamics: <ul style="list-style-type: none"> <li>Increased competition among developers, investors, and lifestyle buyers can drive up prices.</li> <li>Limited supply of urban-fringe land compared to open countryside creates scarcity.</li> </ul> </li> </ol>	No response is required.

I.D.	Riplingham Estates Limited and the Los Trustee's Response	Applicants' Response
	<p>4. Alternative Uses:</p> <ul style="list-style-type: none"> <li>Land near urban areas may be used for agritourism, urban agriculture, or renewable energy projects, which can yield higher returns than traditional farming.</li> </ul> <p>5. Speculative Investment:</p> <ul style="list-style-type: none"> <li>Investors may pay a premium anticipating future growth and urban expansion, which could lead to land appreciation.</li> </ul> <p>Typical Percentage Increases:</p> <ul style="list-style-type: none"> <li>The price premium for urban-fringe land can vary widely depending on location, demand, and zoning regulations.</li> <li>Studies and market analyses often show price increases ranging from 20% to 300% compared to similar agricultural land in open countryside.</li> <li>In high-demand areas or regions with significant urban growth, the premium can exceed 500%, particularly if the land has been rezoned or there is strong speculation of future development.</li> </ul>	
REP1-084:3	<p>Dear Georgina</p> <p>Re: Dogger Bank South - Riplingham Estates Limited (Vinegar Hill Farm) and Los Trustees (Land at Molescroft, Beverley)</p> <p>Further to earlier correspondence, and you will be aware from our statement issued to the Planning Inspectorate that we seriously contest your client's assertion that land values on the urban fringe are no greater than those in the open countryside. Your client's stance on this is amply illustrated by the correspondence.</p> <p>Please see the attached Artificial Intelligence response to the question posed on the attached, such question going to the heart of the issue between us. You will note that your client's contention is totally at odds with both our arguments in the months leading up to the Hearing and the AI response which is in line with the points we have been making.</p> <p>Your client 's stance has been the impediment to having any chance of progressing a voluntary agreement and we made the points regularly in LIG discussions that a different approach was needed on the urban fringe. To date, you have completely rejected progressing matters in a manner which reflects those different circumstances, but I would hope that you have now had time to consider the matter in more detail.</p> <p>Accordingly, you have offered a further meeting with us which we will be quite happy to undertake but only if your clients are going to be realistic about the differential circumstances that exist on the urban fringe. Your client's stance on this matter to date has involved us in a lot of extra work which we consider should have been unnecessary, had a reasonable approach been made and an acknowledgement of the differential circumstances. These issues were raised at a very early stage and continued to be raised throughout our discussions but, to date, have been ignored.</p> <p>Our clients are very angry about this argument that you have put forward, which clearly ' flies in the face' of reality. As I have stated, we are happy to have a further meeting, but would need to see a different approach on your client's part.</p> <p>If you are going to maintain the current arguments then, regretfully, [ don't think there is any point in meeting and, if the arguments of your clients are maintained, I think, regretfully, it will encl up with the matter being</p>	No response is required.

I.D.	Riplingham Estates Limited and the Los Trustee's Response	Applicants' Response
	<p>decided by the Upper Tribunal (Lands Chamber) if they are awarded and seek to use CPO powers and progress the same arguments.</p> <p>I would hope that this could be avoided as we have so much work to do currently and time spent trying to contest an argument that 'black is white ' really does not sit well with us.</p> <p>I look forward to hearing from you.</p> <p>Yours sincerely</p> <p>M W Glover MRJCS FAA V</p> <p>Michael Glover LLP</p>	

Table 2-14 The Applicants' response to Riplingham Estates Limited and the Los Trustee's Response to Written Summaries of Oral Submissions made at CAH1 [REP1-o85]

I.D.	Riplingham Estates Limited and the Los Trustee's Response	Applicants' Response
REP1-o85	<p>RE. SITE REFS:</p> <p>Riplingham Estates Limited – Vinegar Hill Farm, Beverley (Book of Reference: 17-011)</p> <p>Los Trustees – Land at Molescroft, Beverley – (Book of Reference: 14-006)</p> <p>M Glover stated: -</p> <ol style="list-style-type: none"> <li>1. He had been dealing with CP claims for landowners and selling agricultural land for over 40 years as an agricultural surveyor following an early part of his career at the District Valuer.</li> <li>2. He has never felt the need to address matters to a Hearing in all that time until now, either on the question of confirmation of an Order or in respect of compensation.</li> <li>3. He fully accepted the nature of an NSIP project and the government support for such infrastructure delivery and had dealt with a number of schemes recently – Hornsea 4, National Grid North Humber to High Marnham etc.</li> <li>4. He commented that a company seeking DCO rights should show that they would exercise those rights in a responsible manner having regard to the Compulsory Purchase Code and did not feel that the arguments put forward by RWE in the case of Riplingham Estates Limited and the Los Trustees for a voluntary agreement have respected that obligation and therefore had concerns as to how they might act if granted DCO rights.</li> <li>5. He commented that, from initial discussions, the applicant had denied that Vinegar Hill Farm had any potential for future development.</li> <li>6. He commented that this situation did seem to change over time and, from a position where the cables were to run right through the centre of the 60 acre block of land, the scheme was diverted to the north-west corner. That change was welcomed.</li> <li>7. He surmised that this may have been as a result, potentially, from an approach to the county council's Forward Planning team.</li> <li>8. He commented that the issue now needed to be addressed was the terms for an option for an easement. Throughout the LIG meetings, at which Edward Smith from this office represented the firm, Edward Smith had</li> </ol>	No response is required.



