

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

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South (East) Limited**

**Dogger Bank South Offshore
Wind Farms**

**The Applicants' Comments on the Responses to
ExQ1**

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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.
Baseline	The existing conditions as represented by the latest available survey and other data which is used as a benchmark for making comparisons to assess the impact of the Projects.
Bathymetry	Topography of the seabed.
Bedforms	Features on the seabed (e.g. sand waves, ripples) resulting from the movement of sediment over it.
Collision	The act or process of colliding (crashing) between two moving objects.
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.
Cumulative impact	The combined impact of the Projects in combination with the effects of a number of different (defined cumulative) schemes, on the same single receptor / resource.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
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

Term	Definition
	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.
Groundwater	Water stored below the ground in rocks or other geological strata.
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.
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.
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.
Main River	Main Rivers are usually large rivers or streams that are designated under the Water Resources Act (1991) and are shown on the statutory Main River Map. They are managed by the Environment Agency, who carry out construction, maintenance and improvement works to manage flood risk.
Mean Low Water Springs (MLWS)	MLWS is the average of the heights of two successive low waters during a 24 hour period.
National Policy Statement (NPS)	A document setting out national policy against which proposals for NSIPs will be assessed and decided upon.
Nationally Significant Infrastructure Project (NSIP)	Large scale development including power generating stations which requires development consent under the Planning Act 2008. An offshore wind farm project with a capacity of more than 100 MW constitutes an NSIP.
Nearshore	The zone which extends from the swash zone to the position marking the start of the offshore zone (~20m).
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.

Term	Definition
Offshore Export Cable Corridor	This is the area which will contain the offshore export cables between the Offshore Converter Platforms and Transition Joint Bays at the landfall.
Onshore Converter Stations	A compound containing electrical equipment required to transform HVDC and stabilise electricity generated by the Projects so that it can be connected to the electricity transmission network as HVAC. There will be one Onshore Converter Station for each Project.
Onshore Development Area	The Onshore Development Area for ES is the boundary within which all onshore infrastructure required for the Projects would be located including Landfall Zone, Onshore Export Cable Corridor, accesses, Temporary Construction Compounds and Onshore Converter Stations.
Onshore Export Cables	Onshore Export Cables take the electric from the Transition Joint Bay to the Onshore Converter Stations.
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).
Order Limits	The limits within which the Projects may be carried.
Ordinary watercourse	Rivers which are not Main Rivers are called 'ordinary watercourses'. Lead local flood authorities, district councils and internal drainage boards carry out flood risk management work on ordinary watercourses.
Outline Onshore Written Scheme of Investigation (WSI)	Project specific document forming the agreement between the Applicants, the appointed archaeologists, contractors and the relevant stakeholders landward of MHWS. The document sets out the methods to mitigate the effects on all the known and potential archaeological receptors within the Hornsea Four onshore Order Limits.
Project Change Request 1	The changes to the DCO application for the Projects set out in Project Change Request 1 - Offshore & Intertidal Works [AS-141] which was accepted into Examination on 21st 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.
Sediment	Particulate matter derived from rock, minerals or bioclastic matter.

Term	Definition
Special Area of Conservation (SAC)	Strictly protected sites designated pursuant to Article 3 of the Habitats Directive (via the Habitats Regulations) for habitats listed on Annex I and species listed on Annex II of the Directive.
Special Protection Area (SPA)	Strictly protected sites designated pursuant to Article 4 of the Birds Directive (via the Habitats Regulations) for species listed on Annex I of the Directive and for regularly occurring migratory species
Statutory Nature Conservation Bodies (SNCBs)	Comprised of JNCC, Natural Resources Wales, Department of Agriculture, Environment and Rural Affairs/Northern Ireland Environment Agency, Natural England and Scottish Natural Heritage, these agencies provide advice in relation to nature conservation to government.
Temporary Construction Compound	An area set aside to facilitate construction of the Projects. These will be located adjacent to the Onshore Export Cable Corridor and within the Onshore Substation Zone, with access to the highway.
The Applicants	The Applicants for the Projects are RWE Renewables UK Dogger Bank South (East) Limited and RWE Renewables UK Dogger Bank South (West) Limited. The Applicants are themselves jointly owned by the RWE Group of companies (51% stake) and Masdar (49% stake).
The Projects	DBS East and DBS West (collectively referred to as the Dogger Bank South Offshore Wind Farms).
Wind turbine	Power generating device that is driven by the kinetic energy of the wind.

Acronyms

Term	Definition
ADR	Alternative Dispute Resolution
AEoI	Adverse Effect on Integrity
AEZ	Archaeological Exclusion Zones
AIL	Abnormal Indivisible Load
ANS	Artificial Nesting Structure
AQMA	Air Quality Methodology Assessment
BNHIDB	Beverley and North Holderness Internal Drainage Board
BNG	Biodiversity Net Gain
BOCC	Birds of Conservation Concern
CA	Compulsory Acquisition
CBRA	Cable Burial Risk Assessment
CEA	Cumulative Effects Assessment
DAS	Design and Access Statement
DBS	Dogger Bank South
DCMS	Department for Culture, Media and Sport
DCO	Development Consent Order
Defra	Department for Environmental Food and Rural Affairs
DESNZ	Department for Energy Security and Net Zero
DML	Deemed Marine Licence
EA	Environment Agency
EATM	Environmental Assessment of Traffic and Movement
ECC	Export Cable Corridor
EDR	Effective Deterrence Range

Term	Definition
EIA	Environmental Impact Assessment
ERYC	East Riding of Yorkshire Council
ES	Environmental Statement
ETG	Expert Topic Group
ExA	Examining Authority
FFC SPA	Flamborough and Filey Coast Special Protection Area
FLOWW	Fishing Liaison with Offshore Wind and Wet Renewables Group
GHG	Greenhouse Gas
HCC	Hull City Council
HGV	Heavy Goods Vehicle
HHW	Haisborough Hammond and Winterton
HPAI	Highly Pathogenic Avian Influenza
HRA	Habitats Regulations Assessment
IDB	Internal Drainage Board
IFCA	Inshore Fisheries and Conservation Authorities
IoS	Isles of Scilly
ISH ₄	Issue Specific Hearing 4
JNCC	Joint Nature Conservation Committee
LHA	Local Highway Authority
LIR	Local Impact Report
LLFA	Lead Local Flood Authority
LSE	Likely Significant Effects
MarESA	Marine Evidence-based Sensitivity Assessment
MCZ	Marine Conservation Zone

Term	Definition
MLWS	Mean Low Water Springs
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
MPA	Marine Protected Area
MRF	Marine Recovery Fund
MW	Mega Watt
NAS	Noise Abatement Systems
NE	Natural England
NFFO	National Federation of Fishermen's Organisation
NH	National Highways
NHLE	National Heritage List for England
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OCoCP	Outline Code of Construction Practice
OCTMP	Outline Construction Traffic Management Plan
ODOW	Outer Dowsing Offshore Wind
OPPP	Outline Pollution Prevention Plan
OWF	Offshore Wind Farm
OWEIP	Offshore Wind Environmental Improvement Package
OWIC	Offshore Wind Industry Council
PPA	Planning Performance Agreement
PRoW	Public Rights of Way
PVA	Population Viability Analysis
RIAA	Report to Inform Appropriate Assessment

Term	Definition
RPA	Rural Protections Agency
RR	Relevant Representation
RSPB	Royal Society for the Protection of Birds
RTD	Red-throated Diver
SAC	Special Area of Conservation
SIP	Site Integrity Plan
SNCB	Statutory Nature Conservation Body
SNS	Southern North Sea
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
TCC	Temporary Construction Compound
TJB	Transition Joint Bay
TP	Temporary Possession
TWT	The Wildlife Trusts
WFD	Water Framework Directive
WMS	Written Ministerial Statement
WR	Written Representation
WSI	Written Scheme of Investigation
WTG	Wind Turbine Generator
WWII	World War Two

1 Introduction

1. This document presents the Applicants' comments on Interested Parties (IPs) responses to the Examining Authority's questions (ExQ1) [PD-014] at Deadline 3.
2. For ease of referencing and to facilitate future cross-referencing, the Applicants have used the existing Planning Inspectorate reference (e.g. REP3-001) and created a unique identifier for each response by itemising the document into paragraphs or sections (e.g. REP3-001:1.1). The ID numbers can be found in the first column of each table.

2 Responses to ExQ1

3. The Applicants' comments on responses from IPs to ExQ1 [PD-014] at Deadline 3 are provided in this section.

2.1 Beverley & North Holderness Internal Drainage Board

Table 2-1 The Applicants' Comments on Beverley & North Holderness Internal Drainage Board Responses to ExQ1 [REP3-062]

I.D.	Question	Beverley & North Holderness Internal Drainage Board Response	Applicants' Response
REP3-062: DCO.1.3	DCO.1.3 - Boards Consent determination 28 days deemed consent A number of the Articles which require the submission of an application for consent or approval include drafting (eg Article 10(5), Article 13(2), Article 16 (9), Article 18(1) etc) that would mean that if the discharging authority or organisation fails to notify the undertaker of a decision then the details submitted within 28 days would have deemed consent. Applicants: Why have you used 28 rather than the usual 56 days? All other parties: Is 28 days a reasonable amount of time to enable you to discharge an application? If not, why not, and what would be an appropriate time period?	The Board believe 28 days would be a reasonable amount of time to determine a consent application. This is on the basis of all the required relevant details information and fees are provided and the project does not submit an unreasonable significant amount of applications all at the same time. If this was to occur the Board would require an extended period of time for information to be provided and prioritising the consents required.	Noted, as per the Applicants response to DCO 1.3 'The 28 day time limit is considered necessary to remove the possibility for delay and provide certainty that the Projects can be delivered by the undertakers in a timely fashion. As Nationally Significant Infrastructure Project (NSIP)s, the Projects should not be at risk of being held up due to a failure to respond to an application for consent by the discharging authority. 28 days is thought to be a reasonable time period to allow a decision to be reached on the submitted applications for consent. In addition, the Secretary of State has accepted that 28 days is sufficient on other comparable recent DCOs, including Sheringham Shoal and Dudgeon Extensions, Awel y Mor, East Anglia One North and East Anglia Two.' The deemed consent will apply unless agreed otherwise in writing.
REP3-062: DCO.1.10	DCO.1.10 - Article 16(8) Drafting Are you satisfied that the drafting of 8(a) would include the internal drainage board or one which the IDB has permissible rights over. If not, why not and should it? Why does 8(b) refer to the Water Resources Act 1991 and not the 2016 Regulations and should it?	8a We believe this relates to a public sewer or drain under the Water Industry Act. These assets tend to be owned by the Utility Provider. It does not include an IDB asset maintained by a Board under the Land Drainage Act as these are usually owned by others. Despite this, the Board's understanding is that it is agreed that our approval/consent will be obtained for any watercourse which falls within our district. 8b We are uncertain why <i>other expressions</i>, excluded watercourse and why it does not have the same meaning as per the Water Resources Act 1991 and Land Drainage Act 1991 which are the same.	8a – the purpose of defining “public sewer or drain” within the article is to make the intended meaning clear and to clarify that it does not have the same meaning as in the Water Industry Act 1991. The protective provisions included in Part 4 of Schedule 15 of the Draft DCO (Revision 7) [document reference 3.1] provide for consent to be obtained from the drainage authority for specified works, which includes so much of the authorised development as is in, on, under over or within 9 metres of a drainage work and is otherwise likely to affect the flow of water in any ordinary watercourse (with a list of examples of such works being included in the relevant definition). 8b – a definition of “watercourse” is included in Article 2 of the Draft DCO (Revision 7) [document reference 3.1] and so to avoid any confusion, Article 16(8)(b) makes it clear that the definition of “watercourse” in the Water Resources Act 1991 does not apply.
REP3-062: HF.1.7	HF.1.7 - Cumulative effects assessment in ES Chapter 20 (revision 2) Can you comment on the Applicants' CEA in ES Chapter 20 (revision 2) [REP1-014, section 20.8], with specific consideration to the approach of identifying other schemes and the criteria used for subsequent shortlisting?	The Board is not directly promoting any capital schemes which could impact on the project work. The Board however during the construction period and certainly during the project life span will be carrying out watercourse maintenance work. This can consist of annual vegetation control such as weed spraying mechanical weed cutting and flailing (usually once or twice annually) and more occasionally silt removal, bank reprofiling and repair following bank slips (usually timer piling). The above requiring heavy equipment access within the Boards maintenance access strips usually 9 m either side of the watercourse banks.	It is not anticipated that small scale and infrequent maintenance activities such as annual vegetation control (cutting and spraying) would have significant cumulative effects. Occasional silt removal is also unlikely to have significant cumulative effects. The Outline Code of Construction Practice (OCoCP) (Revision 4) [document reference 8.9] outlines the control measures and standards that will be implemented to control the impacts on the environment. This includes measures to manage runoff, soils and sediment. Measures specific to Flood

I.D.	Question	Beverley & North Holderness Internal Drainage Board Response	Applicants' Response
			Risk and Hydrology that will be secured in the OCoCP through requirement 19 of the Draft DCO (Revision 7) [document reference 3.1]. Embedded mitigation (Chapter 20 Hydrology and Flood Risk (Revision 2) [REP1-014] Table 20-3) states that trenchless crossing entry and exit points will be located at least 9m away from Internal Drainage Board (IDB) and ordinary surface watercourses to ensure the ongoing maintenance of IDB drains. Therefore, potential cumulative effects for access to IDB drains are not expected.
REP3-062: HF.1.12	HF.1.12 - oCoCP content and quality Can you comment on the details provided in the oCoCP (revision 3) [REP1-025] related to flood management, the drainage strategy, surface water management plan and watercourse crossings including: - If the level of detail is sufficient to frame the necessary mitigation of the potential effects during construction and operation of the projects. - If there is reasonable certainty of the quality and content of the future detailed CoCP, whether the approval bodies identified in Tables 3-2 and 3-3 of the oCoCP (revision 3) [REP1-025] would be appropriate. - If the measures listed for temporary culverts in section 6.3.2.6 of the oCoCP (revision 3) [REP1-025] would be appropriate for permanent culverts, as suggested in paragraph 205 of the same document.	If level of detail is sufficient to frame the necessary mitigation of the potential effects during construction and operation of the projects. The Board believes that the level of detail for its purpose to frame the necessary mitigation of the potential effects during construction and operation of the projects. It being noted the onshore converter station is not located in the Beverley and North Holderness Drainage District. The Board being satisfied that any runoff from this location will be constrained to a greenfield runoff rate if the flows with attenuation to a capacity as required by the Lead Local Flood Authority. The drainage of access roads hard standings and bridges in the Boards drainage District in the wider project will be subject to more detailed design and consent in the future. (as per clause 188 and 189). The Board requiring further details of any flows diverted away from construction sites in its drainage District. The Board in its drainage seeks ordinary watercourses crossings, unless otherwise agreed, to be conducted by trenchless techniques. We have previously noted: <i>Submission ID: 33933 The Board notes the changes to the draft Development Consent Order – Revision 5 – submitted at Deadline 1 – January 2025. In respect Part 4 of Schedule 15 – “Protective Provisions”, the Board accept the changes to the definition of ‘specified work’ strictly on the basis that the addition of the word ‘including’ does not preclude any other works in this definition. It remains, however, the Beverley and North Holderness IDB position is that we seek trenchless crossings unless otherwise agreed with the Board. I have checked earlier correspondence and this is consistent with the requests of Mr J Church, the Boards previous Engineer. I accept that Mr J Church highlighted concerns on actually carrying out the works open cut which the applicant has proposed mitigation - the significant concern beyond the installation is disturbing established banks creating a potential weakness zone for</i>	The Applicants note, the IDB’s confirmation that the Substation Zone is located outside of the BNHIDB District and is the responsibility of the LLFA. As noted, a run off rate will be agreed with the LLFA in the Drainage Strategy at the detailed design stage. A greenfield run off rate of 1.4 l/s has been assumed in the outline drainage design within the Substation Zone, as detailed in the Outline Drainage Strategy (Revision 3) [REP2-033]. As detailed in paragraphs 188 and 198 of the OCoCP (Revision 4) [document reference 8.9] a Surface Water Management Plan will be developed including details on temporary construction drainage, this would include details of any proposed discharge rates (including temporary outfall locations and flow rates) into any drains/watercourses within the BNHIDB district. As per the Applicants response to REP3-062:5, below on run off rates this will be limited to the greenfield run off rate or 1.4l/s or a minimum discharge rate of 1l/s and the OCoCP (Revision 4) [document reference 8.9] has been updated at Deadline 4 to confirm this. The Applicants discussed with Mr. Symons at a meeting on the 8th April 2025 his concerns about the open cut methodology for ordinary water course crossings in the BNHIDB district. The Applicants explained that there are 14 locations where the option for open cut or trenchless crossing is included, however only three of these watercourses are identified as ‘named’ and maintained by the BNHIDB. As detailed in the drainage authority protective provisions in Part 4 of Schedule 15 of the Draft DCO (Revision 7) [document reference: 3.1] and section 5.15 of the OCoCP (Revision 4) [document reference 8.9] a ‘crossing method statement’ must be agreed with the relevant drainage authority. If an open cut method is proposed by the Contractor this would also include how the bank would be reinstated and stabilised. Although wooden piles are one option to stabilise a bank, there are other options available which may have a longer design life and be suitable, without impacting the buried cable ducts and

I.D.	Question	Beverley & North Holderness Internal Drainage Board Response	Applicants' Response
		<i>slipping when the banks are reinstated. The Boards maintenance practice following a slip is driving long usually spiked timber piles to withhold supporting backing boards. The work being designed to regain the bank stability. This operation clearly would not be desirable or appropriate in these locations with the cables and protection installed. The Board wants the above noting formally now but appreciate this will be dealt with directly by the applicant in due course.</i> In all watercourse crossings the Board requires a minimum of 2m below the channel bed what ever technique of installation is used not just trenchless techniques In relation to 202 consideration of culvert installation the land is very flat with limited gradient so the loss of channel flood storage capacity is important in addition to flow conveyance. Thus mitigation on lost channel storage capacity as required. In 206 we are uncertain the context of this clause in relation to temporary dams and how it relates to the export cables depth in the channel bed. In relation to open cut cable installation, although we do not wish to see it progressed because of the longer term problems, the Board would require at least a 2m cable depth below the channel bed. - If there is reasonable certainty of the quality and content of the future detailed CoCP (revision 3) would be appropriate. At this stage a number of issues in relation to certainty of the quality and content is linked to the detail design which is not yet available at this stage of the project. - If measures listed for temporary culverts in section 6.3.2.6 of the oCoCP (revision 3) would be appropriate for permanent culverts, as suggested in paragraph 205 of the same document. In relation to 204 it needs to be clear and agreed the ownership and future responsibility to maintain and update for any new or updated culverts and bridges in the Boards Drainage District. These structures will not be taken on by the Board and it is our preference they are removed at the end of the construction period unless the ownership and future responsibility is confirmed. - In relation to 205 invert levels and culvert sizes within the Boards Drainage District will need to be agreed and consented by the Board.	cables. Examples of bank stabilisation could include for example gabion baskets or geotextile, these examples were discussed with Mr. Symons but it was agreed could not be developed further prior to the detailed design stage. Following further discussion on the approach it was agreed the OCoCP (Revision 4) [document reference 8.9], section 6.3.2.6 and the Appendix 5-2 Obstacle Crossing Register (Revision 4) [document reference: 7.5.5.2] would be updated at Deadline 4 to commit to a trenchless crossing methodology for crossings Wx-007 (Dunnington Sewer), Wx-028 (Arnold and Riston Drain) and Wx-039 (Turf Gutter and Eske River Side Drain). In addition, Wx-008, an unnamed drain will also be added as this would be crossed at the same time as WX-007, using a trenchless technique. The Applicants also discussed with Mr. Symons that although a commitment to a trenchless technique would be made at these locations, if the Contractor was able to propose a suitable method for an open cut crossing this could still be discussed and potentially agreed with the BNHIDB at the detailed design stage. For those 11 ordinary water courses which are located in the BNHIDB District but are not named, the Applicants agreed with Mr Symons the flexibility for an open cut method could be retained in the Appendix 5-2 Obstacle Crossing Register (Revision 4) [document reference 7.5.5.2]. This was on the basis some of these ordinary watercourses may be shallow ditches which it may be more appropriate to undertake an open cut method. For those crossings the Contractor will undertake a full risk assessment of the crossing and develop a method statement based on the ground conditions, reinstatement options and the time of year. An open cut method will not be proposed if it is not considered suitable, at the detailed design stage. The Applicants also confirmed with Mr. Symons that they would be responsible for the reinstatement of the bank should it require further work following the construction phase, should it be related to the Projects. Any future repair work during the operational phase would need to be agreed with both the relevant drainage authority and the Offshore Transmission Operator. However principally the Applicants confirmed that any open cut method would need to be suitably engineered with a bank stabilisation technique that could retain the bank for the operational period. On this basis it may be that if these requirements were particularly onerous this option would not be beneficial and a trenchless crossing would be selected, this is why

I.D.	Question	Beverley & North Holderness Internal Drainage Board Response	Applicants' Response
			the Applicants are seeking to maintain optionality at the detailed design stage. The Applicants agreed with Mr. Symons it is their intention to act reasonably in the agreement of crossing method statements and RWE would be managing their Contractors responsibly. However, should any party have a dispute this would be covered by Schedule 15, Part 4 (paragraph 12) of the protective provisions for the Drainage Authority in the Draft DCO (Revision 7) [document reference 3.1] which state that 'Any dispute arising between the undertaker and the drainage authority under this Part of this Schedule, if the parties agree, is to be determined by arbitration under article 47 (arbitration), but otherwise is to be determined by the Secretary of State for Energy Security and Net Zero on a reference to them by the undertaker or the drainage authority, after notice in writing by one to the other'. The arbitration rules are set out in Schedule 16 of the Draft DCO (Revision 7) [document reference 3.1]. As stated in Table 20-3 of Chapter 20 Flood Risk and Hydrology (Revision 2) [REP1-014] the Onshore Export Cables will be set below the channel bed at a depth dependent on local geology and geomorphological risks. This would avoid exposure during periods of higher energy flow when the bed could be mobilised. This depth takes into consideration anticipated climate-change related changes in fluvial flows and erosion that will occur over time. The Applicants note the BNHIDB's request that the cables are laid a minimum of 2m below bed level. Although this depth would be appropriate for a trenchless crossing technique, this may not be practicable for an open cut method, a suitable depth below bed level based on the local ground conditions would be considered by the Contractor, at the detailed design stage and included in the Crossing Method Statement to be agreed with the BNHIDB, prior to construction. Following further discussion with Mr. Symons on this point at a meeting on the 8th April it was agreed that a minimum depth of 1.5m would be acceptable to the BNHIDB, depend on the detailed design of the crossing, to be agreed via the crossing method statement. A shallower depth would only be agreed if the Applicants could provide evidence this would not have any impact on the flow of any ordinary water course or future maintenance by the landowner or IDB. This minimum depth commitment has been added to section 6.3.2.6 (Watercourse Crossings – Main Rivers and Ordinary Watercourses) of OCoCP (Revision 4) [document reference 8.9], at Deadline 4. In relation to comments on paragraph 202 of the OCoCP (Revision 3) [REP1-025], concerning culvert use and reduced

I.D.	Question	Beverley & North Holderness Internal Drainage Board Response	Applicants' Response
			channel capacity. Temporary structures will be adequately sized to avoid impounding flows (including allowing for increased winter flows as a result of climate change) and the invert set below bed level to allow bedload transport. Loss of channel capacity is not therefore expected. As stated in Schedule 15, Part 4 (For the protection of the drainage authorities) of the Draft DCO (Revision 7) [document reference 3.1], (c), the '<i>the erection of a culvert in an ordinary watercourse</i>' falls under the definition of 'specified works' which must be agreed with the relevant drainage authority, prior to construction. Mr. Symons agreed at the meeting on the 8th April, designs would be agreed at the detail design stage based on feedback and best practice from similar schemes located within the district. In relation to comments on paragraph 206, of the OCoCP (Revision 3) [REP1-025] concerning temporary dams, this states that: '<i>The Onshore Export Cables will be set below the channel bed at a depth dependent on local geology and geomorphological risks. This would avoid exposure during periods of higher energy flow when the bed could be mobilised. This depth takes into consideration anticipated climate-change related changes in fluvial flows and erosion that will occur over time</i>'. Should an open cut method be proposed for a crossing, the use of temporary dams and over pumping requirements would be included in the crossing method statement to be agreed with the BNHIDB or, relevant drainage authority prior to construction. Para 206 states: '<i>Flumes or pumps would be adequately sized to ensure that flows downstream are maintained whilst minimising upstream impoundment</i>'. The Applicants acknowledge that a detailed crossing methodology is not yet available and will be agreed with the BNHIDB, prior to construction when the Contractor has been appointed. This would include an agreement on the depth of the cable below bed level. In relation to paragraph 204 of the OCoCP (Revision 3) [REP1-025] which states: '<i>There are also three locations along the temporary construction accesses where the Projects may be utilising existing bridge / culvert structures for temporary cable corridor access, see crossings Wx-046, Wx-047 and Wx-048 in the Appendix 5-2 Obstacle Crossing Register (Revision 2) [APP-074]. The option for construction of an adjacent temporary culvert or bridge has been allowed for at these locations within the space retained within the Order Limits. However, if the existing crossings can be upgraded to a suitable standard, the new crossings could remain as permanent features.</i>'

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			Following further discussion on this point with Mr. Symons on the 8th April, concerning any long term maintenance of permanent crossing structures by the BNHIDB. It has been agreed that existing crossings will only be used if they are already of a suitable standard for construction vehicle movements. Rather than permanently upgrading them, a temporary crossing will be constructed adjacent to the existing one, if required. This has already been allowed for at these locations within the space retained within the Order Limits. Any temporary structure would be removed following construction. As stated in Schedule 15, Part 4 (For the protection of the drainage authorities) of the Draft DCO (Revision 7) [document reference 3.1], 2(c), the '<i>the erection of a culvert in an ordinary watercourse</i>' falls under the definition of '<i>specified works</i>' which must be agreed with the relevant drainage authority, prior to construction.] The OCoCP (Revision 4) [document reference: 8.9] has been updated to clarify this at Deadline 4. In relation to paragraph 205 of the OCoCP (Revision 3) [REP1-025] concerning invert levels and culvert sizes within the Boards Drainage District that will need to be agreed and consented by the Board. As stated above the erection of a culvert in an ordinary watercourse' falls under the definition of '<i>specified works</i>' which must be agreed with the relevant drainage authority, prior to construction, as detailed in the protective provisions in Schedule 15, Part 4 (For the protection of the drainage authorities) of the Draft DCO (Revision 7) [document reference 3.1].
REP3-062: HF	Outline Drainage Strategy (Revision 3) February 2025	It being noted the onshore converter station is not located in the Board's district. The details of the outline drainage strategy for the work within the Boards Drainage District is very limited and appears to require future agreement of the Board. The Board would, however, like to be clear that we generally only apply our greenfield run-off rate of 1.4 litres per second per hectare (unless there is an existing positive connection already). We will, on this occasion, apply a minimum discharge rate of 1 litres per second.	The Applicants discussed the discharge rates with Mr. Symons and agreed that run off rates in the BNHIDB District, along the Onshore Export Cable route would be agreed at the detailed design stage as part of the detailed drainage strategy, based on the Outline Drainage Strategy (Revision 3) [REP2-033] and the Surface Water Management Plan, which will be developed by the Contractor as part of the OCoCP (Revision 4) [document reference 8.9]. Detail has been added to section 6.3.2.4 (Surface Water Management Plan) of the OCoCP (Revision 4) [document reference 8.9], at Deadline 4, to confirm the run off rate would be limited to the greenfield run off rate of 1.4 l/s/ha with a minimum discharge rate of 1l/s. It should be noted, the minimum of 1 l/s is considered by the BNHIDB as discharge below this rate are not considered to be practical discharge rates that can be controlled without risk of

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			blockage / failure which would have potential to cause flood events. . The Applicants have also discussed this point further with the BNHIDB and they have confirmed that <i>'The standard greenfield run off rate the IDB applies is 1.4 litres per second per hectare. We have suggested 1 litres per second as a minimum rate because although it may be above our standard greenfield run off rate, we believe it is a fair compromise between the potential for flood risk downstream and the risk of blockages around the flow control device. This is something we apply regularly to other schemes and planning applications in general'</i>. They also clarified this was most recently applied to the Yorkshire GREEN Overhead Line Project which fell within the district of our Ainsty (2008) Internal Drainage Board - but as a Consortium of Drainage Boards, they apply the same rules.
REP3-062: HF.1.15	HF.1.15 oCoCP Accommodating drainage features constructed within the order limits associated with the export cable corridor Are you satisfied that ground and surface water treatment and attenuation features could be constructed within the export cable corridor, assuming a worse case that the proposed haul road would be 100% impermeable?	The Board believes this is the developer's responsibility to establish.	Noted.

2.2 DBA Projco, DBB Projco and DBC Projco

Table 2-2 The Applicants' Comments on DBA Projco, DBB Projco and DBC Projco's Responses to ExQ1 [REP3-063]

I.D.	Question	The Projcos Response	Applicants' Response
REP3-063: IOU.1.2	NPS EN-3 ES Chapter 16 [REP1-011] refers to effects from interactions with other offshore wind farms, including the crossing of the export cables for the Hornsea Project Four OWF. Which paragraph(s) of NPS EN-3 or the EIA Regulations do you consider relevant to the assessment of this matter?	Whilst this question is directed at the Applicant, the Projcos reiterate their position that Chapter 16 should assess wake loss (as it had purported to at PEIR and submission stage and as the Applicant had committed to in consultation responses).	The Applicants have made their position on this clear in response to IOU 1.2 in The Applicants' Responses to ExQ1 [REP3-027]. Whilst the Applicants consider that wake effects is a not a matter that should be dealt with in the planning system, the Applicants will provide a response to the questions raised by the Examining Authority at Issue Specific Hearing 3 (ISH3) in respect of the Applicants' withdrawn wake assessment at Deadline 4. This will be done on a "without prejudice" basis. The Applicants' proposed submission will refer to the results of the withdrawn wake assessment and respond to ExA's questions taking into account the commercially confidential nature of the assessment. The Applicants note that the Projcos will be submitting their own wake assessment at Deadline 4. Notwithstanding the Applicants' position that wake effects should sit outside the planning regime, the Applicants' view is that Dogger Bank Projcos are better able to provide an accurate assessment of potential wake effects on their wind farms in some respects and the Applicants reserve the right for their technical experts to comment on any submissions made.
REP3-063: IOU.1.4	EIA Regulations EIA Regulation 14(3)(a) states that an ES must, '<i>where a scoping opinion has been adopted, be based on the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion)</i>'. The ExA has heard the views of all parties in relation to your removal of wake loss effects from the originally submitted ES and notes your view that wake loss does not represent a material consideration in the assessment of the application [REP2-058]. Given that the relevant scoping opinion [APP-232] explicitly states that, '<i>turbine spacing and potential wake-wake interactions</i>' should be considered in the ES, can you demonstrate how the ES currently complies with the EIA Regulations, given that it now makes no reference to wake loss and does not provide any explanation as to why this is the case.	The Projcos have set their position out on this in their submissions to date, including the Deadline 2 Submission.	Noted.
REP3-063: IOU.1.5	NPS EN-3 wake loss You state [REP2-058] that the '<i>the only fair and objective reading</i>' of NPS EN-3 paragraph 2.8.44 '<i>is that existing offshore wind farm projects were not regarded as 'other offshore infrastructure' given the separation of 'other offshore infrastructure' in section 8 of the</i>	The Projcos' position is that Para 2.8.44 of EN-3 does apply to offshore wind infrastructure. It would be necessary to read words in to the policy to give effect to the Applicant's interpretation, and there is simply no basis for this. The list of infrastructure provided in the policy is not exhaustive but is illustrative. The Projcos note that this was specifically considered by the Examining Authority in the Report to the Secretary of	The Applicants have made their position on this clear in prior submissions and are not proposing to repeat it. See the Applicants' response to IOU 1.5 in The Applicants' Responses to ExQ1 [REP3-027].