I.D.	Riplingham Estates Limited and the Los Trustee's Response	Applicants' Response
	<p>stressed that the formula that RWE seemed to be working towards was not appropriate for land parcels on the urban fringe and that a different approach was needed there due to the higher land values and different opportunities that arise.</p> <p>9. There had been a complete denial of the fact that land achieves higher values on the urban fringe. Evidence had been presented to show this to DM but it has not been accepted. Further evidence had been shown in the most recent email correspondence, submitted to the examining authority, to illustrate the point.</p> <p>10. He read an excerpt from the notes of a meeting with DM on 10<sup>th</sup> September 2024, sent to them on 30<sup>th</sup> September 2024, and read the relevant passage confirming that DM had claimed, and continue to claim, that land on the urban fringe of a similar size and quality to land in open countryside is not worth any greater value. He commented that this is at odds with the views and experiences of land market professionals.</p>	

## 2.9 Ørsted IPs

Table 2-15 The Applicants' response to Ørsted Ips' Deadline 1 Document [REP1-o86]

I.D.	Ørsted Ips Response	Applicants' Response
REP1-o86:1	<p><b>Ørsted IPs – Deadline 1 Submission</b></p> <p>This submission is made in relation to the examination of the Dogger Bank South Offshore Wind Farm Project (the "Project") and is made on behalf of Hornsea 1 Limited, the collective of Breesea Limited, Soundmark Wind Limited, Sonningmay Limited and Optimus Wind Limited (together, the "Hornsea 2 Companies"), Orsted Hornsea Project Three (UK) Limited, Orsted Hornsea Project Four Limited, Lincs Wind Farm Limited, Westernmost Rough Limited and Race Bank Wind Farm Limited (together, or in any combination, the "Ørsted IPs").</p> <p>The purpose of this submission is threefold, namely:</p> <ul style="list-style-type: none"> <li>To provide comments on the Applicant's Responses to the Relevant Representations [PDA-013] of the Ørsted IPs;</li> <li>To respond to the Examining Authority's Supplementary Agenda Questions for Issue Specific Hearing 2 [EV5-002] directed at the Ørsted IPs; and</li> <li>To summarise the interactions and concerns that are specific to Orsted Hornsea Project Four Limited.</li> </ul> <p>The Ørsted IPs also wish to note that they have received from the Applicant a draft Statement of Common Ground relating to Orsted Hornsea Project Three (UK) Limited and Orsted Hornsea Project Four Limited, which the Applicant intends to submit at Deadline 2 of the examination of the Project following the Ørsted IPs' review of this document. The Ørsted IPs will therefore review this document, including whether it should be expanded to cover all of the Ørsted IPs.</p>	<p>The Applicants acknowledge this comment and note that this response acts as a response to the Applicant's Responses to the Relevant Representations [PDA-013] for multiple Interested Parties. Following discussion with Orsted regarding the Statement of Common Ground with Hornsea 3 and Hornsea 4 related to Wake Effects requested by the ExA and being submitted at this deadline, the Orsted IPs requested that the wider list of projects (Hornsea 1 limited, Hornsea 2 Companies, Lincs Wind Farm Limited, Westernmost Rough Limited and Race Bank Wind Farm Limited) are included within the Statement of Common Ground on the 13<sup>th</sup> February 2024. Whilst the Applicants have not received any representations from Hornsea 1 limited, Hornsea 2 Companies, Lincs Wind Farm Limited, Westernmost Rough Limited and Race Bank Wind Farm Limited regarding the potential for wake interactions between the Applicants Projects and these schemes, the Applicants have updated the Statement of Common Ground to include all Orsted IPs as requested, but notes that potential wake effects interactions are currently only directly referenced in any submitted representations for the Hornsea 3 and 4 schemes.</p>
REP1-o86:2	<p><b>Comments on the Applicant's Responses to the Relevant Representations</b></p> <p>The Ørsted IPs note that in relation to Hornsea 1 Limited, the Hornsea 2 Companies, Lincs Wind Farm Limited, Westernmost Rough Limited and Race Bank Wind Farm Limited, the Applicant did not provide anything other than an acknowledgment of each Relevant Representation for those Ørsted IPs. The</p>	<p>The Applicants acknowledge this comment. The Applicants only provided response to those IPS with an acknowledgement as their representations just stated their registration as an Interested Party and did not highlight any detail regarding the potential interests they may have in the examination for the DBS Projects.</p>

I.D.	Ørsted Ips Response	Applicants' Response
	Applicant has provided a response to the Relevant Representations of Orsted Hornsea Project Three (UK) Limited and Orsted Hornsea Project Four Limited, and those Ørsted IPs have responded in turn in the table below.	
<b>Orsted Hornsea Project Three (UK) Limited</b>		
REP1-086:3	<p><i>Orsted IPs comments are in response to Applicant's Comment on Relevant Representation as presented in <b>Applicant's Responses to the Relevant Representations</b> [PDA-013].</i></p> <p><b>Engagement</b></p> <p>The Ørsted IPs welcome ongoing engagement with the Applicant in relation to the Project.</p>	The Applicants acknowledge this comment.
REP1-086:4	<p><b>NPS EN-3</b></p> <p>In relation to National Policy Statement EN-3, the Ørsted IPs refer to paragraph 2.8.197 which states that <i>"the applicant should undertake an assessment of the potential effects of the proposed development on such existing or permitted infrastructure and activities"</i>. Therefore, the Ørsted IPs consider that the Applicant should undertake a wake assessment to identify any effects of the Project on the energy yield of other offshore wind farms. This assessment must calculate the 'net' benefit – i.e. accounting for renewable energy generation losses arising from impacts to other offshore projects, as well as potential new generation from the Project.</p>	<p>The Applicants' position remains that the relevant parts of the NPS EN-3 do not require a wake assessment to be carried out.</p> <p>The Applicants' overall position on EN-3 is set out in its response to the Written Representation (<b>Table 2-2</b>) on behalf of the three Dogger Bank Project Companies which is repeated here:</p> <p>How should the Secretary of State approach EN-3?</p> <p>The Applicants consider that the new Secretary of State needs to re-consider the interpretation of the EN-3 paragraphs regarding 'other offshore infrastructure' which was adopted by the previous Secretary of State in the Awel y Mor decision and to revert to the interpretation which was accepted by the offshore wind industry prior to that time. The same language has been in place since the 2011 version of EN-3. The Applicants request that the ExA supports this and recommends the Secretary of State fundamentally reviews the interpretation of EN-3 on this matter and follows the previous interpretation i.e. that impacts on existing offshore wind farm projects are outside the ambit of those paragraphs.</p> <p>The Applicants briefly highlight below why this is the correct interpretation.</p> <p>Section 8 of EN-3 is entitled 'Offshore wind'. There are various paragraphs in the remainder of section 8 which address '<b>other</b> offshore infrastructure and activities' (emphasis added) . The nature of such infrastructure and activities is explained in paragraph 2.8.44, which states:</p> <p><i>"There may be constraints imposed on the siting or design of offshore wind farms because of the presence of other offshore infrastructure, such as oil and gas, Carbon Capture, Usage and Storage (CCUS), co-location of electrolyzers for hydrogen production, marine aggregate dredging, telecommunications, or activities such as aviation and recreation."</i></p> <p>The Applicants submit that the only fair and objective reading of this paragraph (which frames all the subsequent relevant paragraphs) is that existing offshore wind farm projects were not regarded as 'other offshore infrastructure'. That is why the word 'other' is used in the sub-heading. That is why offshore wind farms are not included in the list of examples and how it had been interpreted from 2011 onwards (under both sets of NPSs).</p> <p>The remaining paragraphs in section 8 dealing with 'other offshore infrastructure' are entirely consistent with this reading. The Applicants submit that the meaning of these paragraphs was and is clear and excludes other offshore wind farms.</p>