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	NPS. Could an alternative interpretation of this be that 'other offshore infrastructure' was separated to identify and assess effects from interactions with other existing offshore infrastructure (rather than providing direction for assessing site selection for a proposed offshore wind farm as contained within the previous paragraphs), which could therefore include other offshore wind farms? If not, why not?	State in respect of the Awel y Mor Offshore Wind Farm Project dated 20 June 2023: " <i>The ExA is satisfied that had the content of NPS EN-3 specifically intended to exclude existing wind farm development from the application of NPS EN-3, then this would have been made explicitly clear</i> " (para. 5.14.78 at page 288) ¹ . The Applicant openly recognises one such constraint, which is The Crown Estate's buffer policy in respect of offshore wind.	
REP3-063: IOU.1.6	NPS EN-3 wake loss Do you consider that existing offshore windfarms are relevant to NPS EN-3 paragraph 2.8.345 as 'other offshore industries'? If not, why not? If so, has the site selection and site design of the Proposed Development been made with a view to avoiding or minimising disruption or economic loss? Are there any design solutions which could resolve concerns regarding wake loss? Explain your answers.	The Projcos' position is that Para 2.8.345 does apply to other offshore wind infrastructure. On the basis that this question is focussed on the approach to site selection, site design and design solutions (and the extent to which the Applicant has considered this with a view to avoiding or minimising disruption), and given the lack of information to date, we reserve our right to respond to any submissions made by the Applicant. This is also addressed below in the response to IOU.1.12.	See the Applicants' response to IOU 1.6 in The Applicants' Responses to ExQ1 [REP3-027].
REP3-063: IOU.1.7	NPS EN-3 wake loss In the context of NPS EN-3 paragraphs 2.8.200 and 2.8.344, can you demonstrate how you have worked with the operators of existing offshore wind farms that could have been affected by the Proposed Development during the pre-application and pre-examination stages to minimise negative impacts on annual energy yield from wake loss, given that concerns were first raised in the preapplication stage and were initially scoped into the ES.	The Projcos' position is that the Applicant did not adequately engage with the Projcos on this matter during the pre-application stage or the pre-examination stage, and the Applicant's stance which it adopted at ISH2 demonstrates that it is not engaging with the Projcos. The Projcos would prefer that this is dealt with outside of the DCO process and has sought to progress this.	See the Applicants' response to IOU 1.7 in The Applicants' Responses to ExQ1 [REP3-027].
REP3-063: IOU.1.8	Wake loss The Ørsted IPs [REP1-086] and Projco IPs [REP1-071] refer to the need to consider the overall net effects from wake loss on annual energy production in relation to climate change. The ExA notes your responses on this matter [REP2-058], but do you consider that wake loss could be of relevance to the EIA Regulations in terms of assessing the impact of a project on climate change (such as the contribution to the abatement of fossil fuel generation within the UK grid during the operational phase)? Explain your response. The ExA notes that net effects from wake loss do not appear to be considered in ES Chapter 30 [APP-222] or ES Chapter 30 [APP-224]. The ExA also notes that technical notes setting out the effects of wake loss on net greenhouse gas emissions have been submitted to other offshore wind farms examinations,	The Projcos' position is that this should be assessed. In order for this issue to be robustly assessed, this will necessitate a robust wake assessment. In the absence of any evidence from the Applicant, the only manner in which this will be capable of being addressed will be through consideration of the information to be provided by the Projcos at Deadline 4. The Applicant's submissions on the EIA process to date are contrary to its own position throughout the pre-examination stage and are based on unsupported statements that: "There is no legal right to 'clean' wind"; "Wake effects are not an 'environmental effect' pursuant to the EIA Regulations"; "wake loss is not interference in the sense intended"; and "This is the normal approach to offshore environmental statements". No evidence has been submitted to the examination to support or justify these statements, and the only justification is that the Applicant has	See the Applicants' response to IOU 1.8 in The Applicants' Responses to ExQ1 [REP3-027]. Further to this, the Applicants have submitted a greenhouse gas sensitivity analysis in the Greenhouse Gas Sensitivity Analysis of Wake Effects [document reference: 14.10] submitted at Deadline 4. In response to a request from the Examining Authority (ExA), the Applicants have also provided a response to the questions raised by the Examining Authority at Issue Specific Hearing 3 (ISH3) in respect of the Applicants' withdrawn wake assessment at Deadline 4. This has been done on a "without prejudice" basis. The Applicants' proposed submission will refer to the results of the withdrawn wake assessment and respond to ExA's questions taking into account the commercially confidential nature of the assessment. The Applicants note that the Projcos will be submitting their own wake assessment at Deadline 4. Notwithstanding the Applicants' position that

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010112/EN010112-001813-AYMO%20-%20Combined%20Recommendation%20Report%20with%20Errata%20sheet%20-%20English.pdf>

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	including Mona Offshore Wind Farm, and therefore requests that one is submitted for the Proposed Development.	"revised its position". Prior to ISH2, the Applicant's position was that wake loss was assessed in the EIA.	wake effects should sit outside the planning regime, the Applicants' view is that Dogger Bank Projcos are better able to provide an accurate assessment of potential wake effects on their wind farms in some respects and the Applicants reserve the right for their technical experts to comment on any submissions made.
REP3-063: IOU.1.10	Wake loss The ExA understands that you intend to provide an assessment of the effects from wake loss from the Proposed Development on annual energy production for Dogger Bank A, Dogger Bank B and Dogger Bank C OWFs at Deadline 4 [REP1-071]. Can you provide this information in kWh and as a percentage of annual energy production? With that submission, can you set out whether you consider any potential effects from wake loss would be significant in EIA terms and how you have derived this conclusion? Can you provide the installed capacity and the generating capacity of each OWF, and confirm what load factor you use to calculate the generating capacity? What is the operational lifespan of each OWF and how long would wake loss likely be a concern? Are you able to provide evidence to demonstrate your stance [REP2-071] that the Proposed Development would have an effect on the operational viability of Dogger Bank A, Dogger Bank B or Dogger Bank C OWFs and to what extent this would be?	The Projcos note the Examining Authority's requests for the information to be included in the Deadline 4 submission and these are clear. In advance of the submission at Deadline 4, we can confirm the following: 1. Installed capacity: 3.6GW in total, with each DBA, DBB and DBC being c. 1.2GW 2. Generating capacity: Based on a capacity factor of 55%, this is estimated to be 5,786 GWh per project per annum 3. Operational lifespan: 35 years for each of DBA, DBB and DBC 4. How long would wake loss likely be a concern: For the duration of the operational lifetimes of DBA, DBB and DBC, provided that DBS was also in operation.	1. The Applicants have used the installed capacities provided by the Projcos in the Greenhouse Gas Sensitivity Analysis of Wake Effects [document reference: 14.10] submitted at Deadline 4. The assumed capacity of DBA and DBB in Wake Effects – Response to ISH3 Action Points [document reference: 14.4] is 1,235MW, and 1218MW for DBC which are the values publicly available at 4C Offshore. 2. The Applicants have used a generating capacity per project per annum of 58.40% in the Greenhouse Gas Sensitivity Analysis of Wake Effects [document reference: 14.10]. Capacity factors were obtained for each of the wind farms not currently operational from similar sources, i.e. the Standard Terms in each of the CfD rounds and is consistent with the approach used to derive the capacity factor for the Projects, noting that the capacity factor used is higher (and therefore worst case) than the value provided by the Projcos. The Applicants have used the generating capacity factor of 55% for DBA in Wake Effects – Response to ISH3 Action Points [document reference: 14.4] submitted at Deadline 4. 3. The Applicants confirm that an operational lifespan of 35 years for DBA, DBB, and DBC has been assumed in the Greenhouse Gas Sensitivity Analysis of Wake Effects [document reference: 14.10] submitted at Deadline 4. 4. No response is required.
REP3-063: IOU.1.11	Wake loss Notwithstanding your position that wake loss effects do not form a material consideration in the assessment of this application, what percentage and kWh of annual energy production loss did your assessment of the effects from wake loss on Dogger Bank A offshore wind farm show? How did you determine that this would have a negligible effect? How would these effects compare with the likely effects on Rhyl Flats as a result of Awel y Môr Offshore Wind Farm?	The Projcos reserve the right to respond to any information submitted by the Applicant. However, it is important to draw five distinctions between the issue in respect of DBA, DBB and DBC and the issue in respect of the Rhyl Flats Offshore Wind Farm (Rhyl Flats) which was the subject matter of dispute in the Awel y Mor decision. These are: 1. Rhyl Flats is a 25 turbine 90MW wind farm and so is at a different, and much smaller, scale to each of the DBA, DBB and DBC offshore wind farms which are far bigger and make a far greater contribution to clean energy in Great Britain;	The Applicants are not proposing to comment on these points. There will be a range of factual situations in front of the Secretary of State on other Examinations, in addition to DBS and Awel y Mor. It is apparent that the Awel y Mor case has triggered an intense focus on wake effects in the context of DCO decision making. This has been reflected in the consultation by the Department for Energy Security and Net Zero (launched on 24 April 2025) on new policy wording for EN-3 relating expressly to wake effects. The Applicants are considering the consultation and not making a substantive comment at this stage, given the shortage of time between the launch of the consultation and Deadline 4.

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		2. Rhyl Flats was commissioned in 2009 and so its operational lifetime is materially different to each of the DBA, DBB and DBC offshore wind farms. Rhyl Flats will likely have a limited operational lifetime and the impacts of the Awel y Mor offshore wind farm on Rhyl Flats were only expected to occur over a five year period as a consequence, whereas DBA, DBB and DBC are each expected to be operational for 35 years and the impact of the DBS Projects on DBA, DBB and DBC will take effect throughout the majority of that operational lifetime; 3. Rhyl Flats will likely be subject to very different financial considerations to DBA, DBB and DBC as it was subject to previous financing mechanisms which preceded the current contract for difference regime; 4. In the Awel y Mor example the Awel y Mor wind farm had the potential to produce a significantly greater amount of energy than Rhyl Flats (the relevant generation capacities are understood to be circa 1.1GW for Awel y Mor versus circa 90MW for Rhyl Flats), which is relevant to the weighting of benefits and harms. In this case, DBA, DBB and DBC have far greater generation capacities than Rhyl Flats did in the Awel y Mor case; and 5. The wind speeds in the Dogger Bank Zone are greater than those in the area of Rhyl Flats and so the wind speeds allow for a more efficient wind farm (i.e. an enhanced generating capacity). In the Awel y Mor decision, the wake loss impacts on Rhyl Flats equated to a potential loss of up to 26,000 megawatt hours (MWh) as result of the Awel y Mor offshore wind farm (a circa 2% wake loss) for the remaining lifetime of Rhyl Flats. This led to moderate weight against the grant of development consent, and at that level of impact the Secretary of State was satisfied by the need to impose a requirement to further mitigate those impacts. By way of a comparison, a 2% impact on DBA alone would give rise to a potential loss of 116 GWh (116,000 MWh) per annum, or 4,050 GWh for the lifetime of DBA (using a capacity factor of 55%). This means that care must be drawn in undertaking a pure percentage based analysis in assessing significance and prescribing weight to harm caused, and that an understanding of the actual impacts must be presented.	
REP3-063: IOU.1.12	Wake loss What resolution do you seek regarding wake loss and if appropriate, how would you wish to see this captured in the draft DCO or any supporting documents? If the ExA and SoS were to determine that wake loss was a relevant consideration under NPS EN-3, can you comment on whether a requirement along the same lines as Requirement 25 of The Awel y Môr Offshore Wind Farm Order 2023 (requiring a wake loss assessment post-consent)	The purpose of the requirement in the Awel y Mor decision was to mitigate adverse impacts on Rhyl Flats which were understood in the decision-making process. The current challenge in imposing a requirement is that there is no evidence in front of the examination to understand the impacts, and consequently no evidence to demonstrate that the impacts are capable of being mitigated. The Applicant's reasons for resisting a requirement are set out in REP2-058 and are as follows:	The Applicants are not proposing to repeat their submissions on these points, including in relation to whether a requirement could meet the relevant policy tests in EN-1. The Applicants have submitted wake effect modelling results on a without prejudice basis in their response to AP22 from ISH3 in Wake Effects – Response to ISH3 Action Points [document reference: 14.14]. The Applicants will consider the wake assessment which the Projcos submit at Deadline 4.

I.D.	Question	The Projcos Response	Applicants' Response
	would be justified and would meet the relevant legal and policy tests?	<i>"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, <u>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</u>"</i> Taking the first of these reasons and the potential dispute regarding modelling of wake effects, the Projcos will be submitting an assessment at Deadline 4 and so there will be a model before the examination. The Applicant has purported to undertake an assessment, and agreement could be reached during the examination. Of course, part of the purpose of the DCO regime (as emphasised by recent reform) is to agree methodologies pre-examination and that is what the Projcos have sought to do through their engagement with the Applicant. Therefore, this is not a valid reason for resisting a requirement and certainly not where the justification provided is a direct consequence of the Applicant's failure to engage with the issue. Taking the second of these reasons, there is no evidence before this examination on the availability or efficacy of mitigation measures, and the Projcos await the Applicant's response to ExQ1 IOU.1.6 on design and mitigation solutions that might be available or appropriate. If there were such measures that would reduce wake losses, these would be preferable (even if they could lead to a potential reduction in the annual energy production of the DBS Projects) given that DBA, DBB and DBC have been or are in the process of being constructed, have been subject to billions of pounds of financial investment and have been awarded contracts for difference. Put simply, there is certainty that DBA, DBB and DBC will deliver the benefits that they claim for Great Britain. Therefore, applying a balancing exercise as to whether to support annual energy production from built projects versus un-built projects, the balance must fall with the built projects. A requirement could secure this. Taking the third reason, this is a natural extension of the point above. There is clearly a policy driver for protecting the delivery of existing and built clean energy given all of the policy drivers and so this is clearly a matter that can be dealt with through a requirement. The Applicant should not be able to avoid mitigation on the basis that it has not considered or assessed a relevant factor. Alternative ways in which this could be addressed would include: • a requirement that no offshore wind turbine is constructed until such time as an agreement is in place between the Applicant and each of the Projcos to regulate the impacts of wake loss; or	The Applicants' position regarding mitigation is included in Wake Effects – Response to ISH3 Action Points [document reference: 14.14] in response to AP19 from ISH3. The headline conclusion is that there are no reasonable mitigation options available. The proposed requirements are manifestly unreasonable and fail to meet the policy tests - to delay the Projects pending agreement with the Projcos or the payment of financial compensation (which was rejected in the Awel y Mor case).

I.D.	Question	The Projcos Response	Applicants' Response
		a requirement that no offshore wind turbine is constructed until such time as the Applicant has compensated the Projcos for losses caused as a consequence of the wake loss. Given the Applicant's approach to this issue, a requirement to mitigate wake losses is the minimum that is required to address this issue. The Applicant also appears to query more generally whether policy tests of certainty, enforceability and overall reasonableness could be met. A requirement would be certain, enforceable and (in light of the explanation above regarding guaranteeing the generation of clean energy from existing sources) reasonable. A requirement which required compensation or mitigation to be imposed at a later stage would also meet those tests, provided that it was framed in a manner so that the outcome (the protection of generation of clean energy from existing source) was clear. Therefore, a requirement of some form would be appropriate, and the Projcos' position is that this would meet the necessary tests. In the Projcos' Deadline 2 Submission, we identified that in spite of the Applicant's position on the Awel y Mor decision no legal challenge was issued to the imposition of the requirement on the Awel y Mor DCO and no application to change the Awel y Mor DCO has been made. Therefore, there is also legislative precedent (recognised as such by the Secretary of State in the Clean Power 2030 Action Plan) for such a requirement. We do have concerns over the form of the requirement that was included in The Awel y Môr Offshore Wind Farm Order 2023, on the basis that this would not involve consultation with the Projcos and it does not make clear that the purpose of the requirement is to protect existing clean energy sources. We will consider wording which could address these concerns. We reserve our right to respond further on this matter when further information is provided by the Applicant in respect of the approach to design and mitigation pursuant to the Examining Authority's question IOU.1.6, as this will be relevant to the extent of any such requirement.	

2.3 East Riding of Yorkshire Council (ERYC)

Table 2-3 The Applicants' Comments on ERYC's Responses to ExQ1 [REP3-037]

I.D.	Question	ERYC Response	Applicants' Response
Broad, general and cross-topic questions			
REP3-037: BGC.1.1	Neighbourhood Plans Can you confirm whether there are any relevant made or emerging neighbourhood plans that the Examining Authority (ExA) should be aware of? If there are can you: 1. Provide details, confirm their status and, if they are emerging, the expected timescales for their completion? 2. Provide a copy of the made plan or a copy of the latest draft? 3. Indicate what weight you consider the ExA should give these documents?	Cottingham Neighbourhood Plan is made plan in the vicinity of the proposed converter stations. ERYC does not consider weight needs to be given to this plan. A link is attached here https://www.eastriding.gov.uk/planning-permission-and-building-control/planning-policy-and-the-local-plan/neighbourhood-planning/cottingham-neighbourhood-plan/	The Applicants acknowledge this comment.
REP3-037: BGC.1.2	Central Government policy and guidance In addition to the Written Ministerial Statement (WMS) on the Marine Environment (January 2025) are you aware of any updates or changes to Government policy or guidance relevant to the determination of this application that has occurred since it was submitted? If yes, what are these changes and what are the implications, if any, for the application? For example, please provide a table setting out any changes to the updated National Planning Policy Framework (NPPF) published in December 2024 that have implications for the Proposed Development and if the Proposed Development would comply with the updated NPPF.	No additional responses.	The Applicants acknowledge this comment.
REP3-037: BGC.1.6	Updates on development Can you provide an update on any planning applications that have been submitted, or consents that have been granted, since the application was submitted that could either affect the Proposed Development or be affected by the Proposed Development and whether these could affect the conclusions reached in the ES?	Planning application reference 24/03819/STPLF received for a 400kv substation adjoining Creyke Beck sub-station. This should be considered in cumulative impact terms.	As detailed in Appendix 6-1 Onshore Cumulative Effects Assessment Methodology (Revision 2) [REP3-009] the Applicants have included this scheme in the Cumulative Effects Assessment carried out for the Projects, under the scheme name 'Creyke Beck Substation Extension'. The Applicants note that this application has now been submitted to ERYC.
Air quality and health			

I.D.	Question	ERYC Response	Applicants' Response
REP3-037: AQ.1.1	Air quality assessment baseline ES Chapter 26 [APP-208, table 26-9] confirms that baseline data from the Councils are from 2018 to 2022. Is this information representative of the current air quality baseline, given it was predominantly gathered during the COVID19 pandemic when air quality data could have been disproportionately affected? Is there newer air quality information available that should be utilised for air quality modelling?	The Council's 2024 Annual Status Report of Air Quality is available on the council's website at https://www.eastriding.gov.uk/environment/pollution/air-pollution/air-quality-monitoring/ and includes data from the 2023 monitoring year. Data from the council's network of Zephyr units is also available to access via the web portal at: https://portal.earthsense.co.uk/EastRidingPublic/ These data sources can be used to assist in the validation of modelling undertaken by the applicant.	In The Applicants' Responses to ExQ1 [REP3-027], the Applicants have acknowledged that more recent air quality data has been published since the assessments in Chapter 26 Air Quality [APP-208] were undertaken. Chapter 26 Air Quality [APP-208] used the most up-to-date air quality data available at the time of completing the assessments. The Council's 2024 Annual Status report, which contains data from the 2023 monitoring year, was published in September 2024, after the Projects' Environmental Statement (ES) was submitted in July 2024. Consequently, the data in this report could not be considered in Chapter 26 Air Quality [APP-208]. Additionally, the air quality modelling methodology was agreed with East Riding of Yorkshire Council (ERYC) and Hull City Council (HCC). This included the use of 2022 monitoring data for the purpose of model verification as described on page 20 of Appendix 26-1 Air Quality Consultation Responses [APP-210].
REP3-037: AQ.1.3	Air quality assessment methodology The Applicants: ES Chapter 24 [APP-195] confirms that traffic modelling of junctions 1 to 13 within Hull would be carried out post-determination of the application to allow for baseline conditions to be consolidated following major highway improvements to the A63 Castle Street. Can you clarify the following: 1. How has this been accounted for in the air quality assessment? 2. If further modelling of junctions 1 to 13 was carried out as proposed post-determination, would further air quality modelling also be undertaken? If not, why not? If so, how would this be secured? 3. How would mitigation be captured if required? ES Chapter 26 [APP-208] confirms that the A63 Castle Street improvements in Hull and the A164 and Jocks Lodge Improvement Scheme were considered as part of the cumulative air quality effects assessment. Therefore, can the cumulative assessment be considered reliable if more traffic (and potentially air quality) modelling would be required post-determination? The Councils: Can you provide a view on the above matters?	This is considered to be a matter for Hull CC as they have an air quality management area within the city whereas no such AQMA exists in ERYC's area.	The Applicants acknowledge this comment.
REP3-037: AQ.1.8	Air quality effects during construction The Applicants: NPS EN-1 paragraph 5.7.9 states that construction should be undertaken in a way that reduces emissions, such as the use of low emission mobile plant during construction as appropriate, and	This should be a mandatory requirement and would expect to see details within the oCoCP.	As discussed in The Applicants' Response to ExQ1 [REP3-027] in AQ1.8, it is not possible to commit to low emission mobile plant being mandatory at this stage without robust supply chain analysis on the associated programme impacts.

I.D.	Question	ERYC Response	Applicants' Response
	that consideration should be given to making this mandatory in DCO requirements. Can you signpost where in the outline Code of Construction Practice (oCoCP) [REP1-025] there is a commitment to the use of low emission vehicles or plant? The Applicants and ERYC: Should this be a mandatory requirement, and if not, why not?		
REP3-037: AQ.1.11	Air quality effects during construction The oCoCP [REP1-025] states that bonfires and burning of waste materials would be avoided – should the oCoCP include a stipulation for no bonfires and burning of waste materials to avoid nuisance and adverse effects on air quality?	We believe this should be a mandatory requirement and would expect to see details within the oCoCP	The wording of the Institute of Air Quality Management guidance used to derive mitigation measures is to "Avoid bonfires and burning of waste materials.". This wording has been incorporated into the Outline Code of Construction Practice (OCoCP) (Revision 4) [document reference 8.9] under section 6.8.2. Section 5.5 of the OCoCP (Revision 4) [document reference 8.9] states that "<i>Open fires and the burning of rubbish will be prohibited at all times</i>". Furthermore, Appendix E section 4.2.2 of the OCoCP (Revision 4) [document reference 8.9] states that "<i>Burning of surplus material or material arising from the construction of the Projects will not be permitted.</i>" Therefore, the OCoCP has already made the prohibition of the burning of waste materials a mandatory requirement. The Applicants have updated the wording of section 6.8.2 to say, "<i>Prohibit bonfires and the burning of waste materials</i>", in the OCoCP (Revision 4) [document reference 8.9] submitted at Deadline 4.
Compulsory Acquisition and Temporary Possession of land and rights			
REP3-037: CA.1.10	Reasonable alternatives/ necessity In your roles as the local planning authority and the highway authority are you aware of: - Any reasonable alternatives to Compulsory Acquisition (CA) or Temporary Possession (TP) for land sought by the Applicant? - Any areas of land or rights that the Applicant is seeking the powers to acquire that you consider would not be needed? Please identify which plots these are and explain why you consider they would not need to be acquired.	Comments awaited and will forward.	The Applicants acknowledge this comment.
REP3-037: CA.1.19	Plot 18-006 Can you provide further detail as to what is happening with plot 18-006? Is it Crown Land or has it been de-trunked?	This refers to A1079 which has been de-trunked	The Applicants acknowledge this comment.
Draft Development Consent Order			

I.D.	Question	ERYC Response	Applicants' Response
REP3-037: DCO.1.3	28 days deemed consent A number of the Articles which require the submission of an application for consent or approval include drafting (eg Article 10(5), Article 13(2), Article 16 (9), Article 18(1) etc) that would mean that if the discharging authority or organisation fails to notify the undertaker of a decision then the details submitted within 28 days would have deemed consent. Applicants: Why have you used 28 rather than the usual 56 days? All other parties: Is 28 days a reasonable amount of time to enable you to discharge an application? If not, why not, and what would be an appropriate time period?	ERYC remain of the view that 28 days is insufficient time to determine these requirements. ERYC will need to consult both internal and external consultees and be led by their advice/recommendations. 28 days is not sufficient time to carry out those consultations and seek clarifications or amendments if needed. It is expected in those cases it would lead to applications being refused to avoid deemed consent	The Applicants reiterate the response that was given to this question in The Applicants' Responses to ExQ1 [REP3-027] which stated: <i>"The 28 day time limit is considered necessary to remove the possibility for delay and provide certainty that the Projects can be delivered by the undertakers in a timely fashion. As Nationally Significant Infrastructure Project (NSIP)s, the Projects should not be at risk of being held up due to a failure to respond to an application for consent by the discharging authority. 28 days is thought to be a reasonable time period to allow a decision to be reached on the submitted applications for consent. In addition, the Secretary of State has accepted that 28 days is sufficient on other comparable recent DCOs, including Sheringham Shoal and Dudgeon Extensions, Awel y Mor, East Anglia One North and East Anglia Two."</i> The Applicants would also note that 28 days deemed consent has been included in the Rampion 2 DCO.
REP3-037: DCO.1.6	Article 7(2) Is this drafting necessary? If it is necessary. given that Requirement 19 would require the submission and approval of a code of construction practice that must accord with the oCoCP, is the current drafting, which refers to both the oCoCP and the requirements in Schedule 2, necessary?	Comments awaited and will forward.	The Applicants await further comments from ERYC.
REP3-037: DCO.1.7	Article 9 (4) Article 9 (4) seeks to disapply a number of the provisions of the 1991 Act including: (a) Section 56 (power to give directions as to timing of works); (b) Section 56A (power to give directions as to the placing of apparatus); (c) Section 58 (restriction of works following substantial road works); (d) Section 58A (restriction of works following substantial street works); (e) Section 61 (protected streets); and (f) Schedule 3A (restriction on works following substantial street works). Are you satisfied with the disapplication of these provisions and if not, why not and which sections?	(a) The LHA cannot agree to disapply this because it could cause serious highway safety concerns regarding any works within the highway and the timings may be crucial to other planned works or other local events (b) - LHA cannot agree with disapplying this due to any apparatus on the highway should have written consent (c) LHA no objections (d) LHA no objections (e) LHA no objections as we only have very limited protections (f) LHA have no objections	The Applicants note the comments from ERYC and their submission that sections 56 and 56A should not be disapplied by the Draft DCO (Revision 7) [document reference 3.1]. The Applicants' response to ERYC's comments is set out below. Article 9(4) (a) Section 56 (power to give directions as to timing of works) Section 56 of the New Roads and Street Works Act 1991 ("NRSWA") enables the local highway authority (as "street authority") to direct that works may only be carried out at certain times, on certain days or at certain times on certain days, where those works are likely to cause a serious disruption to traffic. Whilst it is the Applicants' position that the measures set out in the [OCoCP (Revision 4)] [document reference 8.9] and the Outline Construction Traffic Management Plan (OCTMP) (Revision 3) [document ref 8.13] will ensure that the proposed works will not cause a serious disruption to traffic, the Applicants are willing to remove the disapplication of Section 56 from Article 9(4) of the Draft DCO (Revision 7) [document reference 3.1]. This update will be included in the Draft DCO (Revision 7) [document reference 3.1] to be submitted at Deadline 4.

I.D.	Question	ERYC Response	Applicants' Response
			Article 9(4) (b) Section 56A (power to give direction as to the placing of apparatus) Section 56A deals with the situation where an undertaker is seeking to place apparatus in a street and the placing of that apparatus is likely to cause disruption to traffic. In that situation, under section 56A, the street authority is able to direct the undertaker to place the apparatus in another street if that would avoid or reduce the traffic disruption and it would be reasonable to do so. The Applicants maintain that disapplication of this section is fully justified and necessary. The Applicants' Draft DCO (Revision 7) [document reference 3.1] would not authorise the placing of apparatus in another street in these circumstances as the list of streets subject to Article 8 street works is limited to those specified in Schedule 3 of the Draft DCO (Revision 7) [document reference 3.1]. The Applicants are not aware that the Local Highway Authority (LHA) has objected to the use of any of the streets specified in Schedule 3 for this purpose, nor has it objected to the siting and routing of the Projects with regards to any interactions with public highway. Therefore, the Applicants maintain that the disapplication of section 56A is necessary in order to be able to deliver the Projects within the limits set out in the Draft DCO (Revision 7) [document reference 3.1].
REP3-037: DCO.1.8	Article 11 As currently drafted, there is nothing in the Article that would require any land that is used for a temporary public right of way to be reinstated once it is no longer required. Should there be and if not, why not?	Reinstatement of the Public Rights of Way surface and width should be to at least the standard that was there prior to commencement or any changes to the surface agreed between the applicant, the highway authority (ERYC Countryside Access Team) and the owner/occupier of the land. Reinstatement of any route used as a temporary PRow, that does not form part of the PRow, would be down to the applicant and the owner/occupier so long as it does not affect or interfere with the enjoyment of the PRow.	The Applicants note ERYC's comments. Paragraphs 39 to 41 of the Outline Public Rights of Way Management Plan (Revision 2), located in Appendix C of the OCoCP (Revision 4) [document reference 8.9] states that "<i>Following completion of construction activities, all public access within the working area will be reinstated to a standard commensurate to that existing prior to the commencement of construction works or an improved condition. The Applicants have made a commitment to reinstatement areas between Jointing Bays with two years of the start of construction, as set out in Volume 7, Chapter 5 Project Description (application ref: 7.5).</i>" The Public Rights of Management Plan, will be approved by the ERYC and is secured by Requirement 24 of the Draft DCO (Revision 7) [document reference 3.1].
REP3-037: DCO.1.9	Article 14 (2) The paragraph as drafted currently uses the word 'limiting' in reference to paragraph (1). Why is such a broad term necessary and why is the more specific 'without prejudice to the generality of' not used?	No response.	No response is required.
REP3-037: DCO.1.15	Proposed converter station design Requirement 9 of the draft DCO [REP1-004] captures the detailed design requirements for the converter stations. Requirement 9(3)(d) requests the details of 'external appearance and materials' – should	Agree that it should refer to "<i>dimensions, external appearance and materials</i>".	The Applicants reiterate the response that was given to this question in The Applicants' Responses to ExQ1 [REP3-027] which stated: <i>"The Applicants consider that the dimensions of the converter stations would be included in requirement 9(3)(b), which requires approval of the scale of</i>

I.D.	Question	ERYC Response	Applicants' Response
	this refer to the 'dimensions, external appearance and materials of the buildings'? If not, how would the dimensions of the converter stations be assessed by the local planning authority?		Work Nos. 25A and 26A/B and therefore do not propose making the suggested change to the Draft DCO (Revision 6) [document 3.1]."
REP3-037: DCO.1.16	Requirement 15(2) In the supplementary agenda to ISH1 [EV4-001, ISH1.S2.13], the ExA requested the relevant highway authorities to review the list in Requirement 15(2) to ensure that the necessary details are listed, and they were not, to provide details of what they wanted to see in the list and why. Because the Preliminary Meeting was adjourned the Hearing was cancelled and the ExA did not receive a response to this question. Can you provide a response?	The LHA suggest that swept paths should be included in access details.	The Applicants are willing to add "swept path analysis" to the list of details in requirement 15(2) and have updated the Draft DCO (Revision 7) [document reference 3.1].
REP3-037: DCO.1.17	Requirement 18(2) In the supplementary agenda to ISH1 [EV4-001, ISH1.S2.18], the ExA asked that you confirm that the list of information to be included in 18(2) for each scheme is complete and, if not, to provide details of what additional information you would wish to see included in the list and why. Because the Preliminary Meeting was adjourned, the Hearing was cancelled and the ExA did not receive a response to this question. Can you provide a response?	The wording of Condition 18, which pertains to Onshore Archaeology, is sufficient in ensuring that the archaeological potential of the development will be adequately evaluated and will allow for provision to be made for the investigation and recording through mitigation strategies of the archaeological remains. As noted in the wording of the condition, each phase of the archaeological scheme will not commence until an approved written scheme of investigation has been submitted and approved, and which accords with the outline onshore written scheme of investigation	The Applicants welcome ERYC's agreement on this matter.
Ecology and nature conservation			
REP3-037: ENC.1.6	Local Nature Recovery Strategy The ExA understands that ERYC is currently progressing the development of a Local Nature Recovery Strategy with the aim of completion by early 2025. ERYC: Can you provide an update on its preparation? Applicants: With reference to paragraph 4.6.12 of NPS EN-1, clarify to what extent the Strategy has been or would be considered in the review of off-site compensation proposals to be provided as part of the final BNG Strategy?	ERYC is the Responsible Authority for the development of the Hull and East Yorkshire Local Nature Recovery Strategy. The draft strategy has progressed through a statutory consultation with Supporting Authorities and has been subject to an assessment panel led by Natural England which supported progressing to statutory consultation. The draft document is currently progressing through the ERYC approval process with a view to statutory public consultation taking place in summer 2025 and full publication is anticipated to take place in early 2026.	The Applicants acknowledge this comment.
Geology and ground conditions			
REP3-037: GGC.1.3	Landfill contamination Are any of the identified historic landfill sites of concern to you and, having regard to Requirement 19 of the draft DCO and the Outline Pollution Prevention Plan [REP1-025, Appendix D], do you consider that any further assessment is necessary at this stage? Please provide reasoning with your response.	It is assumed the matter above should refer to Requirement 29 of the draft DCO and not requirement 19. There are no specific concerns with the landfill sites identified. Requirement 29 includes a robust methodology for assessment of the risk of any contamination and ground investigations work conducted within the vicinity of the historical landfill located at Catfoss did not encounter landfill waste in	The Applicants acknowledge this comment.