I.D.	Ørsted Ips Response	Applicants' Response
		<p>In addition to the points just made, the Applicants would particularly highlight the paragraphs quoted and commented on below:</p> <p><i>2.8.203 Such engagement [referenced in immediately prior paragraphs] should be taken to ensure that solutions are sought that allow offshore wind farms and other uses of the sea to co-exist successfully.</i></p> <p>This paragraph 2.8.203 makes no sense if 'other uses of the sea' includes other offshore wind farms. It is clear that this was not intended. If offshore wind farms were intended to be included this paragraph (and the entire section) would have to have been framed differently.</p> <p><i>2.8.342 Where a proposed offshore wind farm potentially affects other offshore infrastructure or activity, a pragmatic approach should be employed by the Secretary of State.</i></p> <p><i>2.8.343 Much of this infrastructure is important to other offshore industries as is its contribution to the UK economy.</i></p> <p>These two paragraphs are intended to be read together. The reference to 'other offshore industries' makes it plain that these paragraphs cannot refer to other offshore wind farms.</p> <p>The Applicants submit that it is not reasonable for a widely accepted interpretation of a long-standing policy, which reflects its plain meaning, should be radically re-interpreted by the previous Secretary of State in the way which took place in the Awel y Mor decision. The 2024 Energy NPSs were consulted on twice (in 2021 and 2023) with the same language as the 2011 NPS, before being designated. There was substantial engagement by offshore wind developers and other stakeholders in these consultations. The second consultation process on the new NPSs closed on 23 June 2023 and the Awel y Mor decision was issued on 20 September 2023, with an outcome regarding wake loss which was not expected. Given that relevant wording regarding 'offshore infrastructure' stayed the same as the 2011 wording (in all relevant respects) and there was no suggestion in the consultation process that a different interpretation would be applied by the Secretary of State in decision making, it was reasonable to for offshore wind developers to assume the long-standing interpretation would continue to apply.</p> <p>There should be consistency in interpretation of an important issue like this for the Applicants and other developers of new offshore wind farms. If a different interpretation had been proposed (or new language which made it explicit it was intended to apply to existing offshore wind farm projects), there would have been the most intense interest in the precise language in the new draft NPS, interpretation of that language and consideration of its consequences. A whole host of issues would have been raised in responses to the Secretary of State's consultations including:</p> <ul style="list-style-type: none"> <li>a) the fairness of bringing wake effects into the planning regime at all, when it is already addressed through The Crown Estate leasing process;</li> <li>b) the need for transitional arrangements to address a range of situations;</li> <li>c) the complete absence of an industry agreed basis for the assessment of wake effects i.e. there are competing models and substantial areas of legitimate technical debate as to the applicability of specific models and modelling approaches to different situations;</li> </ul>

I.D.	Ørsted Ips Response	Applicants' Response
		<p>d) the policy intent of bringing wake effects considerations into the planning process. Is the policy imperative to continue to maximise aggregate Annual Energy Production from new projects (the long-standing position) to contribute to government targets or to minimise the impacts on existing projects? Or some mixture of the two, and – if so – applying what principles to balance the two?</p> <p>e) the complete absence of industry technical consideration and consensus of regarding techniques available to reduce wake effects from new projects on existing projects as part of project design. To date, this has never been a consideration in new project design. This is an area which would be the subject of intense technical debate, which is in any event profoundly hampered by questions of commercial confidentiality and relative project timings. There are a whole range of difficulties which arise, none of which have been explored before, including, to pick one example from many, the situation where there are multiple existing wind farms in consideration each of which could advocate for a design outcome for the new project it claimed was appropriate, but where the differing design requests sought are conflicting;</p> <p>f) whether DCO requirements can be framed to meet the normal policy tests of certainty, enforceability and overall reasonableness.</p> <p>As far as the Applicants are aware, none of these complex and difficult issues were raised because no one had any reason to believe that a radically new interpretation might be applied.</p> <p>The Applicants submit that the new Secretary of State should apply the original and widely accepted interpretation of EN-3. This would restore the basis on which the entire offshore wind sector has proceeded in England and Wales since it began in the early 2000s. Any industry issue regarding wake effects as between new and existing projects should be addressed outside the planning system, if it is considered that the established regulation by the buffer distances set by The Crown Estate in new seabed licensing grounds is now considered insufficient.</p> <p>If the submissions above are not accepted, and the 'other offshore infrastructure' policies in EN-3 are taken to apply to existing offshore wind farm projects, then the interpretation of EN-3 becomes problematic given the text in question was not intended to apply to that situation and would have been written differently if it had.</p> <p>If the submissions above are not accepted, the Applicants submit (as they have in their Deadline 1 submission (<b>The Applicants' Responses to January 2025 Hearing Action Points (Revision 2)</b> [AS-155]) that the correct approach is to emphasise the advice in paragraph 2.8.342 of EN-3 of employing a pragmatic approach. That paragraph is central to the advice to the Secretary of State as decision maker for 'other offshore infrastructure'. Crucially, it applies to multiple offshore industries as is plain from paragraph 2.8.44 already quoted. The approach to pragmatism will necessarily be different depending on the other offshore industry in question. In the case of a newly proposed offshore wind farm potentially affecting existing offshore wind farm projects, the Applicants submit that the pragmatic approach is to acknowledge:</p> <p>a) That this has been addressed through The Crown Estate leasing process, by the inclusion of buffer distances when new seabed licences have been awarded;</p> <p>b) That The Crown Estate is a sophisticated stakeholder in this regard, which listens carefully to industry concerns on a wide range of issues;</p>