I.D.	Question	ERYC Response	Applicants' Response
		the boreholes adjacent to the Onshore Export Cable Corridor. We are satisfied that Requirement 29 and the OPPP can effectively deal with any unexpected contamination encountered during the construction phase. We would defer to the EA on the matter of risk to groundwater as they may wish to comment on this aspect.	
Good design			
REP3-037: GD.1.1	Converter stations ERYC: Are you satisfied that you would have access to sufficient design expertise to ensure good design of the converter stations when discharging Requirement 9 of the draft DCO [REP1-004] ? Do you envisage the need for a Planning Performance Agreement to ensure that you have sufficient resources for discharging this requirement? Applicants: Have you discussed this matter and the potential need for a PPA with ERYC? If this is deemed necessary by the Council, should reference be made to this in the Design and Access Statement (DAS) [REP2-027] ?	ERYC are able to access professional design services if required and this is covered within an existing PPA with the applicants which includes post-consent discharge of requirements. The PPA allows for discussions and agreement on the need for additional professional advice where needed.	The Applicants acknowledge this comment and agree.
REP3-037: GD.1.10	Site selection Do you consider that there are any additional sites that should have been considered in the Applicants' site selection and alternatives assessment [AS-017] ? If so, can you set in detail why you consider this to be the case?	No additional sites were identified by ERYC in the pre-application discussions	The Applicants acknowledge this comment and agree.
Historic environment			
REP3-037: HE.1.1	Non-designated heritage assets Can you confirm if there are any non-designated, locally listed heritage assets that would be impacted by the Proposed Development and have not been referenced in the application documents, and, if so, what the degree of harm would be, with justification?	We can confirm that there are no additional non-designated, locally listed buildings that we have currently identified that would be affected by the development that have not already been mentioned in the application documents.	The Applicants acknowledge this comment.
REP3-037: HE.1.4	NPS EN-5 and the Electricity Act 1989 Do you consider that the Applicants have had regard to the desirability of protecting sites, buildings and objects of architectural, historic or archaeological interest, and have done what they reasonably can to mitigate any effects in accordance with NPS EN-5 paragraph 2.2.10 and Schedule 9 of the Electricity Act 1989? If not, why not?	From the information that we have, we are content that the applicant has had regard to the desirability of protecting sites, buildings, and objects of architectural, historic, or archaeological interest, and has done what they reasonably can to mitigate any effects. There will, however, still be some residual harm to several heritage assets.	The Applicants note the response and comments on specific heritage assets are set out at REP3-037: HE.1.10 (Catfoss Hall), REP3-037: HE.1.13 (Cobble Hall), REP3-037: HE.1.17, REP3-037: HE.1.18, REP3-037: HE.1.21, REP3-037: HE.1.25 and REP3-037: HE.1.27 (Butt Farm) below.

I.D.	Question	ERYC Response	Applicants' Response
REP3-037: HE.1.7	Assessment methodology Can you review the Applicants' Responses to Issue Specific Hearing 2 Supplementary Agenda Questions Appendix A Heritage assets, the effects and the attributed level of harm in response to ISH2 10.9 [REP2-059] – do you agree with the Applicants' assessment and conclusions? If not, why not?	We would generally agree with the applicant's assessment and conclusions within their response provided to ISH2 10.9. However, we are not convinced by the impact assessment set out in table 1-2 for the Heavy Anti-Aircraft Gun site 350m west of Butts Farm. While we would agree that the pre-mitigation harm would be less than substantial, we would conclude that the level of impact would be higher than that concluded by the applicant. We would also conclude that there would be residual less than substantial harm, even following the mitigation measures.	Comments on the effect on the Butt Farm Site are set out below.
REP3-037: HE.1.10	Effects on Catfoss Hall Grade II listed building The ExA notes your response to ISH2.10.1, ISH2 Supplementary Agenda Questions [REP1-056]. Which element(s) of the construction works do you consider would be harmful to the setting of Catfoss Hall (works for the cable route immediately adjacent to Catfoss Hall, the proposed construction compound further south of Catfoss Hall, the nearby proposed works to the highway, or any combination of these elements), and why?	It is considered that the works when taken as a cumulative total will have a harmful effect on the significance of Catfoss Hall- incorporating the impact of both the works for the cable run itself and the nearby site compound. This harm relates to the impact that these works will have on contribution made by its setting to its significance. This setting is characterised by its open and agricultural nature. This gives the listed building a sense of separation and isolation, which also contributes positively to the ability to be able to understand its historic function and relationship with its landscape. The construction phase of the development will be a visually intrusive intervention. It will also result in an increase in the noise and activity within its immediate setting- this will in part result from the construction works themselves, but also from the presence of the site compound close to the access road to Catfoss Hall. However, it is acknowledged that this will result in a temporary harm, to one element of the significance of the listed building. The harm will therefore be less than substantial, and the impact will be low.	It is acknowledged that the works would be visible in views from the upper storeys of Catfoss Hall and in longer views in which those upper storeys are partially visible behind a tall hedge. It is, however, the Applicant's position that these views would not affect the viewers appreciation of the historic context or architectural interests of Catfoss Hall. Catfoss Hall is primarily of interest for architectural value which is experienced primarily from within the ground of the Hall at ground level, with the hedges to the gardens forming an enclosed and intimate setting for the asset. Longer views do not contribute significantly to that interest. Similarly, this sense of enclosure means that views into the surrounding regionally distinctive agricultural landscape contribute to historic value in a generalised sense. The tall hedges to the private garden provide a strong sense of separation and retreat from the wide landscape, perceptually separating the Hall from that adjacent landscape. Works would be of a short duration and would be perceived by the viewer as temporary, and consequently while the proposed works would be visible in this wider landscape, they would not detract from the viewers ability to appreciate that historic interest.
REP3-037: HE.1.13	Effects on listed buildings In your Local Impact Report (LIR) [PDC-007], you reference potential harm to the significance of 'Cobble Hall', which the ExA understands to be a listed building. However, this building is not referenced in your responses to the ExA's follow up queries on the effects on heritage assets [REP1-056]. Can you confirm if you consider Cobble Hall to be affected by the Proposed Development and, if so, how the significance of the heritage asset would be impacted?	We do consider Cobble Hall (grade II, list entry number 1249504) to be negatively affected by the construction phase of the development. The building is a cobble and brick-built house, sat on a slight rise in the landscape. Its setting is defined by its relationship to the open landscape in which it sits. This allows its architecture to be better appreciated, as well as providing evidence of its historic context. The introduction of the cable path will result into a visual intrusion into this setting, an intensification of activity and an increased audial impact. This will impact on the ability to appreciate the building within wider views within the wider landscape, and harmfully alter the calm and open setting in which it is (and has historically been) experienced. This harm would be limited to the construction phase, and it would affect part of one element that contributes to its significance. The harm would therefore be less than substantial and the impact low.	It is acknowledged that the proposed cabling works would be visible in views of and from Cobble Hall, although planting in the garden of the hall currently screens the works in views to the north and north-east from the hall. It is, however, the Applicant's position that this visibility would not affect the viewers appreciation of the historic context or architectural interests of Cobble Hall. Cobble Hall is set in a modern working agricultural landscape; to the west is the existing farmyard with modern agricultural buildings. While there is an open aspect to the east, the strip of land south of the main drive to the west has been used for the temporary storage of agricultural materials (e.g. bales, silage, soil) and plant. Agricultural use of the fields to the east of the farm outwith the defined working area could be maintained during the works, retaining that functional connection that contributes to historic interest, and the work

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			would remain separated from the hall by land in active agricultural use. Works would be of a short duration and would be perceived by the viewer as temporary, and consequently While the proposed works would be visible in this wider landscape, they would not detract from the viewers ability to understand that historic interest.
REP3-037: HE.1.17	Significance of effects - heavy anti-aircraft gunsite, 350m west of Butt Farm Can you provide further justification for your view [PDC-007] that the proposed converter stations would result in substantial harm to the scheduled monument? Do the changes to the scale of the proposed converter stations as a result of Change Request 2 affect your view regarding the significance of harm on the scheduled monument? Why so, or why not?	The council would like to amend this section- this assessment in our previous comments should have concluded that the impact on the significance of the Scheduled Monument was less than substantial, as per paragraph 208 of the NPPF. However, given that the development would considerably reduce the wider visibility looking out of the site (an element that is key to understanding the functioning of the gun battery, which relied upon wide visibility splays to operate), the level of impact would fall at mid to high end of the spectrum of impact covered by paragraph 208 of the NPPF. The fact that the converter stations are of a considerable scale and massing- and would thereby continue to intrude on, and curtail, the contribution made by the setting of the Scheduled Monument, even with the amendments, means these amendments do not change our overall conclusion. We would therefore continue to conclude that the development would cause less than substantial harm to its significance.	The Applicants note that ERYC consider the effect on the Butt Farm gun site to represent a less than substantial harm. It remains the Applicant's position, however, that this harm is limited and could readily be mitigated by the proposed landscape design. The Applicants have addressed the issues around the necessity for wide arcs of fire, and note that the tactical operation of the site was predicated on the need to fire to the north and west to protect Hull from approaches from that angle and to interdict flight paths from airfields in Northern Germany and the Netherlands to strategic targets in Leeds, Sheffield, Manchester and Liverpool. The disposition and configuration of the gun site and the associated radar installation demonstrates this as well as the need to avoid inadvertent 'friendly fire' falling on Beverley and Hull. These views, which inform the viewers ability to understand and appreciate its past use, would not be curtailed. Furthermore, the Applicants note that for the entire operational life of the Heavy Anti-aircraft gun site, rather than the present more open aspect, there was a mature wood (Bentley Moor Wood) to the South of the gun site. This wood is shown on contemporary Ordnance Survey mapping (Appendix 22-3 - Assessment of Airborne and Satellite Remote Sensing Data and Map Regression Analysis for Archaeology [APP-176], figures 22-2-270, 22-2-280) and aerial photography (Historic England Response to Examining Authority's First Written Questions (ExQ1) ([REP3-043], Appendix A). This woodland would have affected the operation of the radar-controlled guns where they were fired to the south, and the presence of this wood is reflected in the proposed landscape planting scheme. The 1946 edition of the Ordnance Survey Mapping is appended to this response as Appendix A.
REP3-037: HE.1.18	Significance of effects - heavy anti-aircraft gunsite, 350m west of Butt Farm The Applicants suggest in response to ERYC's LIR [REP1-048] that for substantial harm to occur 'solely through change to setting, the vast majority of the significance of the asset would need to derive from its setting, and that all, or approaching all of the contribution of that setting would have to be lost'. The Applicants state that, 'in this case, much of the value of the asset is intrinsic to its fabric, which would not be affected, and key elements of the setting comprising the designed fields of fire and the relationship to the wider battery site and views of the gun emplacements from that wider battery site, that contribute to	We agree with the conclusion that the impact on the significance of the Scheduled Monument will be less than substantial, rather than substantial. However, we do not agree with the supposition that 'much of the value is intrinsic to the fabric', even if we do agree that the conservation of the fabric of the battery is important to understanding its significance and how it operated. However, we would highlight that the function of the battery is much better understood as part of its wider, open, setting- which allows an understanding of why it was located in this particular location and how it functioned when it was in operation- both key elements of understanding its historic significance.	The Heavy Anti-aircraft gun site is scheduled primarily for its archaeological and historical interests. The policy definition of archaeological interest set out in NPPF, and amplified in NPPG and Historic England (2017) Good Practice Advice in Planning 2: Managing Significance in Decision-Making in the Historic Environment (GPA2), relates to the potential for expert study that asset holds. While that interest would be informed by complementary studies (e.g. documentary research) it is clear that this complementary material is entirely independent of the survival or otherwise of the asset, and that its archaeological interest is therefore intrinsic to the monument. As the scheduled monument represents a smaller part of a wider site, the assessment presented in the Appendix 22-5 - Onshore Infrastructure Settings Assessment [APP-178] considered the

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	setting would be preserved'. Do you agree with these statements – why, or why not?	It is also agreed that the ability to appreciate the interrelationship between physical elements of the battery site is key element which contributes to its significance. However, we would note that the ability to appreciate this interrelationship is not just appreciated in a vacuum within the site, but that it is also appreciated in the views that look through and out from the site, which provide an ability to appreciate the group as a whole.	potential consequential loss of archaeological interest, although subsequent archaeological survey did not identify any recognisable traces of the associated Heavy Anti-aircraft gunsite (Geophysical Assessment Report Part 1 of 9 [APP-180] Figure 22.7.60 and Page 125; Phase 2 2024 Archaeological Trial Trenching Technical Note (Revision 2) [AS-022]; Archaeological Trial Trenching Phase 2 (Interim) Section 17 [PDA-030], section 3.2, Figure 3.15). Similarly, Historic England Guidance is clear that historic interest is dependent on the historic connections of an asset being manifest. Much of this value is intrinsic, issues such as the disposition of the gun emplacement and control room, the conditions and space within them and the appearance of such structures, is wholly intrinsic. Similarly, any architectural value of the assets is similarly dependent on a direct interaction perceptual interaction with the remains of the Heavy Anti-aircraft gun site, and in this case largely reflect the sense of protection and exposure of gun emplacements and their low form reflecting their defensive function. While there is an interrelationship with setting that contributes to historic and architectural interest, it is the form, location and disposition of the gun emplacements that allows that interrelation to be understood and there is much that is intrinsic to the protected remains.
REP3-037: HE.1.21	Significance of effects - heavy anti-aircraft gunsite, 350m west of Butt Farm The Onshore Infrastructure Settings Assessment [APP-178] notes that there are 60 well-preserved examples of heavy anti-aircraft gunsites in England. How many of these are located in the East Riding? Are these heavy anti-aircraft gunsites usually within open, rural sites and do they form part of a network? Do you consider the heavy anti-aircraft gunsite nearby to Butt Farm to be a particularly well-preserved or special example, and if so, why?	No information available at the current time and defer to Historic England expertise.	The Applicants acknowledge this comment.
REP3-037: HE.1.25	Mitigation - heavy anti-aircraft gunsite, 350m west of Butt Farm Given the proximity of the proposed converter stations to the scheduled monument, if a DCO was made, should Historic England be consulted on the detailed design plans that would be submitted to discharge Requirement 9? If not, why not, or if so, how should this be secured? If appropriate, can you provide any preferred drafting.	We believe that Historic England should be consulted on the detailed design plans. This is because while we believe that the detailed design will not be able to mitigate or fully avoid causing harm to the significance of this asset, it will determine the exact level of harm caused- which could vary noticeably depending on the exact details. Given the question relates to whether Historic England should be consulted, we would also suggest that greater weight should perhaps be afforded to their answer to this question.	The Applicants have previously provided a response to this point in The Applicants' Responses to Written Representations [REP2-057], as follows: <i>'As referenced in the Design and Access Statement (DAS) (Revision 2) [REP2-027] a Design Panel Review process will commence post-consent. Section 5.2 of the DAS (Revision 2) [REP2-027] outlines that the Applicants will appoint a multi-disciplinary team of professionals, with experience in the design and build of electrical infrastructure, to provide independent and impartial expert advice on the proposed designs. Following the Design Review process, the Design Review Panel will prepare a report on the design recommendations (taking into account the requirements of landscaping,</i>

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			<i>drainage and engineering design) which will be subject to review by ERYC in addition to relevant Ward Councillors. It is the Applicants view that, rather than include Historic England in the sign off of DCO Requirement 9, it would be more appropriate and productive to consult with Historic England during this earlier stage of the design process, and include Historic England in the consultation on the Design Review Panel's report. This would allow for Historic England input to be incorporated during the development of the final design, prior to it being submitted to ERYC for sign off.'</i> Should HE be supportive of this approach, the Applicants propose to incorporate this amendment into the Design and Access Statement (DAS) (Revision 2) [REP2-027] and submit it to the examination at Deadline 7.
REP3-037: HE.1.27	Mitigation - heavy anti-aircraft gunsite, 350m west of Butt Farm During ISH2, the Applicants advised that the proposed landscaping had been designed to work with the historic landscape and reflect existing woodland areas. Do you consider that the proposed landscaping to the north of the converter stations would appear as woodland, or as boundary trees when viewed from the scheduled monument? Is it locally characteristic for areas of woodland to be bounded by hedgerow as shown in ES Chapter 23 [REP2-024, Figure 23-15a4]?	The figure referred to [REP2-024, Figure 23-15a4] sets out to provide an impression of the mitigation planting from the anti-aircraft battery. It certainly appears, in winter at least, to be a 'boundary of trees' and not a woodland. However, the planting belt as now indicated (Fig 26.3) is around 30m in depth. It would, in ERYC's view, present more of an impression of a woodland belt than the photomontage suggests. Some woodlands do have hedgerow boundaries, although the reality is that these often grow out to become indistinguishable from woodland edge planting. The photomontage suggests a hard-edge clipped hedgerow. Whilst this would assist with initially providing a tighter hedge structure, it would be appropriate to allow the hedge to grow out as the planting develops, to provide a more in-character appearance.	The visualisations of the proposed planting are, by their nature illustrative. While there is precedent for woodland enclosed by a hedgerow here, details of any planting scheme will be agreed with and approved by with ERYC through Requirement 10 of the Draft DCO (Revision 7) [document reference 3.1].
Hydrology and flooding			
REP3-037: HF.1.2	Climate change data for the sequential test The Applicants' response to ISH2 agenda item 11, action point 26 [AS-155] explains the Environment Agency 2013 River Hull and Holderness Drain Flood Mapping Study has been used as to inform the sequential test including the future risk of flooding. Given this study is 12 years old, could you confirm if its findings are considered the most relevant for identifying the current and future risk of flooding for the Proposed Development? If not, please identify which other sources should be used.	No response and believe it is one for the Environment Agency to respond to.	The Applicants acknowledge this comment.
REP3-037: HF.1.7	Cumulative effects assessment Can you comment on the Applicants' CEA in ES Chapter 20 (revision 2) [REP1-014, section 20.8], with specific consideration to the approach	Response being sought to forward when received.	The Applicants acknowledge this comment.

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	of identifying other schemes and the criteria used for subsequent shortlisting?		
REP3-037: HF.1.8	Water resources The Applicants identify aquifers, groundwater source protection zones, groundwater abstractions, surface water abstractions and drinking water safeguard zones relative to the Proposed Development [APP-164, Figures 20-1a to 20-3c]. The Applicants have submitted updated Figures 19-8a to 19-8c [REP1-013] that identify local authority managed commercial and domestic potable abstraction wells, and licensed groundwater and surface water abstractions. The figures include an additional 50m buffer. In context of this updated information, can you comment on the assessment of likely effects of the Proposed Development on these hydrogeological and hydrological receptors including any proposed mitigation? Your response should consider the details in ES Chapter 19 [APP-158, section 19.6.1.2]. In addition, could the EA comment or clarify whether it objects to the Proposed Development in the context of the updated information and the groundwater protection remarks in its Relevant Representation [RR-015]?	No response and believe it is one for the Environment Agency or Yorkshire Water to respond to.	The Applicants acknowledge this comment.
REP3-037: HF.1.9	Fluvial and pluvial flood risk The Applicants: The landfall site is identified at high risk of surface water flooding in Figure 20-4-4-a [APP-168]. However, paragraph 124 of the Flood Risk Assessment [APP-168] states this is considered low risk. Similarly, paragraph 118 of the Flood Risk Assessment [APP-168] states 'there would be no fluvial risk to the Landfall Zone'. However, there are watercourses located within the landfall zone which have associated crossings WX-001 and WX-002 [REP2-014]. Could the Flood Risk Assessment [APP-168] be reviewed and clarify if the aforementioned assessment of risk is accurate? LLFA: Given the access needs for those using Cliff Road, and the immediate adjacent high risk of flooding within the landfall zone and export cable corridor, can you comment whether any mitigation would be likely to be achievable and if it is appropriately secured?	Have reviewed the FRA and note that there are some areas with low to high risk of flooding within the landfall zone, without knowing the details of what will be within the temporary construction compound zones it is difficult to assess. However if there is any raising of ground levels or any large structures within the zone which may displace water then there should be some mitigation to store the displaced water during a flood event.	The Applicants provided the following response to HF. 1.9 at Deadline 3: <i>'The Applicants have reviewed the surface water flood risk in Figure 20-4-4-a of Appendix 20-4 Flood Risk Assessment [APP-168], as well as paragraph 124 of Appendix 20-4 Flood Risk Assessment [APP-168]. This has also been considered in the context of the preceding paragraphs 121 – 123 , where paragraph 122 references the area of increased surface water flood risk to the north of Hornsea Road and which coincides with the location of the watercourses with crossings labelled as WX-001 and WX-002. In this location, the relatively small area of surface water flood risk is associated with the existing land drains.</i> <i>Furthermore, the Applicants note that this assessment of flood risk is considered in the context that the flood risk is temporary during construction only, as highlighted by paragraph 132, which notes that the Projects are in this location and will be below ground and the land reinstated once construction is complete. As such, the Applicants can confirm that this flood risk has been assessed within Appendix 20-4 Flood Risk Assessment [APP-168] and does not consider there to be a disparity between the mapping and the conclusions set out in paragraph 124.</i> <i>The Applicants have also considered watercourses with crossings WX-001 and WX-002 in the context of the conclusions set out in paragraph 118 of</i>

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			Appendix 20-4 Flood Risk Assessment [APP-168]. It is noted that the Environment Agency mapping, included as Figure 20-4-3-a of Appendix 20-4 Flood Risk Assessment [APP-168], shows there to be no fluvial flood risk within the Landfall Zone. This is on the basis that the fluvial flood mapping is primarily based on the flood risk associated with Main Rivers (i.e. larger watercourses), where detailed modelling has been undertaken. Flood risk associated with smaller Ordinary Watercourses, not included in the Environment Agency modelling and mapping, is generally captured within the surface water flood mapping. In the context of the watercourses and associated crossings labelled as WX-001 and WX-002, as noted above, the Applicant confirms that the conclusions are correct and the flood risk associated with these existing land drains has been considered in section 20.4.4.1.6 of Appendix 20-4 Flood Risk Assessment [APP-168]. Further to the above it is concluded that the mitigation measures incorporated within the OCoCP (Revision 3) [REP1-025] are appropriate to address any potential temporary flood risk in this location.' In addition to the above response, it should be noted that the maximum footprint of the Satellite Temporary Construction Compound (TCC) and Transition Joint Bay (TJB) Compound, are shown on Figure 5-2 in Chapter 5 Project Description - Figure 5-1 to Figure 5-4 [App-072]. These compounds will be micro-sited within the Landfall Zone at the detailed design stage, depending on the outcomes of further geotechnical and archaeological investigation. Given the relatively limited surface water flood extent, i.e. in proximity to existing drains, within the context of the wider Landfall Zone, it is the Applicant's position that this can be mitigated through micro-siting. As such, the Contractor will seek to avoid the areas of high and medium surface water flood risk shown on Figure 20-4-4-a of Appendix 20-4 Flood Risk Assessment [APP-168]. However, should these compounds be located partially within the medium to high risk surface water flooding areas then the Surface Water Management Plan, described in section 6.3.2.4 of the OCoCP (Revision 4) [document reference: 8.9] will include measures as part of the temporary drainage design to manage any displaced surface water during a flood event. The SWMP will be agreed with ERYC as part of the OCoCP (Revision 4) [document reference 8.9], secured by Requirement 14 of the Draft DCO (Revision 7) [document reference: 3.1].
Landscape and visual interest			
REP3-037: LVI.1.2	Residential Visual Amenity Assessment The Applicants consider [REP1-050] that given the distance and the existing and proposed screening, impacts on views from nearby residential properties of the converter stations would not be so great as to potentially breach the residential visual amenity threshold, and	The Applicant's view is reasonable and, given the distances involved and the reduction in size arising from Change request 2, we would concur that it is unlikely that impacts on views would be so great as to breach the Residential Visual Amenity Threshold. Descriptors provided in LI TGN-02-2019 (RVAA), such as "blocking the only available view	The Applicants welcome ERYC's agreement that Residential Visual Amenity Assessment is not required. The view from Bentley village is relatively enclosed by buildings and hedges, with few open views north towards the Substation Zone from the public road. The view from Bentley is therefore represented by Viewpoint

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	therefore a Residential Visual Amenity Assessment is not necessary. What is your opinion and do you agree with the Applicants?	from a property', or 'overwhelming views in all directions'; and 'unpleasantly encroaching' or being 'inescapably dominant from the property'" are unlikely to apply to properties at Bentley or Butt Farm. Drone imagery provided here https://www.2bconsultancy.co.uk/download/DoggerBankSouth-ConvertorStn/index.html gives an impression of intervisibility at 24m (the height of the tallest convertor buildings). It shows that, as stated by the applicant, some properties at Bentley would have relatively open views towards the convertor station. We concur that proposed planting (as illustrated at Figure 23-8e Viewpoint 2: Copleflat Lane, Bentley) would substantially mitigate the effects of the development. Nonetheless, the convertor station would be readily noticeable during construction and in early stages of operation. It would be appropriate to provide the residents of Bentley with a clear impression of what their initial experiences would be, via photomontage or 3D modelling presentation.	2: Copleflat Lane, Bentley. Figure 23-8d (Revision 3) [REP2-024] illustrates the appearance of the Onshore Converter Stations during the early stages of operation, prior to mitigation planting beginning to mature. It is the Applicants' intention to secure early planting of the southern screening plantation, so that this will become partially effective by the completion of construction. The Applicants have previously agreed viewpoints with ERYC, and do not consider that producing a further visualisation from within Bentley village will materially add to understanding of the Projects. Due to the ongoing nature of construction works, it is not possible to produce a meaningful visualisation of the Projects during construction.
REP3-037: LVI.1.3	Visualisations Following submission of additional visualisations [REP2-024], do you have any further comments?	The winter viewpoints are helpful and carried out to a high standard, although the degree of leaf cover indicated in January (Figure 23-7e Viewpoint 1: Butt Farm) appears optimistic by comparison with the existing situation. Conversely, as noted in the response to Q HE.1.27, Figure 23-15a4 Cultural Heritage Viewpoint 2: Anti Aircraft Battery at Butt Farm, the mitigation planting appears a little thin for a 30m belt with evergreen mix. Figures 23-15a3/a4 Cultural Heritage Viewpoint 2: Anti Aircraft Battery at Butt Farm do not include the access road - presumably not modelled - but quite a significant element in this view. ERYC is unclear what the is the significance and purpose of the red dots that appear to be part of the switchgear in this view (and also Figure 23-7d Viewpoint 1: Butt Farm). Do they indicate an actual red features of a design which is otherwise deliberately recessive? Figure 23.17c Viewpoint 10: A164 - the development appears quite nestled into the view of Bentley. However, parallax, arising from the difference in distance between Bentley and the Convertor Station, would mean that it would appear quite distinct for vehicle users moving north-bound on the A164. ERYC observes, as queried by the Inspectorate (LVI.1.5), that the gap at the access road entrance to the site is a weak point for the mitigation planting, limiting the ability to mitigate views from footpaths to the north and north-west. Review and optimisation of mitigation potential would be useful at this point.	The Applicants have reviewed the ERYC comments and responds as follows: 1. The Applicants will review the level of leaf cover shown in Figure 23-7e (Revision 3) [REP2-024] and submit an updated photomontage at Deadline 4. 2. The Applicants will provide an updated visualisation for Cultural Heritage Viewpoint 2 (Figure 23-15a4 (Revision 3) [REP2-024]), to include the access road, at Deadline 4. 3. The red dots visible on some images do not indicate actual red features of the design, and are the result of an element of the 3D model not correctly rendering in the image. Colours to be used on the Onshore Converter Station will be determined as part of the detail design, as set out in the DAS (Revision 2) [REP2-027]. 4. The Applicants note the comment on parallax, which is the apparent shift in an object's position when viewed from two different points, as a result of distance and perspective. That is, the more distant onshore converter stations would appear to shift, relative to the houses in Bentley village, when seen from a moving vantage point on the A164. It is not possible to illustrate this effect with a visualisation. The Applicants also note that hedge and tree planting will be implemented along the western boundary of the A164 as part of the Jock's Lodge improvement works. It is anticipated that this planting would be established by the time that the improvement works are complete in late 2026, and would therefore be maturing during the likely

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			construction phase of the Projects. This planting is not included within visualisations as it is not within the control of the Applicants. The 'gap' in the landscape mitigation planting at the north-west corner of the Substation Zone is due to the location of the onshore export cables running in to the substation zone at this point. This will affect the level of landscape screening that can be applied to mitigate the effects on views from Beverley 20, Walkington Footpath No.4 and Walkington Footpath No.9, as represented by Viewpoint 3, (Figure 23-9 (Revision 3) [REP2-024]). Post-consent, once the location of the export cables is known, it will be possible to revisit landscape planting in this area. The Applicants will update the Outline Landscape Management Plan (OLMP) (Revision 4) [document reference 8.11] at Deadline 4 to confirm that options for additional planting will be explored at detail design stage. The 'gap' would be experienced in passing rather than static views, affecting users of a short section of the walking routes noted above. The LVIA notes that the effect at Viewpoint 3 (Figure 23-9 (Revision 3) [REP2-024]) at year 1 and at year 10 would be moderate and significant.
REP3-037: LVI.1.4	Lighting Do you have any outstanding concerns regarding the effects from lighting from the Proposed Development during construction or operation?	ERYC is not comfortable with the lack of detail as regards lighting. The Applicant has explained the need to have a contractor on-board in order to provide more detail for both construction and operational phases, and this is understood. Furthermore the applicant has been pressed on this point and has undertaken to follow industry best-practice in minimising effects of lighting. However, lighting should remain a key consideration and, if examples from other similar developments can provide information on approaches in advance of a lighting design, that information should be made available for consideration.	Lighting is discussed in section 5.11 Construction Site Lighting of the OCoCP (Revision 4) [document reference 8.9] and in the DAS (Revision 2) [REP2-027]. Further information was also given under reference 6.21 of Appendix A – WQ BGC.1.2 National Planning Policy Framework of The Applicants' Responses to ExQ1 [REP3-027], which states: '<i>Operational lighting at the Onshore Converter Stations would be designed in accordance with latest guidance and legislation. The details of the location, height, design and luminance of lighting to be used would be provided as part of detailed design for the Onshore Converter Stations. No permanent night-time lighting would be required. Security lighting will be installed as agreed in the written scheme for the management and mitigation of artificial light emissions during the operation, which would be developed at the detailed design as set out in Requirement 22 of the DCO.</i>' The Applicants response to REP1-059:4.9 in Table 2.5 of The Applicants' Responses to Written Representations [REP2-057] states: Operational lighting was discussed at ISH in The Applicants' Responses to January 2025 Action Points (Revision 2) [AS-155] Action No.16 from ISH1 confirmed that: '<i>The precise lighting requirements for the Projects will be influenced by the detailed design, which will only be fully developed post-consent. The purpose of requirement 22 of the Draft DCO (Revision 5) [document reference 3.1] is to ensure that the relevant planning authority is able to approve a scheme for the mitigation and management of artificial light emissions during the operation of the Projects. Further information in relation to operational lighting is included in section 4.3.3.7 of the Design and Access Statement [APP-233], which confirms that the Onshore Converter</i>

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			<i>Stations will only require lighting during maintenance and operational visits for health and safety and security reasons.'</i> Furthermore, the Applicants provided an update to Chapter 22 Onshore Archaeology and Cultural Heritage (Revision 2) [AS-092] in November 2024 to address operational lighting impacts of the Onshore Converter Stations and concluded in section 22.6.2: <i>"Impacts from lighting have been considered, as set out in the worst-case assessment (Table 22 1). During Operation there would be no continuous / night-time lighting of the Onshore Converter Station. Lighting during onshore operation and maintenance activities is expected to be minimal with most visits taking place in daylight hours (Volume 7, Chapter 5 Project Description (application ref: 7.5). External lighting would be directional and limited to essential security and safety requirements. Furthermore, the landscaping proposals will, once established, provide further screening of any potential lighting effects. It is therefore considered that any impacts to the setting of designated heritage assets from lighting would be too infrequent and discontinuous to contribute to harm".</i> The Applicants have also discussed the potential impacts of operation lighting with the ERYC at the Landscape and Visual Environmental Technical Group meetings. It has been agreed that there is not a requirement for night time visualisations during operation, as there would not be continuous lighting in the operational phase. ERYC confirmed this in their Local Impact Report, see ID No. 7.14 of The Applicants' Response to East Riding of Yorkshire Council's Local Impact Report [REP1-048], submitted at Deadline 1 'It is recognised that night-time visualisations of the operational phase are not required as a result of there being no permanent lighting'. This is also agreed in Appendix A, Table 5-1 of the East Riding of Yorkshire Council Statement of Common Ground (SoCG) [REP1-028], which includes detailed comments by 2B Landscape Consultancy on behalf of ERYC Council regarding landscape visual impact assessment matters.
REP3-037: LVI.1.10	Landscape monitoring The outline Landscape and Ecological Strategy for East Anglia Two OWF [REP13-007] referred to an 'adaptive planting management scheme' for tree and shrub planting in parts of the Order Limits. This sought to address the quality and annual growth of different blocks of tree and shrub planting, with monitoring against agreed objectives, options to suspend or extend the management periods for discrete areas of such planting (or zones) and target-specific measures to improve such areas, in cases where the planting did not establish satisfactorily for any reason. This was intended to de-risk the timely delivery of planting, achieve optimum levels of plant growth and	An adaptive planting management scheme, as opposed to simply following a specification-based management scheme, would be appropriate for this project, to maximise performance of planting mitigation. It is noted that the applicant intends to carry out planting as early as possible, for the same reason; this adaptive approach would support the principle of maximising benefits from such planting. ERYC would also like to be assured that if the planting is carried out early in the Construction phase, any possible damage to or effects upon the planting, from construction, can be picked up through a maintenance/replanting regime of sufficient duration.	The Applicants have already confirmed in The Applicants' Responses to EXQ1 [REP3-027] that an adaptive approach can be applied to the monitoring and management of the landscape planting. The OLMP (Revision 4) [document reference 8.11] has been updated at Deadline 4 to include this. In the same update of the OLMP (Revision 4) [document reference 8.11], the Applicants have identified areas where advance planting is most likely to be carried out. This will be in areas where no subsequent access would be required, and therefore no disturbance or damage should happen. The Applicants are responsible for the establishment and long-term maintenance of all landscape planting carried out as part of the Projects.