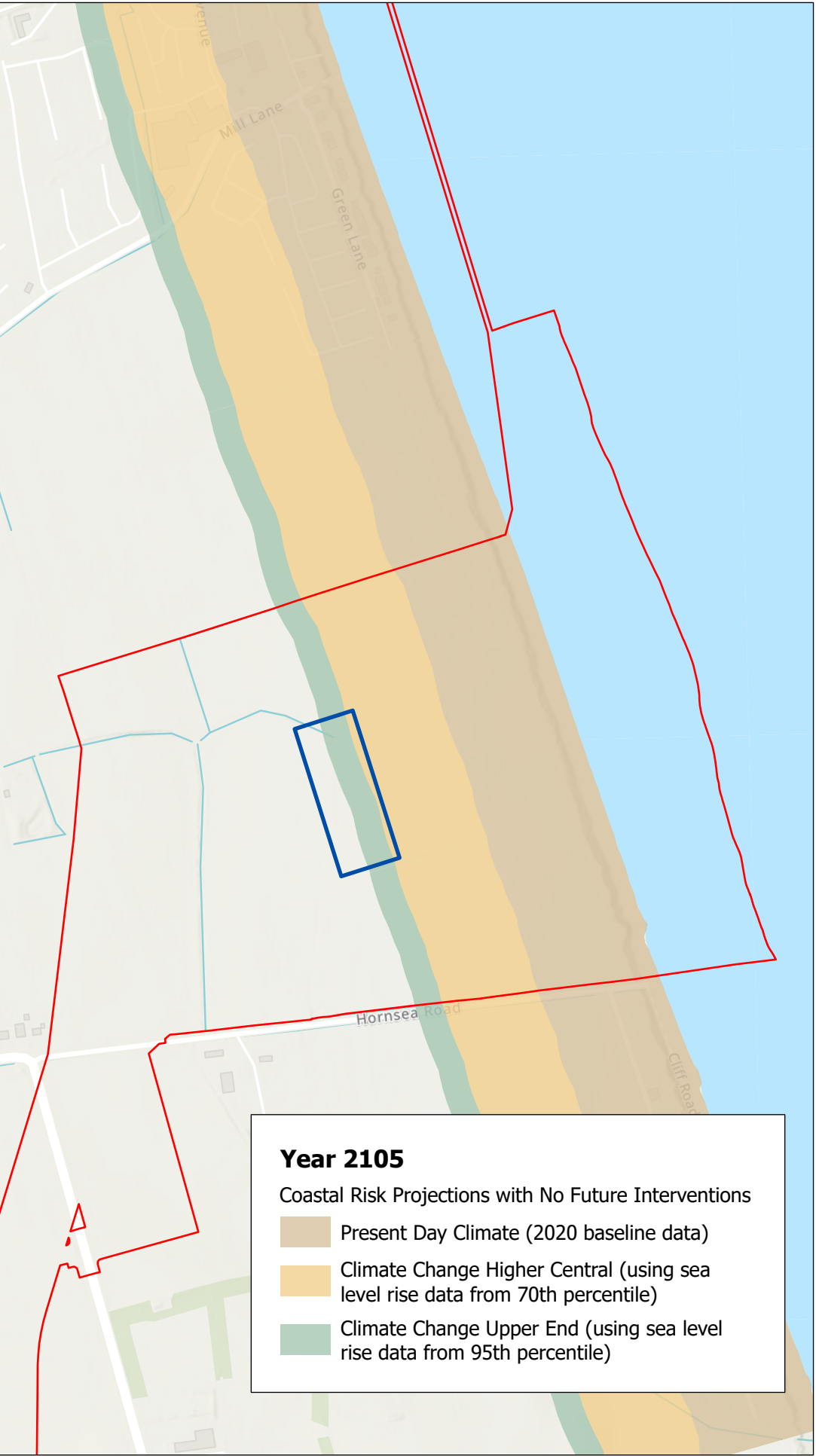
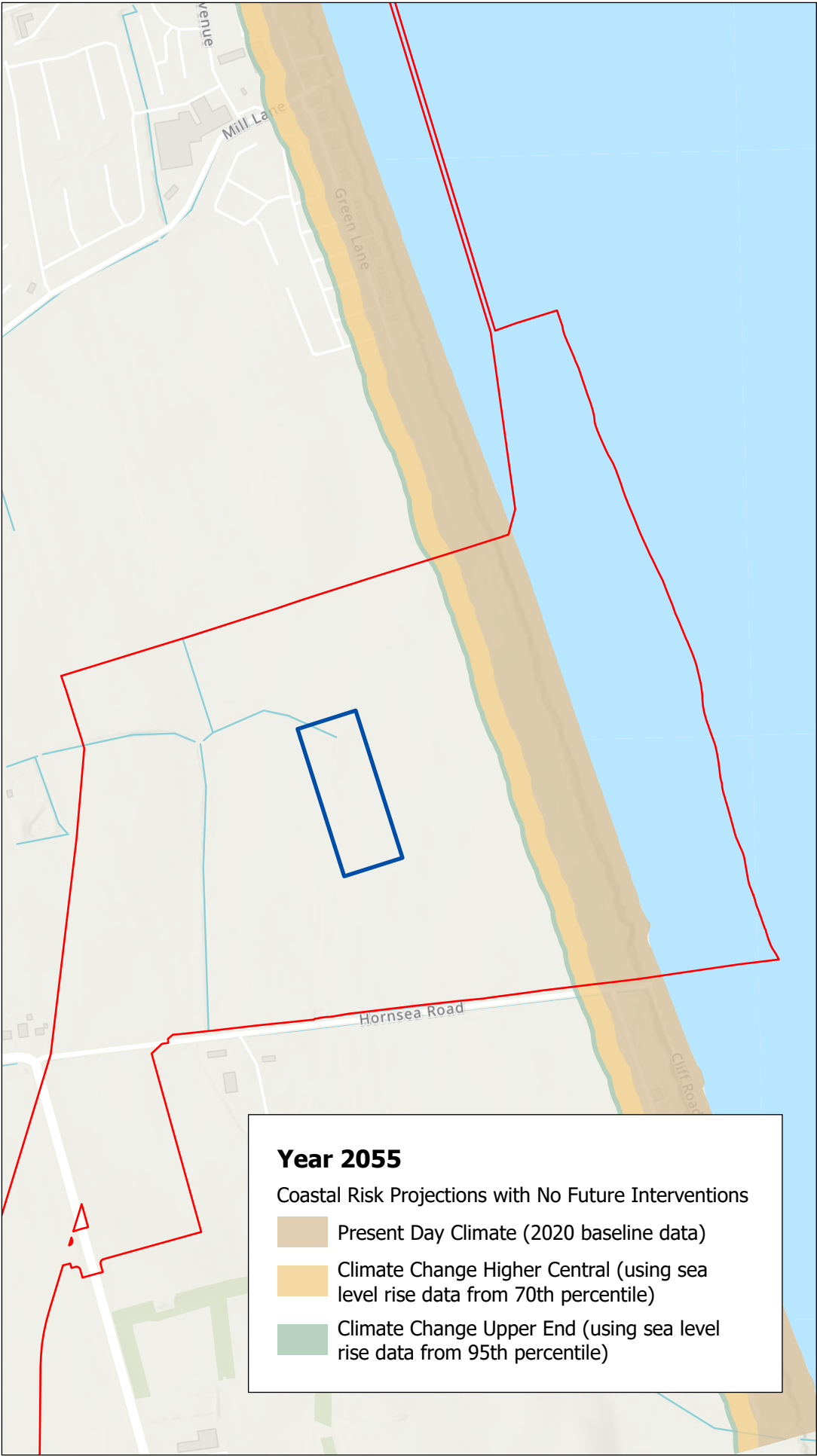