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	condition and provide greater confidence that effective screening from the tree planted areas would be achieved before the end of the adaptive planting management period. Should this be applied to the Proposed Development, particularly for the converter station area? If not, why not?		Requirement 11 of the Draft DCO (Revision 7) [document reference 3.1] secures the successful establishment of all landscape planting, and this applies equally to advance planting.
REP3-037: LVI.1.11	Outline Landscape Management Plan The outline Landscape and Ecological Strategy for East Anglia Two [REP13-007] included the following principles for the detailed Landscape Management Plan: - A detailed scheme of tree and shrub planting and aftercare. This will include details of soil restoration and ground preparation, species choice, stock size, spacing, protection and a program of weed control and aftercare. - A scheme of protection to demonstrate how new tree and hedge planting will be protected against deer, rabbits / hares etc. The detail will also indicate a variety of access gates within the detail for badgers or other creatures that may have, for instance, established routes through the restored areas. Should these (or similar) be included within the oLMP [REP2-031]? If not, why not?	All of the suggested topic headings are useful and relevant, and should be included in the oLMP at the appropriate level of detail - A process to deal with incidents of ash die back, where relevant to the onshore development area, including removal of diseased specimens and re-planting of replacement native species (non-ash species). - Details of local provenance suppliers of plant material for inclusion within the specification. - Details of the implementation and maintenance of landscaping, including management of trees, hedgerows and grassland in the longer term.	The Applicants have already confirmed in The Applicants' Responses to EXQ1 [REP3-027] that these principles can be added. The OLMP (Revision 4) [document reference 8.11] has been updated at Deadline 4 to include this.
REP3-037: LVI.1.15	Maximum design parameters The Applicants: Requirement 9 of the draft DCO [REP1-004] would secure the maximum height and footprint of the converter stations. How does the draft DCO ensure that all the other maximum design parameters assessed in the ES would not be exceeded? The Applicants and ERYC: Should all maximum parameters assessed in the ES be secured by the draft DCO?	ERYC consider it would be clearer and more precise if all maximum parameters are included in the draft DCO.	The Applicants have confirmed in The Applicants' Responses to EXQ1 [REP3-027] that maximum heights and footprints are now included in the Draft DCO (Revision 5) [REP1-004], submitted at Deadline 2. The response to LVI.1.15 further states: <i>Chapter 5 Project Description (Revision 3) [REP1-009] and Project Change Request 2 [AS-152] are certified documents and include the maximum parameters related to onshore and offshore which were assessed in the ES and cannot be exceeded in the detailed design. It would be impractical to include all parameters included in the Project Description within the DCO and is not the approach followed by other Offshore Wind Farm DCOs. Furthermore, Requirement 9 of the Draft DCO (Revision 6) [document reference 3.1] provides that the Applicants must submit details of certain works in relation to the Onshore Converter Stations to the relevant planning authority or approval prior to commencement of these works. The Onshore Converter Station designs, secured by Requirement 9 of the Draft DCO (Revision 6) [document reference 3.1] must be in accordance with the DAS (Revision 2) [REP2-027], which was updated at Deadline 2 to include the revised maximum parameters for Project Change Request 2 [AS-152].</i>
Noise and vibration			

I.D.	Question	ERYC Response	Applicants' Response
REP3-037: NV.1.1	Construction working hours Section 5.2 of the oCoCP [REP1-025] states that, 'no activity where significant noise is audible beyond the Onshore Development Area will take place outside of these hours [...] apart from under the following circumstances...'. Do you consider this statement to be in accordance with the wording of Requirement 20 of the draft DCO [REP1-004]? Clarify the definition of 'significant noise' and whether any changes may be required, either to the wording in the oCoCP or Requirement 20?	The wording of Section 5.2 above is awkward and unenforceable. Audible is not a precise form of wording – audible to whom, where and when? Also – 'significant noise' is undeterminable to whom, where and when? Noise from each construction activity will vary depending on what activities are taking place outside the core hours in what location. It is understood that there are circumstances where the applicants may seek a Section 61 of the (Control of Pollution Act 1974) with the local authority and whilst this is not widely used it is appropriate because we then get to look at individual circumstances and proposed mitigation with the applicant/developer in relation to work to be undertaken and location in relation to the nearest sensitive receptors. Another way to look at this might be to include something along the lines of 'No plant or machinery in the construction of this project shall be used outside the agreed core hours 7am – 7pm Monday to Saturday and at no time on Sundays or Bank Holidays unless agreed in writing with the Local Authority.' There may be some work activities that involve no plant and machinery and can take place within the Onshore development Area without any impact whatsoever. When considering a Section 61 agreement with the contractor we would be mindful of British Standard BS4142:2014 Methods for rating and assessing industrial and commercial sound together with British Standard BS5228 -1:2009 +A1:2014 Code of Practice for noise and vibration on construction and open sites. A combination of these guidance documents and specific circumstances can be considered to protect residential amenity for neighbours.	The Applicants have updated paragraph 34 in section 5.2 of the OCoCP (Revision 4) [document reference 8.9] to remove the wording 'No activity where significant noise is audible beyond the Onshore Development Area will take place outside of these hours including Sundays, public holidays or bank holidays apart from under the following circumstances' and replace it with the following 'No plant or machinery in the construction of the Projects shall be used outside the agreed core hours 7am – 7pm Monday to Saturday and at no time on Sundays or Bank Holidays unless agreed in writing with the Local Authority, likely under the following circumstances: • Where continuous periods of operation are required, such as concrete pouring and trenchless crossings; • For internal fitting out works associated with the Onshore Converter Station(s); • For the delivery of abnormal loads to the construction works, which may otherwise cause congestion on the local road network; • The testing or commissioning of any electrical plant installed as part of the Onshore Converter Station(s); • Security monitoring; • Activity necessary in the instance of an emergency where there is a risk to persons, the environment, delivery of electricity or property; and • As otherwise agreed in writing with the relevant authorities. The Applicants have had email correspondence with ERYC (3rd April 2025) to propose the suggested update to the wording of paragraph 34 of the OCoCP (Revision 4) [document reference 8.9], and ERYC responded (3rd April 2025) to confirm that the proposed update to the OCoCP would resolve their concerns on this matter.
REP3-037: NV.1.2	Construction working hours The oCoCP [REP1-025] has been amended to include the following wording in paragraph 35: 'As detailed in section 6.7.2, prior to agreement of the final Code of Construction Practice (secured through Draft DCO Requirement 19), the Applicant and /or their Principal Contractor will consult with ERYC and agree a process for determining areas where, in advance of construction, core working hours may not be appropriate and a Section 61 (of the Control of Pollution Act 1974) consent must be obtained by the Principal Contractor(s) for certain activities.' Can you confirm the detailed locations that you consider to be noise sensitive and where core working hours may not be appropriate. Do you believe these could be agreed during the Examination? If not, why not?	It is not considered that specific locations for a section 61 agreement could be agreed in advance during the examination process because currently we do not know exactly what items of plant and equipment will be required for each element of work in each location. Whilst it is appreciated that we have background noise levels at various noise sensitive receptors this will be useful when considering the circumstances of each area and any mitigation required. It is expected that best practice will be used and that the majority of the work could be completed within core hours and that work outside core hours will be limited to exceptional/emergency circumstances on a case by case basis	As mentioned in the Applicants response to NV.1.2 (The Applicants' Responses to ExQ1 [Rep3-027]), the assessment has not identified any areas where the core hours are not appropriate. Therefore, it would be for ERYC to suggest the areas they are concerned about. The Applicants are happy to discuss this with ERYC and agree / identify areas where Section 61 consent would be required and the Applicants agree that this is likely to be more effectively achieved at a later stage, when there is more detail available on the proposed construction techniques / activities. It is suggested that this is done as soon as possible once the relevant contractors are on board and the relevant site specific construction information is available to share with ERYC. This will be before the final Code of Construction Practice is in place, as stated in in OCoCP (Revision 4) [document reference 8.9] paragraph 257: "Prior to agreement of the final Code of Construction Practice (secured through Draft DCO Requirement 19), the Applicant and /or their Principal

I.D.	Question	ERYC Response	Applicants' Response
			Contractor will consult with ERYC and agree a process for determining areas where in advance of construction, core working hours may not be appropriate and a Section 61 (of the Control of Pollution Act 1974) consent may must be obtained by the Principal Contractor(s) for certain activities." Please note, it is in the Applicant's interest to get agreement on the locations for Section 61 agreements as soon as possible, to provide enough time to submit applications and agree consent in advance of the works.
REP3-037: NV.1.3	Construction working hours Do you consider the wording of Requirement 20 of the draft DCO [REP1-004] fully aligns with the provisions made in the oCoCP [REP1-025] (covered by Requirement 19) in relation to the proposed construction working hours?	It is considered that the wording of Requirement 20 of the draft DCO fully aligns with the provisions made in the oCoCP [REP1-025] (covered by Requirement 19)- paragraph 35 (page 38) of the oCOCP, in relation to the proposed construction working hours.	The Applicants acknowledge this comment.
REP3-037: NV.1.7	Noise effects on tourism The ExA notes that the camping and caravan site at Butt Farm would be located closer to the proposed onshore converter station than the host dwelling at Butt Farm, which is identified as noise sensitive receptor R39 (as shown on Noise Figure 25-1h [APP-202]). Do you consider the camping and caravan site should be identified and assessed as a separate receptor or should the original receptor at R39 be moved closer to the onshore converter station to take account of the ancillary uses? If not, explain why not. If yes, do you consider the baseline noise environment has been appropriately assessed as part of the ES or would the application documents require updating? You may wish to link the answer to this question with the answer to SET.1.6	Whilst it is appreciated that the camping and caravan site may be nearer to the onshore converter station it is appropriate that R39 remain at the permanent dwelling on the site. The planning and DCO process is intended to protect residential amenity where by the users of the caravan and camping site are by their very nature transient. As far as understood, it is not a static site with 12 month occupancy. Having looked at the distance between the caravan and camping site and Butt Farm itself and taking into account the difference in those distances to the Onshore Converter Stations it is not believed there would be a discernible difference between the two.	The Applicants are in agreement with ERYC and this aligns with the Applicants' previous response to N.1.7 given in The Applicants' Responses to ExQ1 [REP3-027] which stated: <i>Facilities that allow for occasional overnight stays (such as the camping and caravan site at Butt Farm) were not identified as noise sensitive receptors in the noise assessment. This was based on the assumption that people using this type of facility would only be exposed to noise for a relatively short period of time (e.g. whilst staying) and this is highly unlikely to result in significant adverse impacts on their health and wellbeing, which requires significantly longer durations of noise exposure. This is similar to the approach used on other large infrastructure projects (e.g. HS2).</i> [...] <i>Although the Butt Farm camping and caravan site was not included as a noise sensitive receptor in the noise impact assessment, the Applicants are aware of this facility and potential changes in noise due to the operation of the Onshore Converter Station(s) and this has been investigated. Operational noise levels at the closest (most affected) camping plot to the converter station are predicted to be below 40 dB LAeq,T. Therefore, should the criteria used to assess residential receptors were applied to the campsite, the level of impact would be identified as negligible. Furthermore, a campsite (where a person's exposure to noise is short term) is likely to be considered less sensitive than a residential property dwelling (where long term exposure to noise can occur).</i>
Socio-economic effects and tourism			

I.D.	Question	ERYC Response	Applicants' Response
REP3-037: SET.1.5	Local skills and employment The SoCG between the Applicants and ERYC [REP1-028] has highlighted concerns regarding the proposed wording of Requirement 26, Local Skills and Employment. Can you confirm whether this has been resolved and clarify the agreed wording? Is ERYC satisfied with the information provided as part of the proposed Outline Skills and Employment Strategy [APP-230]?	Response awaited and to forward.	The Applicants acknowledge this comment.
REP3-037: SET.1.11	Assessment of tourism effects Your LIR does not make reference to the appropriateness of the Applicants' assessment of effects on tourism with particular regard to the close vicinity of the Proposed Development to the Yorkshire Wolds and various coastal towns as well as a number of caravan and camping businesses situated along the onshore export cable corridor, near the landfall and onshore converter station. Do you have any further comments in relation to the potential effects of the Proposed Development on tourism, as detailed in ES Chapter 29 [APP-219]?	Reference is made back to question 1.7. However further comments are being sought.	The Applicants acknowledge this comment.
Traffic and transportation including public rights of way			
REP3-037: TT.1.4	Future year traffic flow Do you consider the choice of 2026 as the reference year for background traffic (Section 24.5.5.1 of ES Chapter 24 [APP-195]) to be appropriate? The submission confirms that, at the earliest, construction works would commence in 2026 and could last up to seven years (in a concurrent scenario). However, construction could also commence seven years after consent has been granted which could be in 2032 or 2033, lasting up to seven years (up to 2039 or 2040). Could the Applicants explain if any potential traffic growth between 2026 and 2033 has been considered in the baseline assessment? Are any other schemes of relevance to the Proposed Development expected to come forward during this time?	The LHA suggest that this is acceptable as the impacts on the network in the future if HGV levels remain the same would be less and those that currently exceed EATM (IEMA) thresholds may not when taking further future traffic growth into account. However, the LHA would not be opposed to providing further information in relation to the baseline traffic assessment.	The Applicants welcome East Riding of Yorkshire Councils agreement to the approach to forecasting future year flows.
REP3-037: TT.1.8	Assessment of significance – driver delay (capacity) - Junction 15 ES Chapter 24 [APP-195, table 24-30] provides a summary of the junction sensitivity and magnitude of effects for sensitive junctions 14 to 17. With regard to junction 15, can you provide clarification on the referenced junction improvements? 1. What are the proposed timescales for completion? 2. Would there be any implications for either the assessment of the junction already undertaken or on the construction period of the Proposed Development from the works?	1. This has been completed – further information on the scheme is here: https://www.eastriding.gov.uk/council/plans-and-policies/other-plans-and-policies-information/transport/a164-willerby-roundabout/ 2. No implications on the construction, as above this is complete.	The Applicants welcome East Riding of Yorkshire Councils confirmation on this matter.

I.D.	Question	ERYC Response	Applicants' Response
REP3-037: TT.1.10	Assessment of significance – driver delay (highway geometry) In relation to link 58, ES Chapter 24 [APP-195, table 24-34] explains that it is proposed to widen Ings Road (Link 58) as part of a proposal for a new Household Waste Centre to allow for its use as a construction access (shown as access AC12 on the Access to Works Plan [APP-016]). 1. Can you confirm the status of any planning application or appeal for the proposed Household Waste Centre? 2. What is the likelihood of a new planning application being determined during Examination? What are the proposed indicative construction timescales, and do you consider the road widening proposals would be implemented before construction of the Proposed Development would commence?	Planning permission was refused and appeal deadlines have passed.	The Applicants acknowledge this comment.
REP3-037: TT.1.12	Abnormal Indivisible Load assessment The Abnormal Indivisible Load Access Report [APP-199, paragraph 9.5] states that, <i>'no formal clarification has been obtained from East Riding of Yorkshire Council in terms of structures on the preferred route. It will be necessary to obtain confirmation from East Riding of Yorkshire Council as to the suitability of their structures for the proposed loads and attempts to do this will continue and be reported on separately when obtained.'</i> Can you provide an update on the discussions? 1. Do you consider the measures included in the oCTMP [AS-020] and in the Abnormal Indivisible Local Access Report [APP-199] in relation to abnormal load management to be sufficient and appropriately detailed at this stage? If not, can you outline the additional information that should be included? 2. Could you update the SoCG between the Applicants and the ERYC [REP1-028] and NH [REP1-037] to include the discussions and agreements on the movements of any abnormal indivisible loads?	The LHA suggest that this is acceptable and AILs should be reported to adbnomral.loads@eastriding.gov.uk as per typical abnormal load movement procedures and National Highways notification requirements for the movement of Abnormal Indivisible Loads or vehicles by road when not complying with The Road Vehicles (Construction and Use) Regulations 1986.	The Applicants welcome confirmation that the Applicant's response to this matter is acceptable to ERYC. The Applicants agree that subject to consent, notifications and consent to move abnormal loads will need to be sought via the prescribed abnormal load procedures which are administered by National Highways (via the ESDAL¹ system) on behalf of the Secretary of State for Transport. This process will ensure that ERYC are consulted prior to the movement of any abnormal load. This requirement is captured within section 2.5 of the OCTMP (Revision 3) [document ref 8.13]. ¹ Electronic Service Delivery for Abnormal Loads (ESDAL)
REP3-037: TT.1.13	Outline travel plan measures Applicants: The information in table 3-1 of the oCTMP [AS-020] regarding outline travel plan measures is noted. However, it is unclear whether it is proposed to provide a detailed travel plan, either during the Examination or at a later stage. Can you clarify? Has consideration been given to a Travel Plan Co-ordinator? If not, why not? When would a decision be made, and would this be discussed further with the relevant Highways Authorities? How would the travel plan and any proposed monitoring, review and targets be secured? Do you consider	The LHA suggest that a travel plan should be submitted once further details for the construction are known and this should be added to the DCO requirements list before construction begins.	The Applicants would reiterate the response to Q1 (TT.1.13) (The Applicants' Responses to ExQ1 [REP3-027]) which notes that the OCTMP (Revision 3) [document reference 8.13] includes both the elements of a travel plan for managing employee travel as well as measures to manage Heavy Goods Vehicle (HGV) traffic. The Applicants do not consider that it is necessary for a separate Travel Plan Requirement as the requirement to produce a final CTMP in accordance with the OCTMP (Revision 3) [document reference 8.13] (which includes an outline of likely travel planning measures and approach to monitoring, reporting and enforcement of employee travel) is secured

I.D.	Question	ERYC Response	Applicants' Response
	the Proposed Development currently complies with paragraph 5.14.7 of NPS EN-1? NH, HCC and ERYC: Do you consider the information in relation to the outline travel plan measures, including demand management and monitoring, to be sufficient as currently submitted? If not, can you identify the additional information required.		by Requirement 14 of the Draft DCO (Revision 7) [document reference 3.1]. The Applicants will seek clarity on this matter with ERYC and provide an update to the ExA as part a revision to the SoCG with ERYC.
REP3-037: TT.1.15	Emergency beach access AC1 The proposed emergency beach access was discussed at ISH2 and it was agreed that the Applicants would consult with the local authority on the detailed design (such as any ramp, matting or access road as required). Is there any update on discussions and could the Applicants clarify how the proposed commitment would be secured as part of the draft DCO?	Update being sought to be forwarded.	The Applicants acknowledge this comment. No response required at this stage.
REP3-037: TT.1.17	Public Rights of Way - clarification The PRow Plan [APP-017, page 15] specifies the location of the 'proposed bridleway in the parishes of Catwick and Leven'. Can you provide clarification on the status of the proposed bridleway? When is it likely to be formally designated and how would any measures as set out in the oPRow Management Plan (Appendix C to the oCoCP [REP1-025]) be implemented for a proposed PRow?	The proposed bridleway raised multiple objections on the informal consultation, this proposal has since been withdrawn with a new proposal put forward. The new proposal is to divert the bridleway northwards and having examined the PRow Plan [APP-017], it does not affect the route of the Dogger Bank South project.	The Applicants acknowledge this comment.

2.4 Environment Agency

Table 2-4 The Applicants' Comments on the Environment Agency's Responses to ExQ1 [REP3-042]

I.D.	Question	Environment Agency Response	Applicants' Response
REP3-042	N/A	Application by RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited for the Dogger Bank South Offshore Wind Farms Project Environment Agency response to the Examining Authority's First Written Questions. We have reviewed the Examining Authority's questions (ExQ3, issued 15 October 2024) and wish to offer the following responses set out in the accompanying table. Please note that we are unable to provide full answers in relation to questions GGC.1.3 and HF 1.7 currently. I am working with colleagues to provide these as soon as possible.	No response is required.
REP3-042: CA.1.17	Update on negotiations The Applicants: The SoR [AS-146, paragraph 13.18] states that draft Protective Provisions are under negotiation and that the Applicants are currently seeking to agree the form of Protective Provisions with the affected undertakers. Schedule 15 of the draft DCO [REP1-004] includes the standard Protective Provisions for the protection of electricity, gas, water and sewerage undertakers (part 1) and the protection for operators of electronic communications code networks (part 2) in addition to bespoke Protective Provisions for the protection of the EA (part 3), drainage authorities (part 4) and for Network Rail Infrastructure Ltd (part 5). Can you provide details of any further bespoke Protective Provisions that are likely to be added to the draft DCO and the timeframe for their agreement? The Statutory Undertakers: Can you provide an update on progress regarding the agreement of Protective Provisions and whether you consider that they will be agreed before the close of the Examination?	To give us confidence in disapplication we are still awaiting the response to the following question we posed at relevant reps: With respect to the depth of the crossings below main rivers, what distance above the proposed cable would the applicant be comfortable / allow piling to occur above it? For example, if the cable were at a depth of 20m what depth would we be able to pile to, 10m, 15m, 18m? (i.e. would there be an exclusion zone above the cable?) Once we have the answer to this, we would be able to say with more confidence whether we could agree to disapplication. We would then consult with our legal team re: the protective provisions.	A Crossing Method Statement must be agreed with the Environment Agency prior to commencing any works which require crossing any Main Rivers, this would include an agreement on the minimum depth below bed level for the installation of the cable ducts based on detailed site investigation. As detailed in section 5.15 of the Outline Code of Construction Practice (Revision 4) [document reference 8.9], this would include consideration of future flood defences and associated piling, through consultation with the Environment Agency Asset Performance and Projects team at the detailed design stage, as detailed in section 6.3.2.6 of the Outline Code of Construction Practice (Revision 4) [document reference 8.9]. This was discussed with the Environment Agency at the Statement of Common Ground (SoCG) meeting on the 9th October 2024 and it was confirmed that depth could be agreed as part of the crossing method statement at the Environment Agency SoCG meeting on the 22nd April 2025. At this meeting the Environment Agency asked for further clarification that the requirement to agree a crossing method statement was secured by the DCO. The Applicants confirmed that all measures set out in the Outline Code of Construction Practice (Revision 4) [document reference 8.9] including section 5.15 are secured through Requirement 19 of the Draft DCO (Revision 7) [document reference 3.1]. The Applicants also confirmed the Environment Agency have Protective Provisions in Schedule 15, Part 3 of the Draft DCO (Revision 7) [document reference 3.1] and these include the following wording '<i>Before beginning to construct any specified work, the undertaker must submit to the Agency plans of the specified work and such further particulars available to it as the Agency may within 28 days of the receipt of the plans reasonably request.</i>' As documented in the Environment Agency SoCG (Revision 2) [document

I.D.	Question	Environment Agency Response	Applicants' Response
			reference 9.3] the Environment Agency are considering this response and the Applicants' comments on the protective provisions.
REP3-042: GGC.1.3	Landfill contamination Are any of the identified historic landfill sites of concern to you and, having regard to Requirement 19 of the draft DCO and the Outline Pollution Prevention Plan [REP1-025, Appendix D], do you consider that any further assessment is necessary at this stage? Please provide reasoning with your response.	Unfortunately we have been unable to check the sites referenced in the question, but can do so if you are willing to accept a response at a later date.	The Applicants acknowledge this comment.
REP3-042: HF.1.2	Climate change data for the sequential test The Applicants' response to ISH2 agenda item 11, action point 26 [AS-155] explains the Environment Agency 2013 River Hull and Holderness Drain Flood Mapping Study has been used as to inform the sequential test including the future risk of flooding. Given this study is 12 years old, could you confirm if its findings are considered the most relevant for identifying the current and future risk of flooding for the Proposed Development? If not, please identify which other sources should be used.	The only above ground infrastructure (a converter station) lies in Flood Zone 1 – 265 metres from FZ2 or 3 according to the reports. We are seeking advice from our modelling teams to understand if there is more suitable data available. However, it's possible that even with new climate change allowances added on to the model it would not bring this area in to flood zone 2 or 3, so it is possible that this modelling could still be suitable despite its age.	The Applicants note that a review of the new NaFRA2 dataset confirmed that the Onshore Converter Stations will remain in Flood Zone 1, taking into account the new climate change mapping included in the updated dataset, which were not previously available. Furthermore, the Environment Agency confirmed during Issue Specific Hearing 4 (ISH4) on 9th April 2025, at the Onshore Converter Station the 2013 River Hull and Holderness Drain Mapping Study and new NaFRA2 datasets are aligned in their conclusions related to flood risk. The Applicants will provide further detail on this matter within the technical note titled 'Flood Risk and Climate Change Technical Note' for Deadline 5 as agreed in ISH4 on 9th April 2025 and referenced in Action Point 1 of EV9-002. Furthermore, for specific water depths and levels the Environment Agency has provided the outputs from the 2013 River Hull and Holderness Drain Mapping Study, in April 2025, for use in the consideration of the Temporary Construction Compounds which are located within Flood Zone 3 (confirmed as Flood Zone 3a). Further detail on this matter will also be provided within the 'Flood Risk and Climate Change Technical Note' for Deadline 5 as agreed in ISH4 on 9th April 2025 and referenced in Action Point 1 of EV9-002. As such, it is the Applicants' understanding that this is still considered to be the most relevant modelling for identifying present day flood risk to the Projects. This was discussed with the Environment Agency during ISH 4 on 9th April 2025, during which the Environment Agency indicated the 2013 data would still be the most relevant. However, at ISH4 the Environment Agency were assigned an Action Point to confirm whether the 2013 River Hull and Holderness Drain Flood Mapping Study has been combined into, or superseded by, NaFRA2, particularly in the areas around the two Temporary Construction Compounds (located in Flood Zone 3). Following a meeting with the Environment Agency on 22nd April 2025, the Applicants are working on the understanding that the 2013 data remains the most appropriate to use.

I.D.	Question	Environment Agency Response	Applicants' Response
			This is subject to ongoing clarification between the Applicant and the Environment Agency.
REP3-042: HF.1.5	Geomorphological survey scope Can you comment whether limiting the scope of the geomorphological survey [APP-166] to Water Framework Directive waterbodies is appropriate for informing the assessment of likely effects from the Proposed Development? If not, please explain why, and how the Applicants might resolve this.	Yes, we are comfortable that limiting the geomorphology survey to where the cable routes will cross main river and WFD waterbodies is appropriate.	The Applicants acknowledge this comment.
REP3-042: HF.1.6	Water Environment Regulations compliance assessment scope Can you confirm if you agree with the waterbodies identified with Table 20-3-3 of the Water Environment Regulations Compliance Assessment (revision 3) [REP1-016], the parameters identified in Tables 20-3-4 and 20-3-5 [REP1-016] and the outcome of scoping assessment? Specific consideration should be given to the general approach that the Proposed Development only affects small proportions of each catchment, habitat or area as justification for scoping out.	We are satisfied that the water bodies identified are correct. If the cable route crosses chalk river / floodplain habitat, even via trenchless techniques, there may be potential for the underground service to impact upon the processes controlling groundwater/surfacewater interaction. In chalk streams such interactions are very important. We would therefore recommend that the operational activities are scoped in for the hydromorphology quality elements for table 20-3-4.	The question identifies chalk river/floodplain habitats as sensitive receptors. The Natural England Chalk Rivers data set (Chalk Rivers (England) Natural England Open Data Geoportal) has been checked and the Projects do not cross any chalk river/floodplain environments. With respect to floodplain environments in general, as stated in section 20.3.1 of Chapter 20 Flood Risk and Hydrology (Revision 2) [REP1-014], during the Projects' scoping stage, it was agreed that the direct disturbance of surface water bodies would be scoped out during the operational phase. Once the Projects are operational there will be no mechanisms by which elements of the Projects could directly disturb water bodies. Regarding Table 20-3-4 of Appendix 20-3 Water Environment Regulations Compliance Assessment (Revision 3) [REP1-016] and the request to scope in the hydromorphology element for operation, there are three questions relating to hydromorphology scoping. These relate to whether the Projects could, during operation: (1) change the volume, energy or distribution flows; (2) affect the width, depth and structure of the riparian zone; (3) create permanent barriers for fish and sediment. As assessed in Table 20-3-4 of Appendix 20-3 Water Environment Regulations Compliance Assessment (Revision 3) [REP1-016] for hydromorphology, the area of permanent infrastructure in surface water catchments is very low, reaching a maximum of 0.40% in the High Hunsley to Woodmansey Area catchment. Although there may be localised changes to flow paths and directions in the vicinity of buried/near surface infrastructure, these small-scale changes are considered unlikely to the change the volume, energy or distribution of flows in any river water body. It is also unlikely the limited area of permanent infrastructure will affect the width, depth, bank conditions, bed substrates and structure of the riparian zone in any river water body are not anticipated.

I.D.	Question	Environment Agency Response	Applicants' Response
			Permanent infrastructure at crossing points will be buried below watercourses, which means that once operational there will be no mechanism for effect on sediment or fish. Any localised dewatering needed for unplanned emergency repairs is unlikely to significantly alter the movement or level of groundwater in the wider Hull and East Riding Chalk groundwater body (which measures 1,967 km²) or affect gross patterns of groundwater flow. In addition, the Onshore Development Area is underlain by glacial boulder clay, which has a very low permeability and acts as an aquiclude between surface water and groundwaters.
REP3-042: HF.1.7	Cumulative effects assessment Can you comment on the Applicants' CEA in ES Chapter 20 (revision 2) [REP1-014, section 20.8], with specific consideration to the approach of identifying other schemes and the criteria used for subsequent shortlisting?	Unfortunately we have been unable to check whether there are any EA schemes that may have a cumulative impact in the area, but can do so if you are willing to accept a response at a later date.	The Applicants acknowledge this comment.
REP3-042: HF.1.8	Water resources The Applicants identify aquifers, groundwater source protection zones, groundwater abstractions, surface water abstractions and drinking water safeguard zones relative to the Proposed Development [APP-164, Figures 20-1a to 20-3c]. The Applicants have submitted updated Figures 19-8a to 19-8c [REP1-013] that identify local authority managed commercial and domestic potable abstraction wells, and licensed groundwater and surface water abstractions. The figures include an additional 50m buffer. In context of this updated information, can you comment on the assessment of likely effects of the Proposed Development on these hydrogeological and hydrological receptors including any proposed mitigation? Your response should consider the details in ES Chapter 19 [APP-158, section 19.6.1.2]. In addition, could the EA comment or clarify whether it objects to the Proposed Development in the context of the updated information and the groundwater protection remarks in its Relevant Representation [RR-015]?	We note in APP-158 section 19.6.1.2 - 102 -108, APP164 and REP1-013, the applicant has identified potential impacts to the aquifer. We are satisfied the applicant has considered the likely effects the works would have on hydrogeological and hydrological receptors. If the works proceeded without the correct mitigation then we would likely object to the proposal due to the risk to groundwater resources, quality and contamination in sensitive receptors. However we do note that the applicant has suggested mitigation measures in APP-158 Table 19-3 to address the risks. Outside of the Table 19-3, we also note in Paragraph 125: <i>"Should contamination be encountered that is considered to pose an unacceptable risk to groundwater and groundwater resources, a remediation strategy proportionate to the level of risk would be developed and agreed with the relevant bodies. Once agreed, any required remediation works, which will be dependent on the type and level of contamination encountered, would be undertaken to mitigate the potential risks posed."</i>	The Applicants are in agreement with the Environment Agency response.