I.D.	Ørsted Ips Response	Applicants' Response
		<p>c) That there is no evidence that The Crown Estate was lobbied by industry generally concerning the buffer distance of 7.5km set for Round 4 as regards wake effects. In other words, the risk that new projects would emerge through new licensing rounds, which would have a range of potential effects on existing projects (including wake effects) was widely known and understood;</p> <p>d) That the Applicants have respected the buffer distance for Round 4, being more than 7.5km away from all other existing projects;</p> <p>That this approach has been generally accepted by the offshore wind industry prior to the Awel y Mor decision i.e. not requiring wake assessments or any related design obligation on the new project to reduce wake effects on existing projects. The only exception has been for projects immediately adjacent to each other (i.e. within the buffer), where The Crown Estate has required commercial agreement between the parties involved.</p>
REP1-086:5	<p><b>The Crown Estate</b></p> <p>In relation to The Crown Estate's ("TCE") stipulation regarding the 7.5km separation distance, the Ørsted IPs refer initially to TCE's Responses to ExQ1 of the examination of the Outer Dowsing Offshore Wind (Generating Station) Project ("TCE's OD Submission"), at Appendix 1 of this submission, in which TCE stated that the 7.5km separation distance "was used for the purpose of processing project proposals in the tender only, being higher than the 5km buffers that are specified within the seabed lease agreements (introduced in Round 3); this was for the purpose of de-risking the Round 4 tender by providing additional mitigation and assurance to participants through limiting proximity". In TCE's OD Submission, it was also acknowledged that "inter-farm wake effects can extend beyond these buffer distances".</p> <p>The Ørsted IPs also refer to the Offshore Wind Leasing Programme Array Layout Yield Study (the "Frazer-Nash Study"), prepared for TCE in 2023, the purpose of which was "...maximise the energy production from the portfolio of existing and future wind farms". TCE is trying to optimise the UK seabed to find some balance between the size of future offshore wind development zones and how far they should keep them apart (buffers). TCE is seeking to maximise the production from the entire portfolio and not only for new lease areas. The Frazer-Nash Study takes some generic, theoretical offshore wind farm pairs and looks at the balance in total production based on different densities and separation buffers – asking whether the "portfolio" production increases when development wake effect) versus larger wind farms which are closer to each other (the larger leases would allow lower turbine density inside the development zones reducing the internal wake effect).</p> <p>The Frazer-Nash Study should be interpreted as saying that, relative to the internal wake losses, the neighbour wake losses are not as significant for large separations. Hence, in the context of the TCE's goal to maximise the portfolio production of total seabed of the UK, new developments should not be forced into very small array areas with very high turbine density as in this case the internal wakes will dominate relative to neighbour wakes. The Frazer-Nash Study does not comment on the distances over which wake losses will occur, however in section 2.2 it mentions that "Ørsted ... have shown evidence from their own portfolio of offshore wind production data that the method reproduces long range wakes well up to 50km separation".</p> <p>Additionally, the Ørsted IPs highlight that the Frazer-Nash Study was based on a theoretical, unrealistic regular grid wind farm pair orientated directly North- South and not aligned with the principal wind direction. Therefore, it should not be relied on to predict the likelihood of actual wake losses for the Ørsted IPs'</p>	<p>The Applicants note that TCE submitted a response to the Outer Dowsing Offshore Wind Farm Examination. In terms of the extent to which TCE considers effects of wake loss and effects on annual energy production when issuing leases for offshore wind farms, TCE stated that: "<i>The buffer/stand-off between wind farms (unless developers consent to closer proximity) is a separation distance to enable developers to develop, operate and maintain wind farms by allowing for a range of factors including amongst other matters, wake effects, navigation, and safety;</i></p> <p><i>The 2019 Information Memorandum ahead of Offshore Wind Leasing Round 4 set out the requirement that "Projects may not be located within 7.5 km of an existing offshore wind farm (meaning a wind farm at any stage of development which has been awarded an agreement for lease or lease from The Crown Estate) unless the owner of the existing offshore wind farm has given its written consent"</i></p> <p><i>This 7.5km was used for the purpose of processing project proposals in the tender only, being higher than the 5km buffers that are specified within the seabed lease agreements (introduced in Round 3); this was for the purpose of de-risking the Round 4 tender by providing additional mitigation and assurance to participants through limiting proximity. "</i></p> <p>The statement that the increased buffer distance of 7.5km was for the purpose of de-risking projects by providing "additional mitigation and assurance" through limiting proximity makes it clear that TCE had regard to existing offshore wind farms when setting the buffer.</p> <p>The Applicants acknowledged at ISH2 that the Frazer-Nash study had a specific generic purpose, adopted a specific modelling approach and was not directly applicable to specific project interactions. There are a variety of widely used turbine interaction models currently used within the industry, and the level to which each is accepted as "valid" is dependent on both the audience and the task. Leading consultants in the industry use different models, some relying on a combination of different models, illustrating that the industry is, as a whole, unsure of how best to calculate these effects. As such, this is currently no model that is universally "industry recognised".</p> <p>The Applicants therefore do not agree that it would be straightforward to model the real-world situation, nor do the Applicants consider it necessary to do so.</p>