2.5 Historic England

Table 2-5 The Applicants' Comments on Historic England Responses to ExQ1 [REP3-043]

I.D.	Question	Historic England Response	Applicants' Response
REP3-043: DCO.1.17	2.1 Question DCO.1.17 Title: Requirement 18(2) In the supplementary agenda to ISH1 [EV4-001, ISH1.S2.18], the ExA asked that you confirm that the list of information to be included in 18(2) for each scheme is complete and, if not, to provide details of what additional information you would wish to see included in the list and why. Because the Preliminary Meeting was adjourned, the Hearing was cancelled and the ExA did not receive a response to this question. Can you provide a response?	Historic England can confirm that that the list of information included in 18(2) for the terrestrial and marine aspects of the scheme is complete.	The Applicants acknowledge this comment.
REP3-043: HE.1.4	2.2 Question HE.1.4 Title: NPS EN-5 and the Electricity Act 1989 Do you consider that the Applicants have had regard to the desirability of protecting sites, buildings and objects of architectural, historic or archaeological interest, and have done what they reasonably can to mitigate any effects in accordance with NPS EN-5 paragraph 2.2.10 and Schedule 9 of the Electricity Act 1989? If not, why not?	We consider that the Applicants have had regard to the desirability of protecting sites, buildings and objects of architectural, historic or archaeological interest, and have done what they reasonably can to mitigate any effects in accordance with NPS EN-5 paragraph 2.2.10 and Schedule 9 of the Electricity Act 1989. However, there are areas of disagreement (planting as mitigation, impact of the Converter Stations on the significance of the Butt Farm Gunsite, and public benefit) between Historic England and the Applicants, but these are matters of degree rather than principle.	The Applicants acknowledge Historic England's comment. Comments on any specific matters of disagreement or clarification are set out against the relevant items below.
REP3-043: HE.1.6	2.3 Question: HE.1.6 Title: Assessment Methodology Could you provide a view on the responses to WQ7 and WQ8 (page 59) of the Applicants' Responses to January 2025 Action Points' [AS-155] regarding the methodology for defining the level of importance of heritage assets? Do you agree with the Applicants' stance that increasing the importance of Grade II listed buildings to high importance would not affect the overall findings of the ES?	Historic England met with the Applicants on 5 th March 2025 to discuss the emerging Statement of Common Ground. One of the items for discussion was this issue of methodology for defining the level of importance of heritage assets. The Applicants confirmed that they had amended the importance ranking of Grade II buildings from 'medium' to 'nationally important'. Having seen the results of this work and established that there are no physical impacts on those designated heritage assets or their settings, we accept that the overall findings of the ES would not be affected by this change	The Applicants acknowledge this comment.
REP3-043: HE.1.7	2.4 Question HE.1.7 Title: Assessment Methodology Can you review the Applicants' Responses to Issue Specific Hearing 2 Supplementary Agenda Questions Appendix A Heritage assets, the effects and the attributed level of harm in response to ISH2 10.9 [REP2-059] – do you agree with the Applicants' assessment and conclusions? If not, why not?	We agree with the assessment provided by the Applicants that there will be no direct physical impacts on designated heritage assets during construction. The Applicants identify that harm will be caused to the significance of Butt Farm Gunsite as a result of development within its setting. We agree with the Applicants that the level of harm will be less than substantial, however, we disagree with the Applicants as to where the harm should be placed on the spectrum of less than substantial harm. The Applicants have identified this level of harm as LSH(L) (less than substantial, harm (lower)) meaning that it is at the lower end of the	The Applicants' assessment makes it very clear that setting is an important contributor to the significance of the Butt Farm gun site. Any disagreement is over the nature and extent of the contribution of that setting to significance. It is clear that those aspects of setting that contribute most significantly to the significance of the asset; i.e. the designed arcs of fire to the north and west and the area of the wider battery site, will be retained in line with NPS EN-1 5.9.15 'Proposals that preserve those elements of the setting

I.D.	Question	Historic England Response	Applicants' Response
		'less than substantial harm' to significance scale. Using Table 22-8 in AS-092, (provided by the Applicants) Historic England considers that the level of harm equates to 'Medium Adverse', and therefore at a higher end of the less than substantial harm spectrum, as set out at paragraph 4.7 of our Written Representation [REP1-059]. It is therefore for the decision maker to make the final balancing judgement on the level of harm to significance versus public benefit. We also note here that should subsequent offshore projects be developed which require onshore infrastructure to be located adjacent to the Butt Farm Gunsite, cumulative impacts will arise which will have the potential to intensify the harm to the significance of the monument.	that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.' Cumulative impacts arising from postulated and potential future developments that have not yet reached sufficient maturity to consider in the Cumulative Effects Assessment (CEA) presented in the Environmental Statement (ES) would be a matter for the assessment of those developments in line with accepted practice on CEA and are not relevant to this proposal.
REP3-043: HE.1.16	2.5 Question HE.1.16 Title: Significance of effects – heavy anti-aircraft gunsite, 350m west of Butt Farm The Onshore Infrastructure Settings Assessment [APP-178] notes that the battery operated as a mixed sex regiment which used women from the Auxiliary Territorial Service to operate radar, communications systems and other support roles, and that it was used also as a training facility, allowing batteries from around the country to gain operational experience. Can you explain how the gunsite and wider area would have been operated for these specific historic uses and consider whether the effects of the Proposed Development on its setting might be take on a different significance in relation to them.	The scheduled area is only a small portion of the anti-aircraft battery site. Wartime and immediately post-war aerial photography of the site shows that the 'site' extended to the south of the standing remains towards the proposed Converter Stations (and into the area of the proposed planting on the north side of the proposed Converter Stations, APP-193, ES Vol 7, Chapter 23, Rev 03, fig 23-6) and east to include the farmhouse (Appendix A an aerial photograph of 1946 showing the Battery site at its fullest extent). It also extended to the north of the current site, but not appreciably so. The land to the south of the standing remains included the radar mat (which was subsequently replaced with a radar platform) and appearing as a diamond pattern in Appendix A, and other radar buildings (revealed by the three long shadows immediately east of the guns in Appendix A). To the east towards and south of the farmhouse was the camp for the women (ATS), a football field, and hockey field. All these areas have to be considered integral to the operation of the Gunsite and as part of the setting of the standing remains. The Butt Farm Gunsite is in open country, with farm land and woodland to the south. It is not clear what sort of archaeological remains might still exist of these features. The buildings were either demolished or dismantled and sold and the radar platform salvaged and re-purposed elsewhere. It is probably the case that the land south of the standing remains has been ploughed since the decommissioning of the Gunsite and therefore we should expect any archaeological remains of the above to be slight – although some remains should still be present. A low-level oblique aerial photograph of 1992 (Appendix B) shows that the radar mat was still visible as a negative cropmark. The implication of this negative cropmark indicates that the posts were probably set in concrete, and that there was still buried evidence for this temporary feature at that time, although we know that the radar mat was already removed by 1946.	The Applicants have acknowledged throughout that the scheduled gun site is part of a wider site that retains archaeological interest. This is explicitly set out at Section 76 of the Onshore Infrastructure Settings Assessment [APP-178], which also acknowledges the potential for an adverse effect. Geophysical survey and trial trenching of that part of the battery site that falls within the Development Consent Order (DCO) Order Limits did not observe any remains of the battery (Geophysical Assessment Report Part 1 of 9 [APP-180] Figure 22.7.60 and page 125; Phase 2 2024 Archaeological Trial Trenching Technical Note (Revision 2) [AS-022]; Archaeological Trial Trenching Phase 2 (Interim) Section 17 [PDA-030], section 3.2, Figure 3.15). It is therefore not accurate to suggest that it is not clear what archaeological remains may survive within the Order Limits. Many of the elements of the wider anti-aircraft battery site that are identified by Historic England (e.g. playing fields) are archaeologically ephemeral and would not be expected to survive in any way that would be recognisable to archaeological investigation. The structural elements identified by Historic England as of archaeological interest are outwith the DCO Order Limits and would not be physically affected. Of these, many of the buildings to the east of the gun site survive in a variously ruinous states, but in all cases are similarly are outwith the area of any proposed development, as are the sites of the hutted accommodation; contemporary architectural drawings of these structures suggest that standard designs for accommodation and domestic structures used on these sites were typically ground-bearing temporary structures that would leave very limited traces visible to archaeological survey. There would not be any specific concentration of detached driving bands in the fields adjacent to the gun site. The driving bands for the AA shells used at Butt Farm remained attached to the shells after firing. Finds of shell fragments with the driving band attached to the ferrous casing are recorded at a national level in the Portable Antiquities Scheme database. These fragments would have been deposited at typical engagement

I.D.	Question	Historic England Response	Applicants' Response
		Another element which may be present are 'driving bands'. These are the narrow copper (or lead) bands of a soft metal applied to the ends of an artillery shell which expand when the gun is fired, thereby forming a seal between ammunition and barrel so that the propellant gases do not escape from the barrel and continue to drive the shell. These bands became detached once the artillery shell was out of the barrel and can be found in the fields surrounding artillery and anti-aircraft gunsites. The fields south of Butt Farm should have numerous 'driving bands' still waiting to be discovered. The assessment of the impact of the development proposal on the significance of the Butt Farm Gunsite considers only the standing scheduled remains, and not the entirety of the complex. Understanding what was in the field between the proposed Converter Stations and the standing remains is clearly important to gain an understanding of how the Scheduled portion of the site was staffed, worked and operated. Had the worst-case scenario for the Converter Stations been realised, the opportunities for effective interpretation of the setting of the wider gun-site (particularly when viewed from the Scheduled site) would have been diminished, owing to the presence and dominance of such an overly massive structure, and the reduction of the way in which the site was experienced. The suggested revised, smaller footprint scheme for the Converter Stations, although still intrusive and dominant is less visually intrusive than the original scheme and may allow interpretation schemes to capture and better communicate understanding of the wider gunsite. Our knowledge of the full extent of the gunsite offers opportunities for community and participative work and thereby the delivery of greater public benefit. This was referred to in our Written Reps (REP1-059). The fields south and east of the standing remains could be subject to geophysical survey and archaeological evaluation, whilst analysis of the aerial photography could identify the uses of particular buildings. Examination could be made of post-war records to see if the sale of gunsite buildings could be identified, and their new locations discovered. Should it be possible, it might also be beneficial to include the search for 'driving bands' in any subsequent field-walking exercises. Please also see paragraph to 2.7 below, the Historic England response to Question HE 1.21.	ranges, between 1.5km and 12km from a gun site, and would be widely and sparsely scattered. There are no perceptible remains of the wider battery surviving outside the scheduled remains and the ruinous non-designated structures at the northern edge of the field, and consequently interpretation of the wider site requires a significant imaginative reconstruction, guided by reference to external material, that is not at present readily available. The assessment in the ES explicitly addressed the potential loss of archaeological remains related to the scheduled gun-site, and this aspect of the assessment has been discussed in written responses and at the issue-specific hearing. Archaeological investigation comprising geophysical survey and archaeological trial trenching has been carried out of those areas of the battery that fall within the DCO Order Limits, and no identifiable remains of activity dating from this period have been observed. Proposals for outreach and engagement on a project-wide basis have been discussed with Historic England and will be submitted to the Examination at Deadline 4.
REP3-043: HE.1.18	2.6 Question HE.1.18 Title: Significance of effects – heavy anti-aircraft gunsite, 350m west of Butt Farm	Guidance published by Historic England on setting and the assessment of impact on setting ([REDACTED]) makes it clear that setting describes the way in which a place is 'experienced'. The	The Applicants acknowledge Historic England's advice on the matter of substantial harm. Comments on the specific magnitude of harm are addressed at RP3-043:2.4.

I.D.	Question	Historic England Response	Applicants' Response
	The Applicants suggest in response to ERYC's LIR [REP1-048] that for substantial harm to occur '<i>solely through change to setting, the vast majority of the significance of the asset would need to derive from its setting, and that all, or approaching all of the contribution of that setting would have to be lost</i>'. The Applicants state that, '<i>in this case, much of the value of the asset is intrinsic to its fabric, which would not be affected, and key elements of the setting comprising the designed fields of fire and the relationship to the wider battery site and views of the gun emplacements from that wider battery site, that contribute to setting would be preserved</i>'. Do you agree with these statements – why, or why not?	'experience' of understanding and appreciating the scheduled Butt Farm Gunsite and the wider battery site will be diminished and change dramatically with the introduction of the proposed Converter Stations. For the reasons given at paragraph 4.7 of our Written Representation [REP1-059], we consider that the level of harm to the significance of the Butt Farm Gunsite is less than substantial, but at the higher end of the spectrum. The Applicants agree that the harm will be less than substantial, albeit we differ as to where the harm is placed on the spectrum of less than substantial harm. Planning Practice Guidance (18a-018-20190723) indicates that in determining the level of harm requires consideration of policy and the circumstances of the case. It provides that 'substantial harm' is a high test, which is dependent on understanding whether a key element of special interest is seriously affected by a proposal, and which may arise from works to the asset in question, or from development within its setting.	
REP3-043: HE.1.21	2.7 Question HE.1.21 Title: Significance of effects – heavy anti-aircraft gunsite, 350m west of Butt Farm The Onshore Infrastructure Settings Assessment [APP-178] notes that there are 60 well-preserved examples of heavy anti-aircraft gunsites in England. How many of these are located in the East Riding? Are these heavy anti-aircraft gunsites usually within open, rural sites and do they form part of a network? Do you consider the heavy anti-aircraft gunsite nearby to Butt Farm to be a particularly well-preserved or special example, and if so, why?	We are not sure what the Applicants mean by 'well-preserved', and if the implication is 'scheduled'. There are four Scheduled heavy anti-aircraft gunsites in the East Riding of Yorkshire, including Butt Farm. There are other heavy anti-aircraft gunsites in East Yorkshire which have not been scheduled. There are usually two reasons for this: 1) the site does not survive well and does not meet the criteria for Scheduling, or 2) the site is already in a benign management regime and does not need to be scheduled in order to secure its continued conservation. There is a defensive 'box' around Hull and the Humber, first established in the years immediately preceding World War Two (although there are also First World War anti-aircraft sites in the area). This 'box' extends from Beverley in the north to Immingham in the south, and from Brough in the west to Spurn Point in the east. The assumption was that enemy aircraft would use the Humber as their principal navigation route, and this proved to be the case. Within this 'box' there is a range of features: anti-aircraft gun sites, decoy sites, decoy dock sites, searchlight batteries and ammunition storage sites. All of these elements worked together as a network. heavy anti-aircraft gun sites, for example, would often be located close to decoy dock sites in order to make the decoy sites 'credible', and are frequently located within open, rural areas, or an urban or suburban fringe. Paull Point Battery (Paull Fort), for example, is located southeast of Hull, but close to the village of Paull, on its south side, and it was here that the ammunition was stored for the network of anti-aircraft guns. A heavy anti-aircraft battery was also located on the	The Applicants acknowledge Historic England's comments on preservation and designation of these sites, the presence of the defensive 'box' at the Humber, and the relationship of the scheduled gun site to the battery. To clarify on the configuration of the site, and as previously set out, the gun site's field of fire was to the north and west to defend against attacks on targets including Hull, Beverly (including Victoria Barracks) and RAF Leconfield from that direction and interdict approaches towards more westerly targets such as Leeds, Manchester and Liverpool: - The battery is of a standardised pattern, designed with the gun emplacements in a chevron, with the apex in the direction of fire to maximise the concentration of fire, and the radar mounted in the arc behind the guns; the National Heritage List for England (NHLE) list description identifies that the site used the Mk II radar equipment, which allowed for radar-directed fire from its inception. The two later 1943-pattern emplacements were added into this basic design and reflect an increase in capability rather than a redesign or realignment. - There was also a wood immediately to the south of the battery, which would have reduced visibility and caused radar interference in that angle of fire. This wood is shown on historic ordnance survey mapping from the first edition through to at least 1965, and is visible in the 1945 aerial photography provided by Historic England to support their response [REP3-043], Appendix A. - The guns with which the battery were equipped and the Mk II gunlaying radar would not have sufficient range to engage aircraft during an attack run on Hull from the south or east (the cited

I.D.	Question	Historic England Response	Applicants' Response
		north side of Paull village at Battery Cottage, but away from the village core. The field of fire for Butt Farm was to the south, towards Hull and the Humber, but each field of fire for each gun site would have butted up against its neighbours in order to provide continuous arcs of fire, so in looking at one gunsite it is necessary to look at the way in which it fitted into a bigger pattern. Although Butt Farm was part of a co-ordinated network of sites, the sites themselves were subject to change, and reflected changing strategies and technology. The scheduled heavy anti-aircraft gun site at Stone Creek, East Yorkshire (NHLE 1020187) was established in 1938, but it only existed until 1941 and was never further developed. The Butt Farm site in contrast was established in 1941 but continued in use and to develop into the post-war period. This continuity makes it one of the rarest, surviving heavy anti-aircraft gunsites in England. Butt Farm exhibits considerable technological change as radar and computing became more refined, which in turn resulted in the use of more complex radar controlled anti-aircraft guns which were more powerful, faster loading and able to traverse much faster. The faster traverse was to enable the gun to track jet aircraft. The faster computing technology and better radar capability is exhibited at Butt Farm in the apertures in the fabric of the Control building which allowed the cabling from the radar mats to enter the building, and thereafter out to the gunsites. The Butt Farm Gunsite is extremely rare and a hugely important site in the development of defensive infrastructure, but it should be remembered that the visible, scheduled component of the site is only a small portion of a much larger site which extended south towards the site of the proposed Converter Station, and east to include the current farmhouse. It also extended to the north of the current site, but not appreciably so. Please also see paragraph 2.5 above, the Historic England response to Question HE 1.16.	maximum anti-aircraft range of the 3.7 inch gun and Mk II gunlaying radar was approximately 14,000 yards). To clarify the rarity of survival; while the minority of such gun batteries were reused after WWII, these reused sites are proportionately over-represented in the NHLE in comparison to the total of WWII sites, with the total of 60 designated examples including 30 sites that survived to 1955 out of approximately 190 (meaning that 15% of Cold War sites are designated), rather than 60 out of 985 recorded wartime fixed sites (6%). The Butt Farm site was not one of the fully occupied and modernised 'Nucleus Force' Batteries and appears not to have been significantly modernised after the end of the War.
REP3-043: HE.1.22	2.8 Question HE.1.22 Title: Significance of effects – heavy anti-aircraft gunsite, 350m west of Butt Farm The Applicants' oEMP [REP2-029] confirms that, '<i>Permanent lighting at the Onshore Converter Stations has been designed to be directed inwards and provided only to essential areas of the site such as key routes and building entrances. This would produce minimal levels of overspills and help maintain dark corridors along key ecological features</i>	It is disappointing that the Applicants have stated that they do not intend to provide night-time visualisations of the Converter Stations. It would appear to be probable that the night time light levels around the Converter Stations will diminish over time when seen from the Butt Farm Gunsite, from the time of construction to the full maturity of the planting. However, we do not know what the initial light level will be and therefore cannot judge the degree of harm it will cause to the scheduled Gunsite.	It would not be technically feasible to provide any night time visualisations, as there would be no continuous night-time lighting of the Onshore Converter Stations during operation (as described in section 22.62 of Chapter 22 Onshore Archaeology and Cultural Heritage (Revision 2) [AS-092]. Operational lighting may be required during working hours in the winter, but as described in para 378 of Chapter 5 Project Description (Revision 3) [REP1-009], the Onshore Converter Stations would be unmanned and site

I.D.	Question	Historic England Response	Applicants' Response
	during the operation phase such as hedgerows and ancient woodland'. Furthermore, Requirement 9 of the draft DCO [REP1-004] would require the submission of detailed design parameters, including details of external lighting, which would need to be agreed by the local planning authority prior to installation. Does this address your concerns regarding understanding the effects from lighting during the operation of the converter stations on the scheduled monument? If not, how do you propose that this matter could be resolved before the close of the Examination, given that the Applicants have stated that they do not intend to provide night-time visualisations of the converter stations?	The Requirement (Requirement 9 of the DCO [REP1-004]) for submission of detailed design parameters to be agreed by the local planning authority should address our concerns. We would welcome discussion with the local planning authority when detailed design approval is sought.	visits for routine maintenance activities would be limited to approximately 1 visit per week. In addition, as detailed in paragraph 379 of Chapter 5 Project Description (Revision 3) [REP1-009] 'External works would usually be scheduled during daylight hours'. Chapter 5 Project Description (Revision 3) [REP1-009], paragraph 378 (page 147) also states: 'Certain areas of the Onshore Substation Zone would have permanent light fittings; however, these lights would only be used when required for unscheduled maintenance or emergency repair purposes. Lighting during onshore operation and maintenance activities is expected to be minimal. External lighting would be directional and limited to essential security and safety requirements. There would be no continuous lighting. A detailed assessment of lighting requirements would be defined at detailed design. Lighting details are also included in the Design and Access Statement (Volume 8, application ref: 8.8).' The Design and Access Statement (Revision 2) [REP2-027] includes further details in section 4.1.3.7 – Lighting. Key points include: - The Onshore Converter Stations will only require lighting during maintenance and operational visits for health and safety and security reasons. Areas that will likely require lighting include: - Key routes; - Wayfinding; - Safety signage; and - Building entrances. - Lighting should only operate when required and be directional within the site boundary only. - There would be a need to maintain dark corridors around the site for key ecological features during the operation phase such as hedgerows and ancient woodland habitats. Requirement 22 of the Draft DCO (Revision 7) [document reference: 3.1] 'Control of artificial light emissions' states: 'The Onshore Converter Stations must not be brought into operation until a written scheme for the management and mitigation of artificial light emissions during the operation of the Onshore Converter Stations has been submitted to and approved by ERYC. Any scheme approved must also be implemented as approved'. The Applicants acknowledge Historic England's agreement that this matter can appropriately be resolved by Requirement 9 of the submitted Draft DCO (Revision 7) [document reference: 3.1].
REP3-043: HE.1.23	2.9 Question HE.1.23 Title: Significance of effects – heavy anti-aircraft gunsite, 350m west of Butt Farm With reference to your comments in 4.8 of your WR [REP1-059], you state that the 'harm to the significance of the designated site will	Using table 22-8 [AS-092] Historic England considers that the magnitude of effect on the significance of the designated Butt Farm Gunsite and the wider battery site as a result of the Proposed Development will be 'medium adverse'. Historic England recognises that the revised footprint proposal for the Converter Stations represents a considerable alteration from the worst case scenario	The Applicants acknowledge Historic England's comment. Detailed comments on the magnitude and nature of effect are set out above.

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	remain at “major adverse”, and not “minor adverse” as suggested by the Applicants’. Can you clarify if you consider the magnitude of effect on the heritage asset as a result of the Proposed Development to be high adverse or medium adverse with reference to ES Chapter 22 [AS-092], table 22-8)?	previously provided by the Applicants. However, the manner in which the site will be ‘experienced’ will be dramatically altered and diminished by the presence of the proposed Converter Stations. As we noted in our answer to question 1.7, should subsequent offshore projects be developed which require onshore infrastructure to be located adjacent to the Butt Farm Gunsite, cumulative impacts will arise which will have the potential to intensify the harm to the significance of the monument.	
REP3-043: HE.1.24	2.10 Question HE.1.24 Title: Mitigation - heavy anti-aircraft gunsite, 350m west of Butt Farm With reference to your comments [REP1-059], 4.10], which request that the maximum height, footprint, landscaping scheme and precise location of the converter stations should be fixed as part of any DCO, the ExA notes that Requirement 9 of the draft DCO [REP1-004] would secure the maximum height and footprint of the converter stations. Furthermore, the converter stations would be limited to Work Nos. 25A and 26A/ B, and the DAS [REP2-027] states that the converter stations must be located to the south of these areas. The draft DCO [REP1-004] would secure areas of permanent landscaping (Works Nos. 27A/ B, 20A/ B), which are reflected in the indicative landscaping scheme shown in ES Chapter 23 [REP2-024], Figure 23-6]. Does this address your comments regarding securing maximum parameters? If not, how would you want the parameters to be secured through the draft DCO or supporting documents, noting the outline stage of the proposals? If appropriate, can you provide any preferred drafting?	Historic England is content with the new drafting of Requirement 9 of the draft DCO [REP1-004], which now includes a maximum height and footprint of the Converter Stations. We note the location of the Converter Station set out in the DAS [REP2-027] which is secured by Requirement 9(4). This addresses the concern expressed at paragraph 4.10 of our Written Representation [REP1-059]. In relation to landscaping we would reiterate our previous comments with regard to the landscaping strategy made at [REP1-059], 4.13]; the local planning authority will need to ensure climate resilient species are selected when landscape management plans are submitted pursuant to Requirement 10. For the avoidance of doubt, we do not seek any further change to the draft DCO in relation to this issue.	The Applicants welcome Historic England’s confirmation that they are content with the wording of the revised DCO Requirements 9 and 10. As detailed in The Applicants’ Responses to Written Representations [REP2-057] in REP1-059, 4:13, planting mixes and the detailed pattern and density of planting would be agreed with the East Riding of Yorkshire Council in line with the provisions at section 118 of the Design and Access Statement (Revision 2) [REP2-027] and are discussed in more detail at section 27 (setting out the planting of this area as ‘Woodland’) and Table 1-3 (setting out the indicative native mixed Woodland species) of the Outline Landscape Management Plan (Revision 4) [document reference: 8.11]. Design adaptations to aspects of the landscape design may include proposed planting that includes specifically climate resilient species to respond to drought or flooding. The detail of planting is controlled by Requirement 9 of the Draft DCO (Revision 7) [document reference: 3.1] under which the final Landscape Management Plan must be approved by East Riding of Yorkshire Council (ERYC).
REP3-043: HE.1.25	2.11 Question HE.1.25 Title: Mitigation - heavy anti-aircraft gunsite, 350m west of Butt Farm Given the proximity of the proposed converter stations to the scheduled monument, if a DCO was made, should Historic England be consulted on the detailed design plans that would be submitted to discharge Requirement 9? If not, why not, or if so, how should this be secured? If appropriate, can you provide any preferred drafting.	Historic England considers that, given the proximity of the proposed converter stations to the nationally important Butt Farm Gunsite, we should be consulted on the detailed design plans submitted to discharge Requirement 9. The local planning authority would remain the decision maker for the purposes of Requirement 9. Historic England would expect this of any similar development adjacent to a scheduled monument, where the level of harm to the significance of the site was as high as in this case.	The Applicants have previously responded to this point in The Applicants Responses to Written Representations [REP2-057], as follows: <i>‘As referenced in the Design and Access Statement (DAS) (Revision 2) [REP2-027] a Design Panel Review process will commence post-consent. Section 5.2 of the DAS (Revision 2) [REP2-027] outlines that the Applicants will appoint a multi-disciplinary team of professionals, with experience in the design and build of electrical infrastructure, to provide independent and impartial expert advice on the proposed designs. Following the Design Review process, the Design Review Panel will prepare a report on the design recommendations (taking into account the requirements of landscaping, drainage and engineering design) which will be subject to review by ERYC in addition to relevant Ward Councillors. It is the Applicants view that, rather than include Historic England in the sign off of DCO Requirement 9, which Historic England do not appear to have specifically requested in any event, it would be more appropriate and productive to consult with Historic England</i>

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			during this earlier stage of the design process, and include Historic England in the consultation on the Design Review Panel's report. This would allow for Historic England input to be incorporated during the development of the final design, prior to it being submitted to ERYC for sign off.' Should this approach be desired by Historic England, the Applicants would update the DAS (Revision 2) [REP2-027] and submit it to the examination at Deadline 7.
REP3-043: HE.1.29	2.12 Question HE.1.29 Title: Enhancements - heavy anti-aircraft gunsite, 350m west of Butt Farm Can you comment on the Applicants' proposed enhancements to interpretation and investigation of the heavy anti-aircraft gunsite [REP1-050, ISH2.10.13]?	The proposed enhancements of the Butt Farm Gunsite indicated at ISH2.10.13 consist of physical enhancements to the monument, digital 3D model of the gunsite and its integration into interpretation panels and virtual tours, and archaeological and historical research concerning the wider context of the gun site. The physical enhancement of the gunsite is reliant on agreement from the landowner for permission and access, and scheduled monument consent from the Department for Culture, Media and Sport (DCMS) should it be progressed. Historic England is not aware of any actual or proposed discussion between the Applicants 13 and landowner to deliver this initiative. The creation of a 3D model is not reliant on access issues, although the production of such a model will require landowner agreement. Historic England is not aware of any actual or proposed discussion between the Applicants and landowner to deliver this initiative. Archaeological and historical research can be undertaken at any time, but it seemed appropriate that the harm generated to the significance of the gunsite by the proposed development could be the motive force to encourage this research activity. Historic England hopes that the proposed cross-project forum could be the mechanism to generate and deliver this research. Historic England considers that the creation of trails and interpretation panels, whilst beneficial in themselves, fall short of the opportunities presented by this Proposal in the context of numerous energy-related infrastructure development coming forward in the region. This point is made in our written representation [REP1-059 6.4-6.5], and it is hoped that the cross-project forum, to be secured by the OWSI and discussed at 2.14 below, will be identify and make use of these opportunities.	The Applicants acknowledge Historic England's position and refers the Examining Authority (ExA) to the revised Onshore Outline Written Scheme of Investigation (Revision 2) [document reference 8.14] submitted at Deadline 4. The Applicants contacted Historic England on 26th March 2025 to request a meeting to further discuss the engagement proposals and the establishment of a cross-project forum. Historic England provided an initial response on 16/04/25 suggesting proposed membership of the cross-project forum and suggesting a further meeting in May 2025.
REP3-043: HE.1.30	2.13 Question HE.1.30 Title: Archaeological mitigation Can you confirm if the Applicants' understanding of your concerns regarding cumulative effects [REP2- 057] are correct? That is, that they were not regarding the EIA CEA, as per the methodology set out in ES Chapter 6 [APP-076] and Appendix 6-1 Onshore Cumulative Effects Methodology [APP-077], but referenced the opportunity for	Historic England can confirm that the response provided by the Applicants [REP2- 057; REP1-059:4.13] addresses our concerns regarding these matters.	The Applicants acknowledge this comment.

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	collaboration on landscaping between schemes? If this is not the case, why not, and what further information do you seek to address this concern? Does the Applicants' response [REP2-057] to your comments on Onshore Archaeology and Cultural Heritage [REP1-059] address your concerns regarding these matters? If not, can you explain why and suggest what could be done to resolve them?		
REP3-043: HE.1.31	2.14 Question HE.1.31 Title: Archaeological mitigation Historic England: Can you comment on the acceptability of the proposed outreach and engagement activities, set out under ISH2.10.14 and ISH2.10.15 [REP1-050], including the Applicants' suggestion that Historic England would need to lead any cross-project forums? Historic England and the Applicants: How would you propose that any outreach and engagement activities could be secured by the draft DCO?	Historic England met with the Applicants on 5th March 2025 to update the draft Statement of Common Ground. During this meeting, and subsequent email exchange, Historic England and the Applicants agreed that the Public Outreach and Engagement strategy contained within the Outline Onshore Written Scheme of Investigation should be redrafted to include specific tasks and proposals to be clearly set out as an Appendix to that document. In addition, Historic England confirmed that it would organise a cross-project forum at which we would aim to discuss the opportunities to be taken during the lifetime of the Proposal (and other development proposals) but also consider how the archaeological component of the Proposal (and other development proposals) can be used as a mechanism to develop later initiatives as part of the legacy of those projects. The Applicants have verbally confirmed their readiness to take part in such a forum but have yet to confirm this commitment in writing. Historic England considers that redrafted Appendix to the Outline Onshore Written Scheme of Investigation can clearly set out the commitment to be undertaken by the Applicants but can also identify those initiatives which the Applicants cannot deliver (because of land ownership issues for example), can be delivered by other partners, or represent legacy opportunities which could be picked up, developed and delivered by other stakeholders. A draft text for the WSI appendix has not been provided to us or submitted to the ExA for consideration or agreement.	As noted at REP3-043: 2.12, the Applicants have contacted Historic England in writing (via email, 26/03/25) to agree a meeting to discuss the cross-project forum and project specific engagement proposals. This offer was also set out at REP1- 059:3.4.3 in The Applicants' Responses to Written Representations [REP2-057]. Historic England provided an initial response on 16/04/25 suggesting proposed membership of the cross-project forum and suggesting a further meeting in May 2025. A revised Onshore Outline Written Scheme of Investigation (Revision 2) [document reference 8.14] including the revised outreach and engagement proposals as set out by Historic England is submitted, as previously advised to Historic England and the ExA, at Deadline 4.
REP3-043: HE.1.32	2.15 Question HE.1.32 Title: Archaeological mitigation Are you satisfied with the wording of Requirement 18 of the draft DCO [REP1-004]? Do you consider the list of information to be included in 18(2) for each scheme to be complete? If not, could you provide details of what additional information you would wish to see included in the list and why?	Historic England can confirm that that the list of information included in 18(2) of the draft DCO [REP1-004] for the terrestrial and marine aspects of the scheme is complete.	The Applicants welcome Historic England's comments.
REP3-043: MA.1.1	2.16 Question MA.1.1 Title: Direct impact on potential heritage assets – assessment of significance	Historic England raised a similar point within our Written Representation [REP1- 059], as we felt the assertion that a residual effect of a direct impact to unknown heritage assets would, in our	The reference to potential impacts being "no worse than negligible magnitude" within Chapter 17 Offshore Archaeology and Cultural Heritage [APP-133] reflects the retrospective application of the significance matrix to the overall conclusion that the framework set out in the Outline Written Scheme of Investigation (WSI) (Offshore) [APP-246]

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	ES Chapter 17 [APP-133, paragraph 235] acknowledges that, <i>'although measures will be taken to reduce, as far as possible, the potential for impact to previously undiscovered heritage assets it is still possible that unexpected discoveries may be encountered during construction'</i>. Paragraph 238 then concludes that, <i>'...effects may be considered non-significant in EIA terms (i.e. anticipated to be no worse than negligible magnitude and minor adverse significance)'</i>. Applicants: How can the impact be assessed as negligible when there remains potential for encounter? Historic England: Do you consider the assessment conclusions to be appropriate? If not, explain why not?	opinion as a worst case, be considered greater than minor adverse significance (in EIA terms). It was subsequently explained by the Applicant in The Applicants' Responses to Written Representations [REP2-057] that through an iterative process of evaluation, investigation and the implementation of appropriate mitigation post-consent, it could be ensured "that no impact would be greater than minor adverse significance" (see responses REP1-059:2.8 and REP1-059:2.9 within this document). We also discussed this point in detail in a meeting with the Applicant on 5th March 2025. The Applicant described how they would meet this determination of residual effect from the outlined impact: archaeological input (often specialist in nature) would be required at strategic stages throughout the project in consultation with Historic England – and this would form a principal provision within the framework set out in the Outline WSI (Offshore) [APP-246]. Furthermore, the Outline WSI (Offshore) makes a clear reference to Volume 8, In Principle Monitoring Plan [REP2-043] - building upon the detail in section 17.7 'Potential Monitoring Requirements' of ES Chapter 17 - by stating in paragraph 194 the Applicant's commitment to post-construction monitoring, whereby: "The timescales and approach [of the post-construction monitoring] to delivery will be discussed in consultation with the project team and the archaeological curators and set out in a method statement for agreement with the archaeological curators. The work will likely include monitoring of AEZs, as well as areas of high archaeological potential, areas of scour, or other areas of interest identified through the pre-construction, baseline surveys." Therefore, we consider we can accept that the residual effect from a direct impact to an unknown heritage asset could be considered as 'minor adverse significance'. However, we are unsure as to why the ES Chapter 17 makes reference to the impact being "no worse than negligible magnitude". We remain of the opinion this would need to be explained by the Applicant, as this is inconsistent with the determination provided in Table 3-2 'Summary of Potential Likely Significant Effects on Offshore Archaeology and Cultural Heritage' within the Outline WSI (Offshore).	will ensure "that no impact would be greater than minor adverse significance". Given that the Applicants acknowledge the potential for heritage assets of high importance to be present, which have not yet been discovered, it thereby follows that the magnitude of the impact in the significance matrix would be of negligible magnitude, to reach a conclusion of overall minor adverse residual effect. Although the use of the term 'negligible magnitude' was added for clarity for readers using the matrix, it is recognised that this is an artificial conclusion (as we cannot know the magnitude in practice until the impact has occurred). As such, this is not repeated in the Outline WSI (Offshore) [APP-246].
REP3-043: MA.1.3	2.17 Question MA.1.3 Title: Assessment of geophysical data – buffer zone Applicants: ES Appendix 17.2 [APP-136, paragraph 1.1.8] confirmed that, <i>'survey data were not obtained from the buffer, and only from the corridor itself'</i>. Considering the likely use of jack-up vessels and	In our experience of reviewing and commenting on other offshore NSIPs, a marine geophysics survey buffer is not consistently acquired over the export cable route boundary at this stage of a project. However, should the Proposal receive consent, we envisage that through the provisions in the Outline WSI (Offshore) [APP-246] for a high-resolution marine geophysical survey to be carried out along the	The Applicants acknowledge this comment.

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	anchoring events within the construction buffer, and consequently the potential for disturbance to potential heritage assets, can you justify why surveys would not be required for the buffer zone? Do you propose to undertake surveys at a later stage? If so, how are they secured? Historic England: Do you consider detailed surveys should be undertaken for the buffer area? If not, explain why not.	planned export cable route (with regard to relevant construction activities and a refined design plan footprint), appropriate data coverage to determine seabed features of potential archaeological interest will be attained. To direct this pre-construction survey the Offshore Outline WSI includes the requirement for a method statement to be agreed with Historic England.	

2.6 Marine Management Organisation (MMO)

Table 2-6 The Applicants' Comments on MMO's Responses to ExQ1 [REP3-045]

I.D.	Question	MMO Response	Applicants' Response
REP3-045: ARMC.1.2	4. Response to the Examining Authority's Written Questions (ExQ1) – PD-014 4.1 ARMC. 1.2: Notification Periods Are you supportive of the fourteen and five-day notification periods in Condition 12 of DML 1 [REP1-004] and do you have any other comments on the condition as drafted? The ExA notes this condition is repeated in other DMLs and will consider comments received relevant for all instances	4.1.1 The MMO is supportive of the notification periods set out in Condition 12 of DML 1 and on subsequent DMLs but notes that the MMO will have sight of the design plan with further detail in prior to this time period. The MMO will maintain a watching brief on the responses from other interested parties.	The Applicants welcome the MMO's agreement on this matter.
REP3-045: CF. 1.1	4.2 CF. 1.1: Commercial Fisheries Can you comment on the Applicants' approach to undertaking surveys, the identified limitations [APP120, Table 2.2.2] and whether these would cause significant uncertainty or unreliability to the assessment [APP-117, paragraph 45]? Please comment on whether further survey or engagement could have reasonably been undertaken. Your response should include justification.	4.2.1 The MMO and our scientific advisors Centre for Environment, Fisheries and Aquaculture Science (Cefas) have reviewed the information in relation to impacts to fish, no comments were raised as part of our Relevant Representation (REP2-061) however we would defer to Inshore Fisheries and Conservation Authorities (IFCA) and NFFO for more detailed comments on the surveys used and real time impacts to commercial fisheries.	The Applicants acknowledge the MMO's comment.
REP3-045: CF. 1.10	4.3 CF. 1.10: Alternative Dispute Resolution (ADR) The Outline Fisheries Liaison and Co-existence Plan (Revision 2) [AS-082, paragraph 54] states, 'Both parties have to agree to refer their dispute to ADR, which will be undertaken by a mutually agreed third party by both sides of the dispute. ADR will be considered as an escalation process and an effort to avoid any contentious and unpreferable legal procedures. Mediation is the preferred ADR mechanism, which is confidential in nature'. Explain what would happen in the event of a dispute where both parties didn't agree to refer it to ADR? In addition, how would the costs of the ADR process, including access to any expert and legal advice, be covered?	4.3.1 The MMO does not take part in any disputes in relation to fishing and this is made clear in paragraph 55 of REP2-053/4.	The Applicants acknowledge the MMO's comment.
REP3-045: CF. 1.11	4.4 CF. 1.11: Commercial Fisheries Do you agree with the Applicants' conclusion that, 'cumulative magnitude of effect during the operational phase due to loss or restricted access to fishing grounds is expected to be lower than that presented during construction as many fishing practices can resume access across the Offshore Export Cable corridor, Array Areas and within other constructed wind farms' [APP-117, paragraph 438]	4.4.1 The MMO notes that there would be exclusion zones during the construction phase which would restrict access to fishing grounds however once construction has finished and the operational phases commences then those exclusion zones would no longer be in place. The MMO defers to IFCA and NFFO in relation to the magnitude.	The Applicants acknowledge the MMO's comment.

I.D.	Question	MMO Response	Applicants' Response
REP3-045: MCP. 1.6	4.5 MCP. 1.6 - Water quality information ES Chapter 8 [APP-080, paragraph 107] states that, '<i>site specific water quality information is not available for the Array Areas</i>', and reference is made to the 2010 Quality Status Report with the location of the site in the Region II 'Greater North Sea'. Can you explain why you consider the document, which was prepared 15 years ago, to remain relevant? Should further surveys be undertaken for the array area to understand and assess site specific water quality? Can you also signpost or provide a plan showing the Order Limits in relation to the Region II boundaries? MMO and NE: Do you accept the information provided in relation to water quality or do you consider that additional surveys should be undertaken to assess water quality within the array areas? Please explain your view.	4.5.1 The MMO is reviewing this comment further with its scientific advisors and will respond at Deadline 4.	The Applicants acknowledge the MMO's comment and await the response at Deadline 4.
REP3-045: MCZ. 1.1	4.6 MCZ. 1.1 – MCZ Conclusion Do you agree with the Applicants' conclusion to the Phase 1 MCZ Assessment [APP-240]? If not, explain why. A cross reference to a point in a WR or Issues Log would be acceptable.	4.6.1 The MMO defers to NE regarding the conclusion on the Stage 1 MCZ Assessment (APP-240).	The Applicants acknowledge the MMO's comment.
REP3-045: MCZ. 1.2	4.7 MCZ. 1.2 – Mitigation Are you satisfied that the Applicants' proposed mitigation reduces the risk of activities associated with the Proposed Development to a level that has no significant risk of hindering the conservation objectives of the Holderness Inshore and Holderness Offshore MCZs? If so, are you satisfied with the way this is secured in the draft DCO? If not, can you explain how you consider the draft DCO should be amended?	4.7.1 The MMO notes that section 5.4 of the Stage 1 MCZ Assessment (APP-240). lists the embedded mitigation and defers to NE in relation to the efficiency of the mitigation. The MMO will maintain a watching brief in relation to any updates required the DML.	The Applicants acknowledge the MMO's comment.
REP3-045: MCZ. 1.3	4.8 MCZ 1.3 Would you be able to exercise your functions to further the conservation objectives of the Holderness Inshore and Holderness Offshore MCZs if the Proposed Development was to go ahead?	4.8.1 The MMO would highlight that there is a possibility in the future that approval of the proposed development could cause issues in relation to being able to exercise our functions. The MMO is currently reviewing previous DCO decisions and the impact these have had in relation to this topic. The MMO may provide further comments at Deadline 4 in relation to this.	The Applicants acknowledge the MMO's comments. However. the Applicants await a response at Deadline 4.
REP3-045: MM.1.8	4.9 MM. 1.8 – Breaks in piling Procedure after breaks in piling In relation to mitigation measures and breaks in piling operations, reports of pre-application discussions between you suggest a difference of opinion over the need to adhere to the JNCC guidance that a pre-piling search and soft-start procedure	4.9.1 The MMO does not believe this has been updated in the MMMP section 3.1.6. There are ongoing discussions on all issues with the Applicant.	The Applicants acknowledge that breaks in piling was not updated in section 3.1.6 of the Outline Marine Mammal Mitigation Protocol (MMMP) (Revision 3) [REP2-047]. In The Applicants' Responses to Relevant Representations [PDA-013] regarding the breaks in piling, it was stated by the MMO that '<i>The MMO</i>

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	should be repeated before piling recommences when the delay has been more than ten minutes. The ExA notes the Applicants' response to RRs [PDA-013] stating that the oMMMP would be updated to follow the breaks in piling procedure in the JNCC guidelines for piling (2010). The ExA notes updates have been made to the oMMMP [REP2-047] since this issue was raised particularly to section 3.1.2 but is not aware that specific updates in relation to this issue have been made to section 3.1.6 'Breaks in piling'. Can the Applicants and the MMO respond as to whether this is an outstanding issue or whether it has been resolved? If it is outstanding, can you explain why and how it is intended to be resolved by the close of the Examination?		welcomes that further discussions on this matter will take place before finalisation of the MMMP' (RR-030: 4.17.5). Therefore, it has been agreed that the Applicants will consult the MMO on the protocols for breaks in piling post consent in the final MMMP. Any updates to piling protocols and guidance will also be incorporated into the final MMMP, where appropriate.
REP3-045: OR.1.37	4.10 OR. 1.37 - NPS EN-3 in relation to offshore ornithology Looking at the evidence in front of the Examination at this time, what is your position in respect of the following tests in NPS EN-3 (which the ExA must consider in its recommendation to the SoS)? a) 'The Secretary of State may consider that monitoring of any impact is appropriate owing to the complex nature of offshore wind development, and the difficulty in establishing the evidence base for marine environmental recovery'. NPS EN-3 paragraph 2.8.296. b) 'The Secretary of State must be satisfied that displacement assessments have been conducted to a satisfactory standard having had regard to the advice from the relevant statutory advisor'. NPS EN-3 paragraph 2.8.315. c) 'The conservation status of seabirds is of relevance and the Secretary of State should take into account the views of the relevant statutory advisors and be satisfied that cumulative and in-combination impacts on seabird species have been considered'. NPS EN-3 paragraph 2.8.316.	4.10.1 a) 'The conservation status of seabirds is of relevance and the Secretary of State should take into account the views of the relevant statutory advisors and be satisfied that cumulative and in-combination impacts on seabird species have been considered'. NPS EN3 paragraph 2.8.316.a) The MMO believes that monitoring will be required and defers to NE as the SNCB. 4.10.2 b) The MMO defers to NE as the SNCB in relation to displacement. 4.10.3 c) The MMO defers to NE as the SNCB in relation to in-combination impacts.	As stated in response to OR 1.37 in The Applicants' Response to ExQ1 [REP3-027], 'The Applicants agree that monitoring of offshore wind farms is essential to improve the knowledge base for future developments and also to improve understanding of the potential impacts of existing wind farms on seabirds. The Applicants will fully engage with the regulator and stakeholders to develop appropriate monitoring for the Projects that aims to address both wider knowledge gaps and also reflects site specific sensitivities'. The Applicants also note that a specific ornithological monitoring condition has been added to the Draft Development Consent Order (DCO) (Revision 7) [document reference: 3.1], under Condition 29 of Deemed Marine Licences (DMLs) 1 and 2.
REP3-045: 5.1.1	N/A	5. Other comments 5.1.1 The MMO has some outstanding comments that were deferred from Deadline 1 and 2 in relation to the DCO/DML. The MMO will provide an update to the Applicants, week commencing 24 March and will also submit this into the Examination as an additional submission. The MMO notes the ExA may not accept an additional submission and if so the information will be provided at Deadline 4. However, the MMO will ensure ongoing discussions are taking place with the Applicant.	The Applicants confirm receipt of the additional MMO submission issued on 28th March 2025. This additional submission has been considered by the Applicants, with responses provided in Table 2-3 of The Applicants' Responses to Deadline 3 Documents [document reference 14.4].

2.7 Maritime and Coastguard Agency (MCA)

Table 2-7 The Applicants' Response to the MCA's Deadline 3 Document [REP3-044]

I.D.	MCA Response	Applicants' Response
REP3-044:1	<i>Q1. ARMC.1.1: Colour of offshore structures</i> <i>'The colour requirement for the proposed offshore structures differs between International Civil Aviation Organisation and Trinity House [APP-125, paragraphs 35 and 36]. Condition 11 of Deemed Marine Licence (DML) 1 [REP1-004] states, 'the undertaker must paint all structures forming part of the authorised scheme yellow (colour code RAL 1023) from at least HAT to a height as directed by Trinity House. Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures grey (colour code RAL 7035)'.</i> <i>'Could you comment on the appropriateness of the colour secured in the DML condition, whether the colour requirement inconsistencies are resolvable, and provide appropriate justification?'</i> MCA Response The MCA is content with the appropriateness of the condition. As explained in paragraph 36 of APP-125: 'UK regulations adopt ICAO Annex 14's requirements for the lighting of wind turbines but do not require that wind turbines follow the ICAO recommendation for paint colour'. Therefore, the Trinity House requirements as stated in the condition should be followed.	The Applicants welcome the Maritime and Coastguard Agency's (MCAs) agreement regarding the appropriateness of this condition.
REP3-044:2	<i>Q2. ARMC.1.8: Search and Rescue aircraft</i> <i>'ES Appendix 15-3 [APP-129, paragraph 49] states, 'In summary, although a reduction in helicopter access under CAT Regulations would impose a logistic restriction on a gas installation, it would not result in a reduced level of safety, as SAR helicopters would still be able to access an installation'.'</i> <i>'Can you comment whether, should emergency and icing conditions coincide, an additional reliance on Coastguard Search and Rescue aircraft would be acceptable? If not, why not?'</i> MCA Response MCA notes that the helicopter access report has been updated since revision 1 (APP-129) following MCA feedback, although this was post DCO application. The MCA had several comments and concerns regarding some of the content and most of these were addressed. One of the points raised related to the conclusion that a reduction in helicopter access under CAT regulations would only impose a logistic restriction. There are potential scenarios such as non-emergency evacuations (e.g. power failures, forecast bad weather) where a time-critical response may still be required and therefore it could be considered as more of a safety issue rather than a logistical one. However, in the case of Dogger Bank South, this is not as much of a concern given there are no platforms in close proximity. If there is an emergency, it is likely that SAR would be fully engaged in a response which may or may not include CAT helicopters. Should there also be icing conditions, this may well impact the effectiveness or availability of CAT helicopters to respond but it would not be expected that this would result in an over reliance on HM Coastguard SAR helicopters.	The Applicants highlight that the Helicopter Access Report (Revision 2) [document reference: 7.15.15.3] has been submitted at Deadline 4, which has been updated to address the MCA's previous comments on the initial version of the report. The MCA confirmed via email on 03/04/2025 that they are content that recommended updates based on the MCA's comments have been made to the document. This agreement has been captured in the SoCG Maritime & Coastguard Agency (Revision 2) [document reference: 9.7].
REP3-044:3	<i>Q3 SN 1.7: Compass deviation studies</i>	The commitment to undertake pre- and post-construction compass deviation studies if required by the MCA is included in the latest revision of the Cable Statement (Revision 4) [document reference: 8.20] submitted at

I.D.	MCA Response	Applicants' Response
	<i>'How would the need for pre- and post-construction compass deviation studies be identified, as referred to by the MCA [RR-031] and the subsequent Applicants' response [PDA-013]?'</i> <i>'Could the Applicants explain how this is secured in the draft DCO?'</i> MCA Response <u>Pre-construction (desk-based) compass deviation study</u> A pre-construction desk-based compass deviation study based on the actual laying method is suggested considering the following factors: • Whether the cable is HVDC. • The depth of water and the seabed conditions. (To ascertain the depth below compass) • The direction of the cable (parallel or perpendicular to the direction of traffic) • Type and density of the traffic within the nearshore area where depth below compass will be less. • If there is chance of separate trenches of cables towards landfall. <u>Post-construction (actual) compass deviation study</u> If the pre-construction study concludes that the MCA requirement of a 3-degree deviation for 95% of the cable route and the 5-degree deviation for the remaining 5% cannot be met, then MCA would request an actual on-site compass deviation report which will be provided to UKHO and in turn will be updated on nautical charts as required. As explained in our Relevant Representation, we note that the Table 13-1 of the NRA (APP-124) the applicant has explained the mitigation measures to address the potential impacts on ships' compasses. If any of the parameters (burial depths, separation distances of cables, percentage of cable being buried, percentage of the cable below 20m water depth) within the table are to change we would expect the applicant to consult with MCA. We would then require a desk-based report confirming that the HVDC cable with the revised parameters can still comply with the MCA condition of a 3-degree deviation for 95% of the cable route and the 5-degree deviation for the remaining 5%. If the report suggests that this condition cannot be met, a post-construction actual compass deviation report would be required.	Deadline 4. Approval of the final Cable Statement is secured in the Draft DCO (Revision 7) [document reference 3.1] under Condition 15/13/11 of Deemed Marine Licences 1 - 5. The Applicants also confirm that 'compass deviation requirements' are secured by the 'Offshore Safety Management' conditions (18/ 16/ 12) in each Deemed Marine Licence (DML) which demands compliance with the requirements of MGN 654 as per the following text: <i>'Any part of the authorised scheme must not be commenced until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN654 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" (or any equivalent guidance that replaces or supersedes it) and its annexes.'</i>
REP3-044:4	<i>Q4: SN 1.14: Search and Rescue response times</i> <i>'Can you confirm if there would be a likely effect on search and rescue response times due to the proposed arrays obstructing the most effective path to an incident and would this be acceptable?'</i> <i>'Has it been evidenced how this has been minimised?'</i> MCA Response Any array which is constructed at sea has the potential to impact on search and rescue response times, and effectiveness. An incident location, its vicinity and route to it would all be assessed at the time by HM Coastguard and a suitable response mobilised. The layout of the array is determined in a way which maximises the options for allowing search and rescue to continue within the array and where resources are required to transit past an array. This would either be achieved by going through, over or around. This is dynamically assessed and will differ depending on the site and environmental conditions at the time. While there may on occasions be some undesirable impact on response times, there are also benefits by having resources (predominantly vessels) from the developer who are frequently able to	The Applicants acknowledge this comment.

I.D.	MCA Response	Applicants' Response
	respond to nearby incidents. If HM Coastguard assess the area around or nearby the array to be at a higher risk of a requirement for SAR, there may be additional requirements requested of the developer, but this has not been required for this application. The offshore array layout plan will be agreed with MCA during the post consent stage. This will ensure any likely negative effects on SAR operations are kept to a minimum. In addition, a SAR checklist will be required during post consent stage to record discussions, requirements and recommendations outlined in MCA SAR guidance. The content of the SAR checklist will be applicable over the life of the windfarm.	

2.8 The National Federation of Fishermen's Organisations (NFFO)

Table 2-8 The Applicants' Comments on NFFO's Responses to ExQ1 [AS-172]

I.D.	Question	NFFO Response	Applicants' Response
AS-172: CF.1.3	Alternative fishing grounds NFFO: Can you comment on, or provide information regarding alternative fishing grounds in terms of relative production quality and displacement distance specific to fishing vessels operating in the Proposed Development area?	It is difficult to provide evidence of alternative fishing grounds and quantify economic return as fisheries are currently experiencing continued displacement in the Dogger Bank region due to the introduction of the Dogger Bank SAC (excluding mobile gear fisheries) and the development of all Dogger Bank offshore wind projects. Fisheries are facing a shifting baseline scenario that is difficult to quantify. It would be expected to see fisheries displaced to the north, as to the south there is the Hornsea Zone projects, however the Crown Estates has highlighted new areas of opportunity for offshore wind to the north and west of the Dogger Bank zone that may prevent this displacement. It is not yet known where fisheries will be displaced to due to extensive spatial constraints in the Central North Sea.	The Applicants acknowledge the National Federation of Fishermen's Organisations (NFFO) concerns regarding the displacement of fisheries. The Applicants agree with the NFFO that it is difficult to provide evidence of alternative fishing grounds. In order to fully assess alternative fishing grounds, data on individual fishing vessels, transit routes, and economic factors would be required which are not publicly available. A more general overview of commercial fishing activity has been assessed within the Commercial Fisheries Study Area, which encompasses an area beyond that of the Project Development Area and identifies key areas targeted by different receptor groups (Appendix 13-2 Commercial Fisheries Technical Report [APP-120]). The Applicants acknowledge there are a number of restrictions on commercial fisheries within the Commercial Fisheries Study Area, including prohibition of bottom-towed fishing gear within the Dogger Bank SAC, gear permits and prohibitions within the inshore region and seasonal restrictions for scallop dredging and use of fixed nets. Mobile vessel operators have provided feedback during consultation (Appendix 13-1 Commercial Fisheries Consultation Responses [APP-119]) that the Proposed Development Area will not have an effect on their fishing activities due to their large quota areas. A more detailed summary of commercial fishing activity within the Commercial Fisheries Study Area is provided in The Applicant's Responses to ExQ1 [REP3-027] CF.1.3. As The Crown Estate identifies new areas of opportunity for offshore wind, potential future offshore wind projects will have to consider displacement impacts to commercial fisheries. Given the unknowns surrounding potential future offshore wind projects at the time of writing, potential future projects cannot be considered as there is not sufficient information to conduct a meaningful assessment. This is described in section 13.8 of Chapter 13 Commercial Fisheries [APP-117].
AS-172: CF.1.10	Alternative Dispute Resolution (ADR) The Outline Fisheries Liaison and Co-existence Plan (Revision 2) [AS-082, paragraph 54] states, 'Both parties have to agree to refer their dispute to ADR, which will be undertaken by a mutually agreed third party by both sides of the dispute. ADR will be considered as an escalation process and an effort to avoid any contentious and unpreferable legal procedures. Mediation is the preferred ADR mechanism, which is confidential in nature'.	This question is beyond the scope of the expertise within the NFFO to comment.	The Applicants acknowledge the NNFO's comment. The Applicants were requested to answer the Examining Authority's question at Deadline 3 [PD-014]. The response (CF.1.10 in Table 1-5) in The Applicants' Responses to ExQ1 [REP3-027] stated: <i>'The Applicants have included wording on ADR to increase transparency on escalation procedures in line with a request from examining authority on other RWE led development projects which have progressed through the examination phase over the last 12 months. RWE projects will follow a consistent approach to cooperation agreements, and any escalation</i>

I.D.	Question	NFFO Response	Applicants' Response
	Explain what would happen in the event of a dispute where both parties didn't agree to refer it to ADR? In addition, how would the costs of the ADR process, including access to any expert and legal advice, be covered?		<i>procedures which may be necessary as a last resort, in line with FLOWW (2014) guidance.</i> <i>As stated in the Outline Fisheries Liaison and Coexistence Plan (Revision 3) [REP2-053], "if mutual agreement cannot be reached then both parties should seek to undertake Alternative Dispute Resolution (ADR), in line with FLOWW (2015) guidance. Either party can activate the ADR process in relation to any stage of the disruption payment process, prior to reaching agreement, in an attempt to resolve disagreements or stalemates generated through the process of establishing cooperation agreements, so that a mutually agreed position can be reached".</i> <i>In circumstances where agreement in line with FLOWW guidance cannot be achieved without additional legal support and escalation and ADR is unsuccessful, legal proceedings may be considered as a measure of last resort.</i> <i>The Applicants would advise all parties to seek their own independent legal advice. The initiator of the legal proceeding will likely cover the costs associated.'</i>
AS-172: CF.1.11	Cumulative Effects Do you agree with the Applicants' conclusion that, '<i>cumulative magnitude of effect during the operational phase due to loss or restricted access to fishing grounds is expected to be lower than that presented during construction as many fishing practices can resume access across the Offshore Export Cable corridor, Array Areas and within other constructed wind farms</i>' [APP-117, paragraph 438]?	We do not agree with the position of the applicant. The dominant fishing gear type overlapping the array area is static gear. Whilst there is limited evidence of static gear fisheries continuing to fish in wind farms post construction, this is not the case for every development. Environmental factors such as tidal conditions and prevailing wind direction alongside turbine distance and orientation are key factors on whether a fisher deems it safe to fish inside a wind farm. There are also concerns on the potential exposure of cables post construction that may pose a severe risk to all commercial fishery types. We have yet to see conclusive evidence of the "return to fish" scenario proposed by the applicant that de-mitigates the operational phase. Monitoring of fishing activity post-construction would help understand if the position of the applicant is correct (this has been suggested and approved for other Round 4 sites).	Co-existence of fisheries will continue to be developed through the Outline Fisheries Liaison and Co-existence Plan (Revision 4) [document reference: 8.28]. Fisheries concerns have also been taken into consideration in the routing and design of the Offshore Export Cable Corridor to reduce risks to commercial fisheries (Cable Statement (Revision 4) [document reference 8.20]). The Applicants acknowledge that individual decisions made by skippers with their own perception of risk, as well as weather and tidal conditions, would contribute to the likelihood of whether their fishing would resume within the Array Areas, as noted in section 13.6.2 of Chapter 13 Commercial Fisheries [APP-117]. Examples where commercial fishing has been able to resume within operational offshore wind farms are also presented in paragraph 243 of Chapter 13 Commercial Fisheries [APP-117]. No significant effects are identified during the operational phase of the Project, as assessed in section 13.6.2 of Chapter 13 Commercial Fisheries [APP-117]. Furthermore, given the implementation of the Dogger Bank SAC Byelaw for the foreseeable future, mobile bottom contacting gear types will not be present in the Array Areas and will therefore not be impacted by the construction and/or operation of the Array Areas. Therefore, no embedded mitigation measures, such as future fisheries monitoring, are proposed, however this remains a discussion point with

I.D.	Question	NFFO Response	Applicants' Response
			the NFFO within the NFFO Statement of Common Ground (Revision 2) [document reference: 9-13].

2.9 Natural England

Table 2-9 The Applicants' Comments on Natural England's Responses to ExQ1 [REP3-057]

I.D.	Question	Natural England Response	Applicants' Response
Benthic and intertidal ecology and relevant Habitats Regulations Assessment (HRA) aspects			
REP3-057: BE.1.1	Securing commitment to bundle export cables 1. NE's Risk and Issue log [REP2-069] states that it welcomes the Applicants' commitments to bundling the export cables for each project as mitigation as it would halve the number of trenches needed for each array. The ExA notes the reference to cable bundling in the Cable Statement [REP2-039] and 2. commitment C188 regarding cable bundling in the Commitments Register [REP2-025] but could the Applicants advise how this commitment is secured directly in the draft DCO itself as per NE's advice [REP2-069]? 3. Is NE satisfied with the wording of commitment C188 in the Commitments Register [REP2-025]?	2) Natural England is satisfied with the wording of commitment C188 in the updated Commitments Register [REP2-025] regarding cable bundling. We note that the Applicant has indicated in [REP2-025] that this commitment is secured in the DCO via conditions DML 1 & 2 - Condition 15, DML 3 & 4 - Condition 13, DML 5 - Condition 11, however it is not explicitly referred to in these conditions. As this is a key mitigation measure to reducing down the impacts along the Export Cable Corridor (ECC), Natural England would welcome it being secured on within the DCO/dML	The Applicants do not consider that individual mitigation measures such as cable bundling should be explicitly secured within the Development Consent Order (DCO) and remain of the position that the commitment is appropriately secured under the existing Cable Statement condition under Condition 15 of Deemed Marine Licences (DMLs) 1 and 2, Condition 13 of DML 3 and 3 and Condition 11 of DML 5 of the Draft DCO (Revision 7) [document reference 3.1]. The Applicants also highlight that in the Draft DCO (Revision 7) [document reference 3.1], Requirement 6 of Schedule 2 and Condition 3 of DMLs 3 and 4 have been amended to reduce the authorised amounts of cable protection and number of cable crossings as a result of the commitment to cable bundling. Maximum authorised disposal volumes have also been updated in the DMLs.
REP3-057: BE.1.5	Dogger Bank SAC – use of as built habitat loss You stated [RR-039, C34] that the Applicants had calculated an as built estimate of habitat loss for consented projects within the Dogger Bank SAC, that you disagree with this approach and advise that consented parameters should be used to inform habitat loss estimates for assessment within Dogger Bank SAC. The Applicants responded [AS-048, page 101] that whilst as-built numbers have been included in the RIAA Part 2 [AS-051] for reference, the 11.71km² footprint quoted in paragraph 19 (section 6.4.1.1.3) [AS-051] is the consented footprint and this was used in the incombination assessment presented in paragraph 114 (section 6.4.2.5.2), not the constructed footprint. Can you confirm whether the Applicants' response addresses your concern? If not, why not?	Natural England confirms that the Applicant's response as set out in [AS-048, page 101] addresses our concern. This has been clarified in our Risk and Issues (R&I) Log [REP2-069], Point C20.	The Applicants welcome Natural England's agreement on this matter.
REP3-057: BE.1.6	Compensation for Adverse Effects on Integrity (AEoI) of the Dogger Bank SAC At Deadline 2, the Applicants confirmed that the principal compensation proposed in the Project Level Dogger Bank Compensation Plan revision 2 [REP2-012] would be the designation of a new protected site or extension of an existing site to offset predicted impacts on the Dogger Bank SAC sandbank feature, which would be delivered strategically, via Defra, through contribution to the Marine Recovery Fund (MRF).	Natural England confirms that we agree with the Applicant's statement on page 4 of their Deadline 2 cover letter [AS-158]. However, as set out below, disagreement remains on the scale of impact requiring compensation. <u>1) Dogger Bank SAC extension</u> The SNCB's draw the Examiners attention to Defra's advice during the Round 4 plan level discussions and that of COWSC. Due to process and procedural requirements, it was determined that the extension of	1) The Applicants note that site selection for the benthic compensation is the responsibility of Defra through its strategic compensation workstream. 2) The Applicants note that Natural England does not agree with the Applicants that disturbance should not contribute to the conclusion of adverse effect on integrity (AEoI) for the Dogger Bank SAC. The Applicants consider that considerable evidence supporting their position is presented in Review of Evidence on Recovery of Sandbank Habitat Following Habitat Damage (Revision 2) [REP3-021]. The response to REP3-057:

I.D.	Question	Natural England Response	Applicants' Response
	Do you agree with the Applicants' statement in their Deadline 2 cover letter page 4 [AS-158] that, '<i>...the Applicants believe that the compensation measure proposed by the Applicants is accepted by Natural England and the delivery mechanism confirmed by Defra and DESNZ, hence this does not need further debate.</i>' 1. Do you agree with the Applicants' conclusion in section 2.3.3, paragraph 27 of the Extension of the Dogger Bank SAC for HRA Derogation Compensation rationale and evidence base [APP-062], that an extension of the Dogger Bank SAC to the north would encompass an equivalent (or greater) area of habitat to that lost, that inclusion of greater area of more stable sediments to the north may increase the overall ecological function, and that it would not decrease the overall structure and function of the SAC? If not, explain why not. 2. Has your position on whether habitat disturbance effects should contribute to AEoI of the Dogger Bank SAC and the level of compensation required suggested by the Applicants changed or remained the same since further evidence was submitted by the Applicants? Explain your answer. 3. Does the WMS on the Marine Environment published on 29 January 2025 and the <i>Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance</i> published by the DESNZ on 29 January 2025 change your concerns on compensation proposals for the Dogger Bank SAC? Provide reasons for your answer. 4. Comment on the adequacy and conclusions of Appendix 3 to the RIAA - Habitats Regulations Assessment- Project Level Dogger Bank Compensation Plan Revision 2 [REP2-012] submitted by the Applicants at Deadline 2. Provide reasons for your answer.	designated sites can only be delivered as part of benthic strategic compensation and not at the project level. In relation to the proposed extension of the Dogger Bank SAC, this option is being considered as part of the Defra commitment to deliver <u>strategic compensation</u> through the designation of new MPAs and/or extend existing MPAs in Secretary of State waters, to deliver sufficient compensation as detailed in the Written Ministerial Statement. The extension of Dogger Bank SAC is being considered alongside a number of other options to establish the most optimal solution for a number of offshore wind developments that require compensation for impacts to protected benthic features. As this process has not yet concluded we are unable to comment further on the merits of one potential option over other options. 2) The SNCBs continue to highlight the requirements of the Plan 4 HRA which were agreed by the Secretary of State and are not persuaded by the further Applicant's submissions. Therefore, Natural England's position remains unchanged. Please see Appendix C2.1 of our Deadline 2 submission (section 4 and Table 3) for further detail. 3) The SNCB welcome the WMS in support of delivery of strategic benthic compensation and further supports our preference for progressing this measure. We agree with the Applicant that there is little merit in progressing and/or placing reliance upon project specific compensation measures, and that extension or designation of a designated site has the most ecological merit. Please see Section 5 of our Deadline 2 cover letter [REP2-069] and ISH action 6.3 in Annex 2 of our Deadline 1 cover letter [REP1-063] for our advice in relation to the WMS and benthic compensation. 4) Natural England agrees that AEoI cannot be ruled out for the Dogger Bank SAC, however we continue to disagree with the scale of predicted impact. Please see our advice in [REP2-065] and Appendix C3 of our Deadline 3 submission for our advice on the updated Dogger Bank Compensation Plan [REP2-012].	BE.1.7 (below) summarises the Applicants position on the case presented by Natural England. 3) The Applicants acknowledge this comment. 4) Please see the response to (2) above.
REP3-057: BE.1.7	Recovery of Sandbank Habitat Following Habitat Damage [AS-025] The ExA notes the Applicants' position on Annex I sandbank habitat of the Dogger Bank SAC in their cover letter to their Deadline 2 submissions [AS-158] and their suggestion that the ExA requests NE to provide justification or evidence to support their position that the habitats within Dogger Bank SAC do not recover promptly from disturbance from construction activities. The ExA notes that NE has commented on the Review of Evidence on Recovery of Sandbank Habitat following Habitat Damage [AS-025] in its Deadline 2	1 and 2) Natural England considers that the evidence provided in Appendix C2.1 of our Deadline 2 submission [REP2-065] is sufficient. As mentioned in paragraph 4.3 of [REP2-065], further evidence will also be available when the Favourable Condition Status for Annex I Sandbanks is published sometime this year. We are waiting for further confirmation as to when this would be.	1) and 2) As per the Applicants previous response The Applicants' Responses to ExQ1 [REP3-027], we reiterate that the evidence provided by Natural England is inadequate. The Applicants have summarised the main points below: - The evidence is generic – not specific to Dogger Bank SAC. - It does not include any evidence from any offshore industry (other than fisheries or aggregates, which have very different effects in terms of form and frequency) regarding physical disturbance and recovery. - Has old references to what are reviews or meta-analyses.