I.D.	Ørsted Ips Response	Applicants' Response
	<p>projects. Further, in TCE's OD Submission, it is stated that the Frazer-Nash Study "summarises modelling applied to generic/hypothetical wind farms and does not replace the need for project-specific analysis".</p> <p>In summary, the Frazer-Nash Study cannot be used to determine whether there is an impact on existing wind farms. The Ørsted IPs consider it would be quite straightforward for the Applicant to model the real-world situation for the Ørsted IPs as a result of the Project and requests that the Applicant does so.</p>	
REP1-086:6	<p><b>The Ørsted Wind Europe Technology Workshop 2023 Presentation</b></p> <p>The Frazer-Nash Study refers to a presentation delivered at the Wind Europe Technology Workshop 2023 by Ørsted's Nicolai Nygaard. That presentation used operational data from 37 offshore wind farm pairs located in Northern Europe to demonstrate the neighbouring wake effect through the reduction of power generated by front row turbines. The presentation demonstrates that when a wind farm is in the wake of a neighbour at a distance of 30km you can expect a power reduction of just under 10%, whereas at 50km the reduction is still about 5% of the available power. It should be noted that the paper provides these impacts for a wind speed of 8m/s. The presentation also shows how the wake impact varies depending on the wind speed, the stability of the atmosphere at the time of the observation and also the size, distance, shape and density of the neighbour wind farm.</p> <p>The Project will have an impact on the energy yield of the Ørsted IPs. In order to properly understand the effects of a development, the specific environment and relevant developments should be carefully considered. This issue is not only important in terms of impacts experienced by other sea users such as the Ørsted IPs but is a matter of good design. It is also relevant to the degree of climate change benefit the Project offers – the impacts of the Project on loss of energy generation at the Ørsted IPs' developments is relevant to evaluating the benefits of the Project in terms of emissions reductions and climate change benefits.</p>	<p>The Applicants have explained their position on conducting wake assessments at REP1-086:4.</p> <p>Regarding the question of good design, the Applicants will balance a range of design considerations in the usual way. One of these will be to maximise the AEP of the Projects in accordance with normal industry practice. The Applicants do not accept that there is any further design obligation regarding wake loss, given that they have already respected TCE's buffer distance in locating the Projects.</p> <p>Regarding the greenhouse gas assessment, the Applicants have followed normal practice and have assessed effects of the Projects for EIA purposes (<b>Chapter 30 – Climate Change</b> [APP-222]). The Applicants are confident that the conclusions of this analysis are robust, even if any wake loss impact on the Ørsted IPs' projects are taken into account.</p>
<b>Ørsted Hornsea Project Four Limited</b>		
REP1-086:7	As above.	No response required.
<b>Interactions and Concerns of Ørsted Hornsea Project Four Limited</b>		
REP1-086:8	<p>The Ørsted IPs consider that it would be helpful, at this stage in the examination of the Project, to summarise the concerns of Ørsted Hornsea Project Four Limited in relation to the interactions between the Project and the Hornsea Four Offshore Wind Farm ("Hornsea Four").</p> <p>Hornsea Four and the Project directly overlap, with the potential for simultaneous construction activity both offshore and onshore across both projects. Such interactions include an offshore crossing in a constricted area and an onshore construction access road being shared between Ørsted Hornsea Project Four Limited, the Applicant and National Grid. Therefore, it is clear that engagement is required between Ørsted Hornsea Project Four Limited and the Applicant to manage these interactions, as protective provisions and a commercial agreement will be required to protect the interests of Ørsted Hornsea Project Four Limited. In the interests of proactivity and collaboration, this engagement is already underway in relation to protective provisions for the benefit of Ørsted Hornsea Project Four Limited and the Heads of Terms for a cooperation agreement between the parties.</p>	<p>The Applicants welcome further engagement on the protective provisions and draft Heads of Terms (HoTs) for a Cooperation Agreement which were issued to Ørsted Hornsea Project Four Limited on the 14<sup>th</sup> October 2024 with follow up emails issued on 28<sup>th</sup> November 2024 and 4<sup>th</sup> February 2025. To date, no comments have been received on the draft HoTs however the Applicants are keen to progress this agreement at the earliest opportunity.</p> <p>The parties are engaging in respect of a form of protective provisions. The Applicants provided comments in relation to Ørsted's proposed draft protective provisions in November 2024 and are currently awaiting a response from Ørsted.</p>

## Appendix A - Landfall NCERM (2020) Coastal Erosion Risk Projection



- Onshore Development Area
- Indicative TJB Compound

MAP NOTES / DATA SOURCES:  
Esri, Intermap, NASA, NGA, USGS, Esri Community Maps Contributors, Esri UK, Esri, TomTom, Garmin, Foursquare, GeoTechnologies, Inc, METI/NASA, USGS, Esri UK, Esri, TomTom, Garmin, Foursquare, GeoTechnologies, Inc, METI/NASA, USGS. Contains DEFRA data © Crown Copyright 2025.

PROJECT TITLE

**Dogger Bank South**

DRAWING TITLE

**Landfall NCERM (2020) Coastal Erosion Risk Projection**

DRAWING NUMBER:

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**Page 1 of 1**

VER	DATE	REMARKS	DRAW	CHEK	APRD
01	11/02/2025	First Issue	CG	AP	RT

0 50 100 150 200 250 Meters

0 250 500 750 Feet

N

GRID NORTH

SCALE 1:7,000

DATUM OSGB 1936

PRJ British National Grid

PLOT SIZE A3

VERTICAL REF N/A

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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**

MASDAR 