I.D.	Question	Natural England Response	Applicants' Response
	submission Appendix C2.1 [REP2-065] and has provided a link to an article providing evidence on its position. 1. Does NE have any further evidence it could cite regarding this issue? 2. Does NE's Deadline 2 submission Appendix C2.1 [REP2-065] address the Applicants' concern? 3. Can the Applicants' confirm how this is to be resolved by the close of the Examination.		- It does not include any direct studies of the effect or evidence from offshore wind post-consent monitoring. - Does not take into account the evidence presented by Marine Evidence-based Sensitivity Assessment (MarESA) for recovery of the relevant biotopes (which the Applicants have added in full to Review of Evidence on Recovery of Sandbank Habitat Following Habitat Damage (Revision 2) [REP3-021]. - Does not acknowledge site specific evidence of recovery provided by the Applicants in Review of Evidence on Recovery of Sandbank Habitat Following Habitat Damage (Revision 2) [REP3-021] or UK Government studies (i.e. Eggleton <i>et al.</i>, 2016)². In summary it does not provide any support for Natural England's contention that recovery will take 10-25 years. The Applicants cannot comment on Natural England's 'evidence for Favourable Condition Status for Annex I Sandbanks' as its contents are unknown.
REP3-057: BE.1.8	Recovery of Sandbank Habitat Following Habitat Damage [AS-025] 1. The ExA notes that you give a reason why your conclusion not to rule out AEol for the Dogger Bank SAC [RR-039], reinforced in section 4 of Appendix C2.1 at Deadline 2 [REP2-065] is different from that of Hornsea Project Three and the North Norfolk Sandbanks and Saturn Reef SAC, or Norfolk Boreas and Norfolk Vanguard Projects and the Haisborough, Hammond and Winterton SAC, as raised by the Applicants [AS-025]. The ExA also notes you state [REP2-065] that the situation is currently at an impasse in regards to this issue between yourselves and the Applicants. Is this your final position? Is there anything else either you or the Applicants could do to move this issue forward by the close of the Examination? 2. Given evidence provided by the Applicants [AS-025] does NE consider the construction effects of the Proposed Development to meet the temporary and reversible criteria set by NE for consideration of small-scale habitat loss with SACs in relation to AEol? Explain your response. 3. Can you comment on the Applicants' reasoning on page 21 [AS-025] in regards to whether the scale of habitat loss on Dogger Bank SAC would be regarded as inconsequential?	1) Natural England confirms that our position on this remains unchanged. As detailed in Appendix C2.1 of our Deadline 2 submission [REP2-065], we believe that to progress this issue evidence from cable installation within Dogger Bank SAC and subsequent recovery would need to be submitted. Until this is provided, we agree with the conclusion of the Plan Level HRA on habitat disturbance/damage from cable installation. It is therefore unlikely that either party will provide sufficient evidence to persuade the other to change their view on this matter. In order to focus on resolving those matters than can be resolved, we are prepared to 'agree to disagree' on this particular matter. 2) Natural England highlights that Dogger Bank Sandbank is unique in its formation being stable glacial till. Therefore, is it challenging to demonstrate a small-scale loss and no AEol. There is also limited evidence from this designated site to support temporary and reversible conclusions, noting that temporary is considered in the range of 1-2 years. Also given the pre-existing impacts it is challenging for any impact not to be considered a material consideration in in-combination assessments. As raised in [REP2-065], [AS-025] does not consider any potential increased disturbance / impact from in-combination impacts during construction or continued disturbance from the operational phase. Sandy mound sandbanks such as those at Dogger Bank SAC are unique and have limited recovery	1) The Applicants highlight that should agreement not be reached, the worst case for disturbance effects has been provided in Project Change Request 1 – Offshore and Intertidal Works [AS-141] and will be included in the updated version of RIAA HRA – Part 2 of 4 - Annex I Offshore Habitats and Annex II Migratory Fish (Revision 3) [AS-051] which will be submitted at Deadline 4. Table 4-3 in Project Change Request 1 – Offshore and Intertidal Works [AS-141] updates the worst case presented in the RIAA HRA Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish (Revision 3) [AS-051]. This information will allow the Secretary of State to determine the footprint contributing to AEol should they concur with Natural England's advice. 2) As stated in Review of Evidence on Recovery of Sandbank Habitat Following Habitat Damage (Revision 2) [REP3-021] the underlying geology of the Dogger Bank is not relevant to consideration of the habitat 'H1110 Sandbanks which are slightly covered by sea water all the time' – as stated <i>"The communities present do not depend on the underlying structure of the bank, but on the nature of the shallow sediment layer in or on which they live. Principle factors determining community composition include an interrelated combination of sediment grain size, water depth, hydrodynamic regime and organic content – as well as interactions between species such as predation. The majority of living organisms are found either on or near the sediment surface or burrowing within the top 5-30cm. In stable fine-grained</i>

² Eggleton, J., Murray, J., McIlwaine, P., Mason, C., Noble-James, T., Hinchey, H., Nelson, M., McBreen, F., Ware, S. & Whomersley, P. (2016). Dogger Bank SCI 2014 Monitoring R&D Survey Report. JNCC/Cefas Partnership Report, No. 11. <https://data.jncc.gov.uk/data/87510dd6-33d2-4730-9997-b35f2edffe04/JNCC-Cefas-11-FINAL-WEB.pdf>

I.D.	Question	Natural England Response	Applicants' Response
	4. Can you comment on the reliability and applicability of the evidence of recovery times to disturbance presented in Table A-1[AS-025]?	ability, and whilst there may be shorter recovery rates for specific biotopes known to be present within Dogger Bank SAC, the full recovery of the whole site would be expected to be longer and would delay restoration of the SAC. Please see Table 3 of [REP2-065] for further detail. 3) Whilst Natural England acknowledges that fisheries have previously impacted the seabed in Dogger Bank SAC, we do not consider such significance to be directly comparable when assessing whether the scale of impacts from the Proposed Development are inconsequential. We highlight that the impacts of the Dogger Bank South projects are in addition to those pre-existing from industry, and they are also not the only representatives of the OWF industry within the Dogger Bank SAC. Of the previously consented projects within Dogger Bank SAC, Dogger Bank A, B and C together cover an area larger than Greater London³. It can be assumed that adding the Sofia, DBS East and West arrays to this would at least double that area. We acknowledge that the direct habitat loss and disturbance area caused by these developments is smaller than the total area the arrays cover, however, there remains a high degree of uncertainty regarding the total area of indirect impact caused by these projects and the likelihood of recovery, noting the reluctance to remove all aspects of infrastructure to allow recovery e.g. cable/scour protection. Whilst it may be possible to convert the loss into small percentage values of the total SAC, the fact remains that these are two, additional and not inconsequential developments within an SAC designated for its benthic habitat which is currently in unfavourable condition. The construction process is predicted to take 5-7 years and cumulative disturbance will continue, though to a lesser degree, throughout the operational phase. Given the long-term duration of activities from the Proposed Developments, and what we consider to be an unclear picture of recovery of the site as a whole, ultimately the habitats disturbance from cable installation and habitat change/loss from the placement of scour and cable protection is moving the site further from achieving the conservation objective aim of favourable condition. 4) Natural England has provided comments on the reliability and applicability of the evidence of recovery times presented in Table A-1 of [AS025] in Table 3 of Appendix C2.1 of our Deadline 2 submission [REP2-065].	<i>muddy sediments found in deeper or very sheltered waters burrows of some species may extend to depths of 1-2m from the surface, but such sediment conditions are not found within the Dogger Bank SAC."</i> We note that Natural England again states that: <i>"Sandy mound sandbanks such as those at Dogger Bank SAC are unique and have limited recovery ability"</i> This is not supported by the MarESA assessments (reproduced in full in Appendix A of Review of Evidence on Recovery of Sandbank Habitat Following Habitat Damage (Revision 2) [REP3-021]). Natural England state that recovery is based upon a need for 100% of a habitat (across the entire SAC) and its most sensitive components to recover. However, it is worth noting that the MarESA Guidance Manual (Tyler Walters <i>et al.</i>, 2023)⁴ states the following: <i>'Full recovery' is envisaged as a return to the state of the habitat that existed prior to impact. However, this does not necessarily mean that every component species has returned to its prior condition, abundance or extent but that the relevant functional components are present and the habitat is structurally and functionally recognizable as the initial habitat of interest. The assessments are based on key structural or functional or important characteristic species for each biotope.</i> 3) The Applicants reiterate that fisheries have had an impact upon the Dogger Bank SAC which is several orders of magnitude greater in scale (in area terms – approximately 70.5% compared to 0.18% (see RIAA HRA Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish (Revision 3) [AS-051]) than offshore wind and have been a historic pressure. There is no clear understanding of how the cessation of fishing will affect the communities of the Dogger Bank and what 'recovery' will mean for community composition, the trajectory or speed of any change. As stated in the RIAA HRA Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish (Revision 3) [AS-051], fisheries impacts were considered to have affected over 70% of the SAC area. A reduction in disturbance (in both scale, intensity and frequency) across the area is likely to lead to significant changes in ecology of the Dogger Bank SAC over time from the current baseline conditions, although it is likely in the medium term that these would not mean a change from Annex 1 sandbank (although historically (i.e. prior to industrial fishing) areas of the Dogger Bank included oyster reefs (which would qualify as Annex 1 reef). Impacts from offshore wind have to be seen in this context. Natural England states that:

³ <https://equinor.ft.com/articles/building-worlds-largest-offshore-windfarm-in-uk>

⁴ H. Tyler-Walters, H.M. Tillin, E. A.S. d'Avack, Perry, F., Stamp, T. (2023) Marine Evidence-based Sensitivity Assessment (MarESA) - Guidance Manual <https://www.marlin.ac.uk/assets/pdf/MarLIN-MarESA-Manual-Jun2023.pdf>

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			"the previously consented projects within Dogger Bank SAC, Dogger Bank A, B and C together cover an area larger than Greater London" This statistic is promotional copy from those projects' websites and has no relevance to the actual footprint of infrastructure or impact of those projects within the project boundaries. This statement is meaningless in terms of the debate on recovery. Natural England state: "The construction process is predicted to take 5-7 years and cumulative disturbance will continue, though to a lesser degree, throughout the operational phase." Natural England references to frequency of disturbance do not reflect the reality of construction and operation. Impacts will be localised, episodic and short term during construction, they will not occur across the entire array areas for the duration of construction. Recovery at one location can commence once construction activities have moved on. During operation disturbance of the seabed will be limited to cases where reactive repairs, replacements or remedial work is required. 4) Recovery timescales are based on a combination of site specific data, industry monitoring, other studies and the MarESA assessments (reproduced in full in Appendix A of Review of Evidence on Recovery of Sandbank Habitat Following Habitat Damage (Revision 2) [REP3-021]).
REP3-057: BE.1.16	HRA conclusions for the Flamborough Head SAC 1. The ExA is aware of the disagreement between the Applicants and NE regarding the conclusions of the RIAA for the Flamborough Head SAC in relation to Annex I habitat, the Applicants' response to this issue [PDA-013] and NE's comments on this at Deadline 2 [REP2-065] section 5. How are the Applicants planning to resolve this issue by the close of the Examination? 2. If the SoS was to agree with NE in the final HRA and conclude an AEoI due to damage to qualifying habitat features in the Flamborough Head SAC, what compensation could be secured?	As noted in Appendix C2.1 of our Deadline 2 submission [REP2-065], we consider that further information is needed to robustly evidence the conclusions presented for Flamborough Head SAC. However, we consider this issue to be easily resolvable and understand that the Applicant will be providing the relevant information at Deadline 3. Once we have reviewed this information, we will be able to provide further advice on the scale and significance of the impacts.	As noted in response to ID 1 in Table 2-9 of The Applicants' Responses to Deadline 2 Documents [REP3-028], the Applicants updated the Benthic Ecology Technical Note (Revision 2) [REP3-023] at Deadline 3 to include the additional detail for the biotopes and species that comprise the qualifying features of the Holderness Offshore and Inshore MCZs and the Flamborough Head SAC. The Applicants consider that this should address Natural England's query on this matter.
Ecology and nature conservation			
REP3-057: ENC.1.4	Bentley Moor Wood Ancient Woodland - air quality effects from horizontal directional drilling compounds Your Deadline 1 submission [REP1-066] regarding air quality impacts from non-road mobile machineryor.1. on Bentley Moor Wood ancient woodland is noted. However, could you confirm whether you are aware that trenchless crossing compounds (which	Natural England notes the point on the proximity of the trenchless crossing compounds to Bentley Moor Ancient Woodland. We continue to defer to our Standard Advice in relation to Ancient Woodland sites. However, the Applicant has confirmed in their Response to Natural England's Relevant Representations that the embedded mitigation measures outlined in Chapter 26 Air Quality [APP-208] (Table 26-3) would also apply to Ancient Woodland Sites. Considering this, along with	The Applicants welcome Natural England's agreement on this matter.

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	are not shown on the Works Plans (onshore) [REP2-005]) would be situated within 200m of Bentley Moor Wood? If so, are you satisfied that the proposed air quality mitigation measures would be adequate, or if not, what are your concerns and how could they be resolved?	the temporary and short duration of the work, Natural England advise that the impacts to Ancient Woodland have been adequately addressed.	
Fish and shellfish ecology			
REP3-057: FSE.1.1	Worst-case location for the assessment of underwater noise impacts on herring Action point 34 from ISH2 [EV5-003] stated: 'Natural England [RR-039] stated that the assessment of underwater noise impacts on herring does not use the worst-case location. Provide a response to the suggestion made by the ExA during ISH2 on whether a reassessment based on the most south-westerly point of the proposed DBS West array could result in greater overlap with the 'high' and 'very high' herring spawning potential habitat and whether this could result in a greater impact outcome? If so, would a reassessment be undertaken and submitted?' Can you comment on the Applicants' response to this question [REP1-051]?	Please refer to Appendix E3 (Section 1.2) of Natural England's Deadline 3 submission for our detailed response.	See the Applicants response to this topic under REP3-053:1.2 in The Applicants' Responses to Deadline 3 Documents [document reference 14.4].
Habitats Regulations Assessment (HRA) general (HRA aspects specific to a topic are covered in that topic area, for example Offshore Ornithology)			
REP3-057: HRA.1.3	Prey items for other species of conservation value 1. Provide a response to the Applicants' response to ISH2 Action point 22 [AS-155] regarding allocation of a 'low' value for habitats or species that provide prey items for other species of greater conservation value. 2. Given the number of other OWFs for which the Applicants' state [AS-155] this approach has been deemed acceptable by the SoS in the past, justify why you believe this approach is not acceptable for the Proposed Development.	1 and 2) Natural England maintains our advice as outlined in our Relevant Representations [RR039, C20]. As mentioned previously, it should be recognised that some areas within the red line boundary remain more important than others. We note that the Applicant has referenced the Norfolk Projects [AS-155], and we wish to highlight that the arrays for these Projects are located outwith the Haisborough Hammond and Winterton (HHW) SAC. Further, whilst the location of the export cable corridor for the projects is within the SAC, and there is breeding season connectivity between foraging kittiwake from the FFC SPA, the Norfolk projects are considerably more distant than the Dogger Bank South arrays, being approximately twice as far away (DBS 103 km, Norfolk Boreas 216 km). Therefore, the wider ecosystem functionality of HHW SAC, whilst appreciable, is lower than that of the Dogger Bank SAC in the context of prey availability. By contrast, we highlight that as well as being within the Southern North Sea SAC (as are the Norfolk Projects), Dogger Bank South is the only Round 4 project with array areas located wholly within an SAC designated for its benthic habitat. We draw the Examiners attention to the conservation advice package for Dogger Bank SAC, which sets out the importance of the sandbank feature and it's ecological functionality, including its importance as a foraging area. The Ornithology survey	1) and 2) The Applicants do not contest that the Dogger Bank is an important foraging area for mobile species but seek to highlight that it is not the only foraging area for these species. This is clearly shown by the mapping within the Heat Mapping Report: Atlantic Herring and Sandeel [AS-105]. Note that whilst the Langton <i>et al.</i> (2021) mapping presented by Natural England in Figure 1 in [REP3-057] is suitable for assessing the likelihood of sandeel presence the heat map method presented in Heat Mapping Report: Atlantic Herring and Sandeel [AS-105] is currently used as best practice by the MMO in all English waters. The Applicants consider that the heat mapping should be the default consideration for the Projects. When considering effects on foraging for mobile species, the SAC boundary is less relevant, and foraging should be seen in the wider regional context of prey available to the wide-ranging predators of interest to Natural England. All of these species have foraging ranges of many, many thousands of km² across areas many times the size of the proposed Offshore Development Area, hence the approach taken by the Applicants. In addition, Figure 2 in Natural England's response [REP3-057] shows the distribution of kittiwake from FFC SPA and 'hotspots' across the Southern North Sea not just at Dogger Bank.

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		results from the Dogger Bank windfarms also demonstrate that the number and abundance of seabird species is significant in this area of Dogger Bank SAC, and particularly in the Dogger Bank South array areas, indicating that it is a preferential area for foraging. We highlight that the emerging impact assessment indicates the Dogger Bank South projects will be the most impactful on the FFC SPA to date. This is further evidenced by tracking data showing clear connectivity with birds foraging from FFC SPA and the Dogger Bank South array areas (Figure 2, Annex A). The importance of this area as supporting habitat for prey species is also supported by the SAC previously being heavily fished, and the Applicant's assessment of sandeel spawning habitat suitability which shows that the entirety of the DBS West array has high habitat potential for sandeel, whilst the DBS East array has medium potential (Figure 10-5; [APP-092]). We therefore do not believe that this area is comparable to that of the Norfolk projects. The importance of the Dogger Bank South area can be seen to be greater than that of the Norfolk projects development area, and the significance of impacts to prey availability will therefore also be greater.	It remains the case that the footprint of the Projects within the Dogger Bank SAC represents: 0.23% of the medium to high potential habitat for sandeel of the SAC with regard to disturbance; and 0.018% of the medium to high potential habitat for sandeel of the SAC with regard to permanent habitat loss. Even if these areas were assigned higher sensitivity or value (in EIA terms) given the negligible extent of the area affected this results in non-significant effects (if considering solely on the basis of the SAC boundary, and more so if considering the regional resource).
REP3-057: HRA.1.7	Designated nature conservation sites with features for which outstanding concerns remain 1. The ExA notes Table 5.1 and Table 5.2 in your RR [RR-039] helpfully list designated nature conservation sites and national sites with features for which outstanding concerns remain. The ExA would find it very helpful if you could update these tables stating if you no longer have a concern with the feature of a site with a brief explanation as to why. Conversely, if concerns remain for a feature, a brief explanation of the reasons would be helpful. Can these be submitted into the Examination at Deadline 3, Deadline 5 and again with your final position at the close of the Examination? If there has been a change to the level of your concern between deadlines, the ExA would find it helpful if you could resubmit these tables at the next deadline along with an explanation. 2. Can you confirm that you are satisfied that there would be no AEoI from the Proposed Development for all designated nature conservation sites not listed in Table 5.1 [RR-039]?	1) Please see Annex 2 of Natural England's Deadline 3 Cover Letter for updated versions of Table 5.1 and 5.2. We will provide these where relevant at subsequent deadlines as requested. 2) Natural England can confirm that this is correct.	1) Please see the Applicants' responses regarding the updated versions of Table 5.1 and 5.2 in Table 2-7 of The Applicants' Responses to Deadline 3 Documents [document reference: 14.4]. 2) The Applicants welcome Natural England's confirmation on this matter.
Agri-environmental stewardship schemes			
REP3-057: LUA.1.14	Agri-environment stewardship schemes policy Can you comment on the implications of the Proposed Development for agri-environment	Operational agri-environment schemes are available to view on Magic Map. Natural England do not typically advise on specific scheme impacts through Planning, however, we advise that the Landowner would need	The Applicants are in agreement with Natural England's response and have reviewed the available information on Magic Map to inform the information presented in Chapter 21 Land Use (Revision 3) [REP2-022]. The Applicants would also expect the landowner to inform the RPA on any

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	stewardship schemes and delivery of the Government's 25-year Environment Plan and other related strategies?	to inform the Rural Protections Agency (RPA) on the change of land use, either temporary or permanent. If this has not answered the question adequately, we request that clarification is provided on the specific information required.	change in use as a result of the Projects. The Applicants consider that the impact to agri-environment schemes has been adequately assessed within the Chapter 21 Land Use (Revision 3) [REP2-022].
Marine and coastal processes			
REP3-057: MCP.1.2	Baseline characterisation - sediment transport pathways In your RR [RR-039], you raised concerns that only limited information is currently available on sediment transport pathways for the majority of the export cable corridor and array area and that additional information would aid the understanding of the baseline characterisation and assessment of potential changes to sediment transport pathways arising from the proposed built structures. The Applicants responded to your RR [AS-048, reference RR-039: B19] and, in addition, confirmed at ISH2 [EV5-008] that they have acquired site-specific high-resolution data and consider that these would be more appropriate than regional models to identify mobile sediment features. Are you content with the Applicants' explanation in relation to the baseline characterisation of sediment transport pathways and that a sufficient assessment has been undertaken and provided in this regard? If not, why not?	In Figure 8-5 [APP-081] the Applicants have provided a map identifying the extent of available data on sediment transport pathways, which covers the westernmost first c. 35km of the export cable corridor (ECC), with no data available on sediment transport pathways for the remainder of the ECC or the Array Areas. <u>Export Cable Corridor</u> The Applicant has explained in [AS-048] and [EV5- 008], that they have provided high-resolution bathymetry data which identify mobile sedimentary features along the ECC (e.g. Figures 8-6a-d). Section 8.5.8 in [APP-080] primarily discusses seabed mobility along the ECC, focussing on bedform asymmetry captured (as a snapshot) in the 2022 project-specific Fugro bathymetry surveys. It is stated that 'Bedform migration speed' can be determined by comparing bathymetric datasets collected over the same feature at different times. However, it also states that whilst other bathymetric datasets are available for the first 35km from landfall, 'there are no other datasets of this resolution in areas of seabed bedforms' further offshore that can be used to quantify bedform migration speeds. Therefore, Natural England advises that the bedform/sandwave crest mapping assessment used to determine bedform migration rates (and directions) along the ECC should be provided to help inform understanding of the geomorphological processes operating along the ECC. For the ECC, inferences of sediment transport directions made from the bedform/sandwave crest mapping assessment, coupled with flow measurements/predictions are likely sufficient to address evidence gaps. <u>Array Areas and Inter-Platform Cable Corridor</u> In [APP-080] it is stated that for the DBS Array Areas, "the dominant sediment transport pathways are...expected to be towards the north-west". We advise that this needs to be supported with evidence. It is important to understand the relative importance of tides and waves within/around the arrays and the SAC, to help determine sediment transport pathways and potential impacts to them due to the proposed development. We also note that similar studies carried out for Dogger Bank Teesside A & B (Forewind, 2014) concluded that the main effect of	The Applicants have submitted further evidence to support the EIA assumptions in relation to sediment transport pathways in Bed Mobility and Thermal Environment Technical Report [REP3-032]. Seabed morphology and mobility is characterised in section 4 of REP3-032 for the Export Cable Corridor and Array Areas. Repeat bathymetric surveys were used to quantify seabed mobility and bedform migration speeds by comparing the elevation of bedform crests between surveys. This is the same process as bedform crest mapping as recommended by Natural England, the only difference is the outputs are presented as a grid instead of as lines on a map. A discussion about the relative influence of waves and tides on seabed morphology is also presented within REP3-032.

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		the array foundations would be on waves since tidal current velocities (across Tranche A and B) are low and not a driver for sediment transport. Conversely, in Section 8.5.7 of [APP-080] it is stated that tidal currents are the dominant driver of bedload transport across the DBS Array Areas and Inter-Platform Cable Corridor. Therefore, we advise that further evidence should be provided to support the EIA assumptions, or the prevailing sediment movement and resulting sediment transport pathways should be adequately assessed.	
REP3-057: MCP.1.6	Water quality information – array area Applicants: ES Chapter 8 [APP-080, paragraph 107] states that, 'site specific water quality information is not available for the Array Areas', and reference is made to the 2010 Quality Status Report with the location of the site in the Region II 'Greater North Sea'. Can you explain why you consider the document, which was prepared 15 years ago, to remain relevant? Should further surveys be undertaken for the array area to understand and assess site specific water quality? Can you also signpost or provide a plan showing the Order Limits in relation to the Region II boundaries? MMO and NE: Do you accept the information provided in relation to water quality or do you consider that additional surveys should be undertaken to assess water quality within the array areas? Please explain your view.	Natural England advises that water quality parameters are usually outside the scope of our remit. However, we are concerned with project related changes to suspended sediment concentrations (SSCs) and the creation of sediment plumes that may affect ecological receptors through settling, smothering, increased turbidity, and mobilisation of contaminants. Some of these same factors may also affect Water Framework Directive (WFD) water body status and water quality. As a general benchmark, Natural England's best practice advice is that care should be taken when considering datasets which are older than five years. Given the importance of the receptor at Dogger Bank SAC, and the cluster of OWFs planned or being built, we advise that the Applicant should demonstrate why they have confidence in these old data, and the conclusions drawn from them.	The Applicants direct Natural England to the response on this topic provided under MCP.1.6 of The Applicants' Responses to ExQ1 [REP3-027] and repeated below for convenience. <i>The Quality Status Reports present patterns in water quality status and therefore are relevant in that they are generally showing downward trends in water concentrations of specific substances monitored in the marine environment. There is an updated report now available (not available at the time of assessment). However, water quality has been replaced by a focus on sediment quality data which allows for a more robust study of general pollution trends given the main effects are now considered to be substance re-release from marine sediments acting as storage for past contamination. Sampling and analysis of sediment contaminant levels was undertaken as part of the DBS benthic characterisation studies, in line with a survey methodology agreed with the MMO and Natural England. The main effect on water quality associated with offshore windfarms is related to the release of any sediment bound contamination during either seabed preparation or cable installation. Therefore, the collection of site-specific sediment data is the more important thread of evidence and focus of the ES assessment. The sediment data collected as part of the site-specific survey is therefore considered to be robust and allows for an informed assessment regarding the risks to water quality. Additional survey work to collect water quality data is therefore not considered necessary. Region II boundaries are shown on the OSPAR website⁵.</i>
REP3-057: MCP.1.10	Flamborough Front monitoring Applicants: Your response to NE's RR [AS-048] is noted, however: 1. Can you justify why monitoring of potential changes to the stratification, currents and primary productivity of the Flamborough Front would not be required? 2. Why do you consider there would be a disadvantage to using remote sensing techniques?	The submission of Change Request 1 has not altered Natural England's view regarding the requirement for a monitoring programme. We also do not agree that it can be concluded that the development will only result in localised changes. As raised in our Relevant Representations [RR-039], the Flamborough Front is of high ecological importance and emerging evidence suggests that large OWF clusters, such as those in the Dogger Bank and Hornsea Zones, may affect the stability and strength of the Front, with knock-on effects for primary production and the wider marine ecosystem. It is, therefore, important to establish a monitoring programme to record any changes to stratification and	The Applicants have submitted the Review of Flamborough Front [document reference: 14.7] technical note at Deadline 4, which outlines the current research and evidence base to support the assessment of impacts on the Flamborough Front. Further, this note presents the Applicants' proposed approach to monitoring the Flamborough Front.

⁵ <https://oap.ospar.org/en/ospar-assessments/quality-status-reports/qsr-2023/synthesis-report/introduction/>

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	3. Can you explain how the Proposed Development would differ from Hornsea 4 OWF, where a detailed monitoring programme was agreed between the Applicant, MMO and NE? 4. How do you seek to address the concerns raised by NE if monitoring was not agreed? NE: Has the submission of Change Request 1 altered your position in relation to a requirement for a monitoring programme? If so, how? In addition, do you agree with the Applicants' assessment that the Proposed Development would only result in localised changes, while the Front is considered to be of regional importance and would therefore not be affected?	primary productivity, through preconstruction and post-construction monitoring over the lifetime of the project. This is line with the advice provided by Natural England/MMO/Cefas to Hornsea Four. We would also encourage the Applicants to collaborate with one of the ongoing research programmes also aimed at addressing these evidence gaps. Please also see Appendix J of our Deadline 3 submission for our advice on the IPMP.	
Marine Conservation Zone Assessment			
REP3-057: MCZ.1.1	Do you agree with the Applicants' conclusion to the Phase 1 MCZ Assessment [APP-240]? If not, explain why. A cross reference to a point in a WR or Issues Log would be acceptable.	Natural England does not agree with the Applicant's conclusion to the Phase 1 MCZ Assessment [APP-240] that the conservation objectives of Holderness Inshore and Offshore MCZs will not be hindered. Please see Natural England's R&I log refs B34 - B41.	Please see the Applicants responses to Natural England's points regarding the Holderness Inshore and Offshore MCZs in The Applicants' Responses to Deadline 3 Documents [document reference: 14.4].
REP3-057: MCZ.1.2	Are you satisfied that the Applicants' proposed mitigation reduces the risk of activities associated with the Proposed Development to a level that has no significant risk of hindering the conservation objectives of the Holderness Inshore and Holderness Offshore MCZs? If so, are you satisfied with the way this is secured in the draft DCO? If not, can you explain how you consider the draft DCO should be amended?	Natural England is satisfied that there are no significant risks that would hinder the conservation objectives of the Holderness Offshore MCZ. For Holderness Inshore MCZ, we are satisfied that mitigation to avoid direct impacts (i.e. no jack up vessels or anchoring within the MCZ) have been appropriately secured within the draft DCO. However, we advise that the conservation objectives could be hindered due to the current dML condition allowing 10% of the export cable to be protected from 350m seaward of MLWS to the 10m depth contour. Further, we highlight that the updated CBRA assessment [REP2-040] indicates that more of the export cable route is expected to be difficult to achieve target burial depth in than previously predicted, although the export cables now also to be bundled. We advise that the Applicant should provide updated information on the areas this would fall within in the 10m depth contour, and the implications for Holderness Inshore MCZs.	To further demonstrate the limited effects that cable protection in the nearshore environment would have, the Applicants are undertaking modelling of an indicative case of this feature and the effect it would have on the wave regime in the area – given that wave generated currents are the principal driver of sediment movement in the vicinity of the Projects' landfall location. A technical note detailing this modelling will be provided at Deadline 5.
Marine mammals and relevant Habitats Regulations Assessment (HRA) aspects			
REP3-057: MM.1.12	HRA conclusions for the Southern North Sea SAC, Humber Estuary SAC and Berwickshire & North Northumberland Coast SAC 1. The ExA notes there is currently disagreement between the Applicants and NE over conclusions of the RIAA for the Southern North Sea SAC in relation to harbour porpoise and the Humber	Natural England have outstanding concerns regarding the Project's lack of commitment to additional noise mitigation (see Appendix F3), without which it will not be possible to rule out adverse effects on SNS SAC. The Applicant should provide an updated in-combination assessment based on a commitment to utilise additional noise mitigation to demonstrate that they have contributed to reducing the	In section 9.2, of the In Principle Site Integrity Plan (SIP) for the SNS SAC (Revision 3) [REP2-049]; the Applicants have stated that the Projects will utilise best endeavours to deliver noise reductions, where applicable, through the use of primary and/or secondary noise reduction based on the final project design. These measures may include different foundation types/installation methods and/or noise reduction systems. In support of

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	Estuary SAC and Berwickshire and North Northumberland Coast SAC in relation to grey seal. The ExA also notes NE's advice in its Deadline 2 submission on marine mammals [REP2-067] that noise reduction committed to should be sufficient to demonstrate that the Applicants have contributed to reducing the disturbed area of the Southern North Sea SAC. How are the Applicants intending to resolve this disagreement with NE by the close of the Examination? 2. If the matter was to remain outstanding at the close of the Examination and if the SoS was to agree with NE and decide AEoI for the above features of these sites, what compensation could be secured?	disturbed area of the SNS SAC. This may be sufficient to alleviate AEoI on SNS SAC and negate any requirement for compensation, however we cannot confirm this without an updated assessment being provided. Natural England also advise that further evidence is needed to support the Applicant's conclusions regarding seals the Humber Estuary SAC and Berwickshire and North Northumberland Coast SAC (see Appendix L). Once this information has been provided for review, we will be able to provide further advice on the scale and significance of the impacts.	this statement, the Applicants have submitted a technical note at Deadline 4 (Underwater Noise Reduction Technical Note [document reference 14.9]) presenting predicted impact ranges using a 10dB noise reduction. In reducing noise by 10dB noise reduction, the predicted cumulative Sound Exposure Level (SEL_{cum}) PTS impact range is predicted to be greatly reduced from 11km, which was presented Table 11-23 of Chapter 11 Marine Mammals [APP-095], to 0.98km for harbour porpoise (Table 4.2 of the Underwater Noise Reduction Technical Note [document reference 14.9]). Figures 4.2 and 4.3 in of the Underwater Noise Reduction Technical Note [document reference 14.9] present the unweighted PTS SEL_{cum} sound contours at the Projects with and without a 10dB reduction in relation to the grey seal foraging population at sea of the Berwickshire Northumberland and North Coast SAC and the Humber Estuary SAC. The figures show that with a 10dB noise reduction, the sound contours are much further away from the designated sites and that a very small proportion of the grey seal population of the designated sites could potentially be impacted. Updates to the in-combination assessment in the RIAA will be submitted in RIAA HRA Part 3 of 4 - Annex II Marine Mammals (Revision 3) [document reference 6.1] at Deadline 5, presenting numbers from EDR and dose response curve assessment as well as the iPCoD population modelling for the Berwickshire Northumberland and North Coast SAC and the Humber Estuary SAC. However, it is considered that the in-combination assessment for the SNS SAC, the Humber Estuary SAC and Berwickshire and North Northumberland Coast SAC is over precautionary as it is highly unlikely that all relevant OWFs could be concurrently piling at the same time for various reasons such as vessel constraints, programme changes, technical issues, or weather delays. Also, the assessment is using a 26km EDR, whereas many of the projects will be utilising a method of sound reduction, therefore reducing the EDR to 15km, making this assessment over precautionary. In addition, Brown <i>et al.</i> (2023⁶) highlights that the approach used to produce the current 26km EDR for harbour porpoise is likely to highly overestimate the response because it does not account for underlying seasonal variation during baseline and piling periods. In addition, recent findings in the latest PrePARED report (Benhemma-Le Gall <i>et al.</i> 2024⁷) looking at harbour porpoise response to piling at Ocean Winds Moray West OWF found evidence of an EDR of 10km for unabated piling of

⁶ Brown, A.M., Ryder, M., Klementisová, K., Verfuss, U.K., Darias-O'Hara, A.K., Stevens, A., Matei, M., Booth, C.G.(2023). An exploration of time-area thresholds for noise management in harbour porpoise SACs: literature review and population modelling.

⁷ Benhemma-Le Gall, A., Hastie, G.D., Brown, A.M., Booth, C.G., Graham, I.M., Fernandez-Betelu, O., Iorio-Merlo, V., Bashford, R., Swanson, H., Cheney, B.J., Abad Oliva, N. & Thompson, P.M. (2024). Harbour porpoise responses to the installation of XXL monopiles without noise abatement; implications for noise management in the Southern North Sea. PrePARED Report, No. 004. August 2024

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			a 10m monopile, providing a strong case for reducing the current 26km EDR for unabated impact piling of monopiles. The in-combination assessment will be updated and provided in the final SIP for the SNS SAC post-consent based on the confirmed primary and/or secondary measures utilised by the Projects to show the reduced disturbed area of the SNS SAC. The In Principle SIP for the SNS SAC (Revision 3) [REP2-049] shows the potential effect of the Projects based on a 15km EDR to allow for construction with pin-piles and this is representative of the use of NAS at the Projects. The Applicants maintain that the SIP for the SNS SAC is the appropriate management measures to ensure the spatial and seasonal thresholds for the SAC are maintained post-consent and there will be no AEoI of the SNS SAC. With the updates and amendments in the RIAA HRA Part 3 of 4 - Annex II Marine Mammals (Revision 3) [document reference 6.1], the Applicants maintain that population modelling is the best tool to understand the cumulative disturbance as it considers the consequences of disturbance (and potential auditory injury) over the long term, taking into account various species-specific demographic parameters. If the significance of effect is solely based on EDRs or dose response curve (a quantitative approach), this highlights a snapshot of the number of marine mammals disturbed and the percentage of their reference population at a single point in time.

Table 2-10: Revised ornithology questions published in Rule 17 letter dated 3rd March 2025 [PD-016]

I.D.	Question	Natural England Response	Applicants' Response
Offshore and intertidal ornithology and relevant Habitats Regulations Assessment (HRA) aspects			
REP3-057: OR.1.1	Impact on the razorbill feature of the Flamborough and Filey Coast (FFC) Special Protection Area (SPA) 1. What is your position in relation to the Applicants' conclusion of the razorbill assessment provided in the Report to Inform the Appropriate Assessment (RIAA) Part 4 of 4 [AS-085] for construction and operational displacement mortality impacts from the project alone, and in combination, and the Applicants' provision of a derogation case on a 'without prejudice' basis? 2. Do you agree with the Applicants' that when the Population Viability Analysis (PVA) is applied to the project alone and in combination, razorbill displacement would not represent an Adverse Effect on Integrity (AEol) of the FFC SPA? If not, why not?	1) Natural England advised on Hornsea Four that an adverse effect on integrity (AEol) could not be ruled out for razorbill at FFC SPA in combination with other plans and projects, and subsequent Round 4/Extensions round projects have added to that in-combination total. As DBS will be making a significant contribution to that total, as a minimum Natural England's advice is likely to be that an AEol in-combination cannot be ruled out. With respect to Project alone impacts, whilst significant progress has been made with the ornithology assessment, some outstanding issues remain. We therefore will not be in a position to advise on the project alone until the issues set out below are rectified. Please see our Deadline 2 Risk & Issues (R&I) Log [AS-161] and Appendix G2 [AS-159] for Natural England's advice on outstanding issues relating to razorbill at FFC SPA. The R&I reference numbers are as follows: - PVA for the project alone: G32 - Displacement and mortality: G43 - Presentation of PVA inputs and outputs: G57 - In-combination totals: G59 - Concerns relating to the results of the PVAs undertaken: G60 2) As per R&I ref G32, we understand that a PVA for impacts of the Projects alone on razorbill at FFC SPA has not been provided. However, if the Applicant can signpost us to this if it has, in fact, been included we will review and provide further comment. We cannot currently agree with the Applicant's interpretation of the PVA undertaken for in-combination impacts on FFC SPA razorbill due to the concerns highlighted in our response to Question 1 above.	1) The Applicants consider that they have provided a robust assessment of potential impacts on razorbill, and that includes an updated PVA which provided project alone impact assessment as requested (Report to Inform Appropriate Assessment Habitats Regulations Assessment Part 4 of 4 – Marine Ornithological Features (Revision 3) [AS-085]). This has demonstrated that the potential reduction in the population growth rate for razorbill from the FFC SPA as a result of in-combination displacement would be less than 0.4% at most, which against the recent growth trend for this population of 8% would likely be undetectable. With specific reference to Natural England's points: - PVA for the project alone: G32 This point relates to project alone PVA scenarios. These were previously provided in AS-085. <i>Displacement and mortality: G43</i> This point relates to a request to include additional scenarios in the PVA for guillemot and razorbill covering project alone impacts (which were included in the updates for AS-085) and for maximum impacts at 70% displaced and 10% mortality, which were not included. These will be presented in an update at Deadline 4. However, the Applicants consider that these are extremely precautionary impact magnitudes that have little bearing on reality, and that given recent SoS decisions have related to impact no higher than 70% displaced and 2% mortality, which has been reflected in Natural England advice to provide these outputs, there is little to be gained from Natural England delaying provision of their conclusions on the assessment. <i>Presentation of PVA inputs and outputs: G57 & In-combination totals: G59</i> These relate to the interpretation of PVA outputs and are marked as purple in the Natural England Risk and Issues log indicating they are provided as notes for information only. <i>Concerns relating to the results of the PVAs undertaken: G60</i> This point relates to points made by the Applicants in relation to the much lower realistic impacts for as-built wind farms (when compared to consented values based on worst case design scenarios). These have no bearing on Natural England reaching a conclusion on the assessment. Therefore, with the exception of providing extreme worst case scenario PVA outputs (for 70% x 10%), which all parties are agreed are very unlikely

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			to form the basis of determining the applications, none of the above points raised by Natural England in regard to the PVAs (as provided in AS-085) prevent their use for Natural England to reach conclusions on the assessment. 2) As noted above, PVA scenarios for FFC SPA razorbill for project alone impacts were provided in AS-085. And as further noted above, the Applicants do not consider there to be any further material requirements for the PVA (70% x 10% notwithstanding, as discussed above) that prevent Natural England concluding their review.
REP3-057: OR.1.3	Displacement, mortality and apportionment values for razorbill and guillemot on the FFC SPA For the assessment in the Guillemot [and Razorbill] Compensation Plan [AS-089] relating to the razorbill and guillemot features of the FFC SPA, which values of displacement, mortality and apportionment presented in the RIAA [AS-085], should the ExA rely on for its recommendation and ultimately the Secretary of State (SoS) rely on were they to decide AEol for razorbill and guillemot on the FFC SPA? Justify your response with evidence.	Please see response in Annex A.	Please see the Applicants' response on the topic of appropriate displacement rates for auk species under REP3-057: A1 in Appendix B of this document.
REP3-057: OR.1.4	Displacement, mortality and apportionment values for auks Can you comment on whether applying rates greater than 50% displacement and 1% mortality to the auks at risk is justified in combination with the estimation of seasonal abundance and apportioning, as has been queried by the Applicants [AS-158]?	Please see response in Annex A.	Please see the Applicants' response on the topic of appropriate displacement rates for auk species under REP3-057: A1 in Appendix B of this document.
REP3-057: OR.1.5	Seasonal abundance, apportioning and displacement risk for guillemot Can you respond to the Applicants' statement in the RIAA [AS-085], paragraph 236] that based on NE's guidance to estimate seasonal abundance and apportioning for guillemot? <i>'...over 73% of the FFC SPA guillemot population is apparently present on all UK wind farms through the course of the year and at risk of displacement, despite the fact that offshore wind farms actually make up approximately 6% of the area within 300km of the FFC SPA.... It is not difficult to envisage that, with the addition of a small number of wind farms the current assessment methods could predict more birds are at risk of displacement than are present in the population.'</i>	Please see response in Annex A.	Please see the Applicants' response on the topic of appropriate displacement rates for auk species under REP3-057: A1 in Appendix B of this document.

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REP3-057: OR.1.6	Seasonal abundance, apportioning and displacement risk for razorbill Can you respond to the Applicants' comment in the RIAA [AS-085, paragraph 314] that based on NE's guidance to estimate seasonal abundance and apportioning for Razorbill? '<i>...suggests that 40% of the FFC SPA razorbill population is apparently present on UK wind farms through the course of the year and at risk of displacement. This highlights the precautionary basis of the methods used to estimate seasonal abundance and apportioning since offshore wind farms make up approximately 6% of the area within 300km of the FFC SPA... Indeed, it is not difficult to envisage that, with the addition of a small number of wind farms the current assessment methods could predict more birds are at risk of displacement than are present in the population.</i>'	Please see response in Annex A.	Please see the Applicants' response on the topic of appropriate displacement rates for auk species under REP3-057: A2 in Appendix B of this document.
REP3-057: OR.1.9	PVAs 1. Are NE and the RSPB satisfied with the PVAs undertaken for kittiwake from the FFC SPA and presented by the Applicants in the RIAA [AS-085]? Can you explain your response? 2. Can the Applicants respond to NE's advice [AS-159] that you should: a) Check the results of all PVA scenarios run for the assessment? b) Use the most recent population estimate for kittiwake at the FFC SPA as the starting population for PVAs run for this population? c) Clearly present the inputs and outputs for all PVA scenarios so that the specification and parameterisation of the models can be fully understood and assessed, including the log files for all PVA scenarios undertaken? d) Consider realistic assessments of current and future seabird population trends, considering all relevant evidence, when assessing the significance of the predicted impacts of the projects, such as the approach taken by Sheringham and Dudgeon Extension Projects Offshore Wind Farm (OWF) Development Consent Order (DCO) application in considering a range of potential future growth rates?	1. Natural England are not currently satisfied with the PVAs undertaken for kittiwake at FFC SPA because: i. We do not agree with the in-combination totals presented (see G58 of our R&I) ii. The incorrect starting population appears to have been used (see G36). iii. The inputs and outputs of the PVAs have not been provided for review (see G57) iv. We have concerns relating to the results of the PVAs undertaken (see G60).	The Applicants disagree with Natural England's position on this matter for the following reasons: i. The Applicants have reviewed the cumulative and in-combination totals for all species and will submit an update at Deadline 4. However, the changes that have been are all minor, and in the case of kittiwake the in-combination total has been reduced by 15 (e.g. from 605 to 590 for Natural England's preferred approach). The Applicants are confident that the cumulative and in-combination totals are correct and any remaining differences that Natural England consider there are between previous project totals and the ones to be provided at Deadline 4 relate to changes in how their revised guidance on collision avoidance rates have been interpreted by different developers. ii. The initial population sizes advised here by Natural England were used in the updated PVA provided in RIAA HRA Part 4 of 4 – Marine Ornithological Features (Revision 4) [AS-085]. iii. The complete sets of input parameters were provided in RIAA HRA Part 4 of 4 – Marine Ornithological Features (Revision 4) [AS-085]. The complete set of outputs from the PVA comprise large excel tables, the key outputs of which were summarised in the PVA outputs tables and presented in graphical form. The excel files can be provided in addition if Natural England require these. iv. The Applicants have already provided the complete set of input parameters, both for the original PVA RIAA HRA Part 4 of 4 – Marine Ornithological Features [APP-048] and the update in RIAA HRA Part 4 of 4 – Marine Ornithological Features (Revision 4) [AS-085]. The Applicants also reviewed the reasons Natural England considered the PVA results to be unexpected. These were based on a comparison with those presented

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			in a previous application (the Dudgeon and Sheringham Extension projects), which used different input parameters, most pertinently for the initial population sizes. Both sets of PVA used the most recent population estimates available, and in several cases these populations have grown considerably (e.g. the FFC SPA razorbill population increased by 50%) which accounts for the different outputs.
REP3-057: OR.1.12	Kittiwake and auk compensation quantum The Examining Authority (ExA) notes that Appendix H1 to NE's Deadline 1 Submission, NE's Advice on Seabird Compensation Calculations [REP1-065], maintains its advice that the Hornsea 3 Stage 2 method should be used for all compensatory measures where it is necessary to calculate the requirement in terms of the number of breeding pairs as it is considered the most ecologically realistic. 1. Can you provide a response to the Applicants' statement [REP1-049] and [AS-158] that the Hornsea Three Stage 2 method recommended by NE to be used to calculate the scale of kittiwake and auk compensation required is unsuitable as: i) the method is not freely available in full such that it can be readily replicated; ii) it is unnecessarily complicated and extremely difficult to interpret; and iii) results in double-counting of the effects of mortality and thus an overestimation of compensation quantum? 2. Can you provide a response to the Applicants' concern in their Deadline 2 cover letter [AS-158] that the Hornsea 3 stage 2 method was developed for kittiwake, a species for which there is demographic information available which is not available for auks.	1) Please see Section 3.2 of Appendix H2 [AS-160] from our Deadline 2 additional submission for an independent report on compensation calculation methods from the British Trust for Ornithology (BTO) which is expected to be available soon. The report will critically review the available methods and determine the most appropriate, or identify an alternative method, principally focussing on kittiwake. It is hoped that the report will include tools to allow developers to use the preferred method in a replicable and transparent way. Should the final report become available between Examination deadlines, we will share it with the Applicant directly. 2) Natural England currently consider the Hornsea 3 Part 2 method to be the most ecologically complete for compensatory measures where it is necessary to calculate the number of breeding pairs required to compensate for a specified mortality impact. However, we acknowledge that this method can produce unrealistic and disproportionate requirements for scaling compensatory measures when applied to auk species. This is due to lower levels of natal dispersal, older recruitment ages, and lower productivity. Furthermore, it is not clear that some of the demographic information is well evidenced, which can introduce significant uncertainty into any calculations reliant on those data. Natural England therefore consider that given the current absence of a robust alternative option for these species, it is appropriate for the Hornsea 4 method to be used, provided that this is based on the 95% upper confidence limit impact values and an appropriate compensation ratio is applied to address the uncertainty of success.	1. The Applicants welcome that Natural England has commissioned this independent review of compensation calculation methods. The Applicants remain extremely concerned that there is still no defined timeline for Natural England to comment on the outcomes of the BTO report and therefore when/if there will be any change in advice from Natural England. Given this and the time it will take to discuss the proposed approach between the Applicants, Natural England, RSPB and the ExA, the Applicants remain concerned that this will cause delays in agreeing the proposed compensation, with all the knock-on consequences for securing the Projects. For example, the Applicants are progressing a miniFEED for design work for the ANS. As such, agreement of the capacity required is critical to ensure design can be finalised, without requirement for amendments, hence reducing the potential for delays in fabrication and installation. The Applicants remain of the opinion that the Hornsea 3 part 2 methodology double counts mortality (see Appendix 1 Project Level Kittiwake Compensation Plan (Revision 5) [document reference 6.2.1]). The Applicants will review the BTO report and comment at Deadline 5 if available. 2. The Applicants welcome Natural England's agreement that the H3 method is not appropriate for estimating compensation for auks and that the H4 method be used instead. However, the Applicants do not agree that use of this method should be based on the upper 95% confidence interval estimates combined with compensation ratios of greater than 1. As set out in the Applicants' submission on precaution (Precaution in the Ornithology Assessment and Implications for Compensation Quantum [REP3-030]), combining sources of precaution in this manner is disproportionate and results in highly inflated compensation requirements.
REP3-057: OR.1.14	Kittiwake and auk compensation quantum The ExA notes comments from NE in its Deadline 1 submission Appendix H1 [REP1-065] regarding the recommended use of the Hornsea 3 and 4 methods and the use of the 95% upper confidence limit predicted impact value as opposed to the central	Whilst this question is not directed to Natural England, we refer the Examiner's to our response to OR.1.18.(2) which may be of relevance.	Please refer to the Applicants' response to OR.1.14 submitted in The Applicants' Responses to ExQ1 [REP3-027].

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	impact value. Can the Applicant submit a list into the Examination of OWFs for which kittiwake or auk compensation has been required, setting out the justification for the final compensation calculation method used which was accepted by the SoS, including whether the compensatory measures were scaled against the 95% upper confidence limit predicted impact value or the central impact value.		
REP3-057: OR.1.15	Kittiwake and auk compensation quantum 1. Can the Applicants provide compensation quanta at ratios of 1:1, 1:2 and 1:3 for kittiwake, guillemot and razorbill according to both the Hornsea 3 part 2 and Hornsea 4 approaches, as advised by NE [AS-160] and in its Risk and Issue Log [AS-161], point H6]? This is required so that the SoS has the complete information in order to make a decision on the compensation quanta required if they were to decide AEoI. 2. Which compensation ratio do NE and the RSPB believe should be applied for each of these species?	2) The application of a compensation ratio should be set on a case-by-case basis considering the level of impact, the feasibility of the measure, and its potential effectiveness, to address any uncertainties regarding its success. We highlight that the ratio should be applied to scale the design and implementation of a measure, for example by delivering at multiple distinct sites, each capable of addressing the impact alone. We further note that ratios are only one way of addressing the uncertainty associated with measuring success, and consider that well-designed and located measures based on agreed targets, with appropriate associated monitoring plans, may be a surer way to achieve success. Given that specific details of location, number of nesting spaces, and design have not yet been provided by the Projects, Natural England cannot advise on an appropriate ratio to apply to the compensation quantum for kittiwakes at this time. However, we note that we are unlikely to advise that a ratio of 1:1 is appropriate, and welcome the Applicant's stated commitment to a ratio greater than this. Likewise, we are currently awaiting an updated guillemot and razorbill compensation plan to provide further information on the proposed compensation measures and reflect updated impact values from the Projects. We therefore cannot advise on an appropriate ratio to apply to guillemot and razorbill compensation quanta at this time. However, we note that we are unlikely to advise that a ratio of 1:1 is appropriate, and that greater uncertainty exists regarding the likely success of auk compensation measures than for kittiwake.	The Applicants acknowledge Natural England's position regarding compensation ratios and note that discussions are on-going with regards to the significant amount of precaution built into each step of the assessment of level impact assessment, and how this should be reflected in the compensation ratio (see the Applicants' Deadline 3 submission Precaution in the Ornithology Assessment and Implications for Compensation Quantum [REP3-030]). The updated Appendix 2 Guillemot [and Razorbill] Compensation Plan (Revision 4) [document reference 6.2.2] to which Natural England refers has been submitted at Deadline 4. An updated version of the Appendix 1 Project Level Kittiwake Compensation Plan (Revision 5) [document reference 6.2.1] has been submitted at Deadline 4. This contains an updated version of Table 5-1 providing compensation quantum for the Hornsea 3 and Hornsea 4 methodologies with ratios of 1:1, 2:1 and 3:1 applied.
REP3-057: OR.1.16	Hornsea 3 Stage 2 methodology spreadsheet Does NE have access to the Hornsea 3 Stage 2 methodology spreadsheet? If so, could this be shared with the Applicants so the exact methodology can be replicated? If the spreadsheet cannot be shared, can NE provide an alternative way for the Applicants to ensure the methodology they have used correctly follows the Hornsea 3 Stage 2 methodology?	Please see our response to OR.1.12.	The Applicants direct Natural England to the response provided in REP3-057: OR.1.12 above.
REP3-057: OR.1.18	Kittiwake compensation quantum	1) Natural England welcomes that the Applicant has provided impact values with 100% adult apportioning to SPA colonies in line with SNCB advice, alongside their own approach using stable age structure.	1) Natural England's description of the population stable age distribution as 'theoretical' implies that these estimates are not based on sound demographic evidence, which is not the case. The proportion of the

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	1. Can you provide comment on the Applicants' apportioned impact as presented in the RIAA [AS-085] and Project-level Kittiwake Compensation Plan [REP2-010]? 2. Could NE elaborate on the evidence for the case of using the upper 95% upper confidence limit vs the mean, and 100% vs 53% adult apportionment?	Natural England disagrees with the use of a theoretical generalised stable age structure to apportion impacts to adults from SPA colonies as it is unlikely to represent actual proportions of adults present and may lead to underestimation of impacts. Our conclusions on impacts will therefore be based on the values provided in line with SNCB advice. Please also see our response to Question 2. 2) Please see Annex A.	population in each age class is readily and robustly estimated using published survival and productivity rates (Horswill and Robinson 2015) and these estimates are a standard measure used widely in population demography. It is however the case that different age classes may distribute themselves unevenly through their range. Natural England are correct to state that at the colony the adult proportion of the population will be elevated. However, the converse of this is that there will be higher proportions of sub-adults at sea, and the proportion of younger age classes present at sea will increase with increasing distance from the colony. The challenge with many seabird species is that it is not possible to distinguish adults from sub-adults from aerial images. Natural England's response to this is to assume the worst case and that all birds recorded are therefore adults (one of several compounding elements of precaution). This is clearly an extreme position to adopt and is almost certain to over-estimate the adult proportion. In contrast, given the other sources of precaution in the assessment (e.g. collision avoidance rates, nocturnal activity levels, connectivity distances, etc.) the Applicants consider the stable age structure is an appropriate representative value to use.
REP3-057: OR.1.20	Applicants' kittiwake compensation proposals Do you agree with the Applicants' statement in their Deadline 2 cover letter on page 5 [AS-158]: 'For Kittiwakes at the FFC SPA the principal compensation proposed by the Applicants in the Project-Level Kittiwake Compensation Plan [REP2-010], is the delivery of Artificial Nesting Structure(s) (ANS). This aligns with the primary measure identified by the Kittiwake Strategic Compensation Plan [APP-053] and with Department for Energy Security and Net Zero (DESNZ) guidance (DESNZ, 2025) which confirmed the inclusion of offshore ANS within the Library of Strategic Compensation Measures and the eligibility of Round 4 offshore wind projects to deliver this measure. Guidance also states that projects wishing to rely on this measure ahead of the Marine Recovery Fund (MRF) being operational need to deliver offshore ANS on a project led or collaborative basis, and that where possible developers should construct fewer and larger offshore ANS placed in optimal sites. As such the Applicants' believe that the compensation measure proposed is accepted by Natural England as a member of the kittiwake steering group. The delivery mechanism is confirmed by Department of Environment, Food and Rural Affairs (Defra) and DESNZ, hence this does not need further debate'. If not, explain why not.	Natural England confirm that we agree with the Applicant's statement in AS-158.	The Applicants welcome Natural England's agreement on this matter.
REP3-057: OR.1.25	Kittiwake compensation proposals - offshore ANS Section 6.3 of the Applicants' Project-Level Kittiwake Compensation Plan [REP2-010] states that three candidate	Natural England do not have any specific concerns with the outlined approach. We have provided further comment regarding the offshore ANS	The Applicants welcome Natural England's confirmation that they do not have any specific concerns with the outlined approach. See the Applicants' responses to Appendix H2 of Natural England's Deadline 2 submission in

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	offshore ANS sites have been selected for progress to site investigation surveys to confirm suitability and that the Applicants are seeking to undertake geophysical surveys for the three candidate sites in April and May 2025, and geotechnical surveys later in 2025. The Applicants state that the outputs of these surveys would enable the selection of a project led offshore ANS site by the close of the Examination period. The Applicants go on to state that they anticipate that in Q2 2025, a Marine Licence application would be submitted to the Marine Management Organisation (MMO) and a Seabed Lease application to The Crown Estate would be submitted with ongoing consultation with fisheries organisations and other key stakeholders in the interim and that stakeholder engagement would continue throughout the site selection process. Do NE, The Wildlife Trusts or the RSPB have any concerns with this suggested approach?	site selection in Appendix H2 of our Deadline 2 submission [AS-160] and Appendix H3 of our Deadline 3 submission.	Table 2-14 of The Applicants' Responses to Deadline 2 Documents [REP3-028], and responses to Appendix H3 in Table 2-14 of The Applicants' Responses to Deadline 3 Documents [document reference: 14.4].
REP3-057: OR.1.26	Case for reduction in kittiwake breeding seasons for ANS installation Do you have any comments on the Applicants' proposal to reduce the number of breeding seasons ahead of operation of the proposed offshore ANS from three to two seasons, as proposed in the Case for Reduction in Kittiwake Breeding Seasons for ANS Installation [REP2-060] and the Project-Level Kittiwake Compensation Plan [REP2-010]? Please signpost or add further evidence to support your position.	Please see Appendix 3 of Natural England's Deadline 3 submission for our comments on the evidence presented by the Applicant in support of the proposed reduction in the number of breeding seasons and [REP2-060].	An update to Case for Reduction in Kittiwake Breeding Seasons for ANS Installation [REP2-060] will be submitted by the Applicants at Deadline 4. Updates will clarify the Applicants' position regarding the need to reduce the number of breeding seasons ahead of operation, colony growth curves, and productivity rates, all of which were commented upon by Natural England in their Appendix 3 submission [REP3-060] at Deadline 3.
REP3-057: OR.1.28	Dealing with any accrued compensation deficit Section 6.3.6, paragraph 205 of the Project-Level Kittiwake Compensation Plan [REP2-010] refers to the concept of ' <i>compensation deficit accrued</i> ' should there be a delay to the delivery of the offshore ANS for kittiwakes. The Applicants suggest that this would be so small that it would be paid off over the lifespan of the Proposed Development, or that the scale of compensation could be increased, or alternative measures could be relied on to offset any deficit accumulated during the early years of operation. 1. Can the Applicants provide an update to refine their position on this and provide quantitative evidence to support their confidence for a worstcase delay between the commencement of operation of the Proposed Development and the availability of compensation measures? 2. Does the confidence equally apply to the scenario for the development of two offshore array sites simultaneously rather just one or the other, for one or two offshore ANSs, and if only	3) Please see Appendix 3 of Natural England's Deadline 3 submission for our comments on the reduction in the number of breeding seasons and [REP2-060].	1) To address Natural England's point raised in Annex 1, Appendix H3, an update to Case for Reduction in Kittiwake Breeding Seasons for ANS Installation [REP2-060] will be submitted by the Applicants at Deadline 4 which will clarify their position on the time taken to offset mortality debt under various productivity scenarios. However, the case remains that any delay in the installation of the offshore ANS will result in an equivalent delay in the amount of time taken for compensation to be delivered. The Applicants remain confident on this matter. 2) The Applicants are confident that the proposed reduction in breeding seasons will not impact the ability of offshore ANS to deliver compensation whether the Projects are developed in a sequential or concurrent scenario. The offshore ANS is being designed to be scalable to allow for accommodation of the worst-case scenario compensation quantum for the development of both Dogger Bank South East, and West. As such, should either East or West be delivered ahead of the other, the offshore ANS will have an opportunity to deliver compensation with significant headroom until both projects are complete. Should either East

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	two or three breeding seasons were stipulated in any Requirement to provide compensation ahead of operation, rather than four? If so, demonstrate why. 3. Do NE and the RSPB wish to provide anything further in relation to the timing of the implementation of compensation or the compensation deficit accrued?		or West be delivered later than the planned date for first operation, the offshore ANS may be delivered more than two breeding seasons in advance for that project. Calculations in Case for Reduction in Kittiwake Breeding Seasons for ANS Installation [REP2-060] used the concurrent development scenario impact numbers which would present the most immediate route to potential full impact figures.
REP3-057: OR.1.29	Suitability of predator eradication or reduction on the Isles of Scilly as strategic compensation for auks Can you comment on the Applicants' auk compensation proposals in general and particularly the suitability of predator eradication or reduction on the Isles of Scilly as a strategic compensation scheme as proposed by the Applicants in their Guillemot [and Razorbill] Compensation Plan [AS-089] and the latest update provided in the Applicants' Cover Letter at Deadline 2 [AS-158], taking into consideration The Wildlife Trusts' comments in its submission [REP1-088, section 2.4].	As noted in Appendix H2 of our Deadline 2 submission [AS-160], we welcome that the Applicant has continued to engage with identifying opportunities to support and progress an eradication measure at the Isles of Scilly, acknowledging The Wildlife Trust's position that their preference is for the measure to be delivered strategically. Natural England also confirm that the statement from OWIC provided in the Applicant's written summary of the ISH [REP1-049] reflects our understanding of the current status of the measure.	The Applicants acknowledge Natural England's positive feedback regarding the strategic predator eradication measure at the Isles of Scilly.
REP3-057: OR.1.31	Connectivity between the proposed sites and the FFC SPA and the National Site Network Whilst welcoming the Applicants' assessment of connectivity with the National Site Network that was included in the Guillemot and Razorbill Compensation Plan [AS-089], NE states [AS-160] that, whilst there is a pathway from the potential sites of Worms Head and Middle Mouse for birds to recruit and contribute to the National Site Network, it is likely to be limited, and this uncertainty should be reflected in the level of compensation provision. 1. Can the Applicants, RSPB and the Wildlife Trusts suggest a suitable factor to be applied to the compensation quanta to account for this level of uncertainty? 2. Can NE advise a factor to be applied to the compensation quanta to account for this level of uncertainty?	2) Please see our response to OR.1.15. However, we highlight that the critical questions with respect to Worms Head and Middle Mouse are i) whether rats are actually present and ii) if they are, whether they are having a meaningful impact on the seabird populations in question.	Please see the response to REP3-057: OR.1.1.5. The Applicants have undertaken surveys which found that rats are present on Worms Head but were inconclusive for Middle Mouse. These are reported within the Guillemot and Razorbill Compensation Site Shortlist Refinement Report (Redacted) (Revision 2) [REP3-019]. Further surveys are proposed during the breeding season to evidence predator impact on seabirds to assist with answering these questions.
REP3-057: OR.1.32	Adaptive management measures If adaptive management measures beyond predator eradication became required to compensate for impacts on auks, section 5.4 of the Guillemot (and Razorbill) Compensation Plan [AS-089] considers artificial nesting sites, and bycatch reduction, which would rely on the Applicants successfully achieving the process set out in paragraph 204 [AS-089] to engage sufficient skippers to implement adequate compensation. What would be an adequate	Natural England considers that there is currently insufficient evidence on the efficacy of bycatch reduction techniques to determine the number of vessels that would be required. We agree with the Applicant's statement in paragraph 191 of [AS-089] that the measure being implemented is reliant on further evidence becoming available. Natural England would also like to bring to the Examiner's and Applicant's attention that a Non-Material Change application is currently being consulted upon for Hornsea Four, with respect to bycatch reduction. We consider that our response to this consultation will also be relevant to Dogger Bank South and this question. The consultation is due to close on	The Applicants acknowledge Natural England's position on bycatch reduction and appreciate being directed towards the Hornsea Four Non-Material Change and consultation responses. Noting that the results of Hornsea Four's second year of bycatch reduction trials are not publicly available, the Applicants have reviewed the information in the non-material change and consultation responses, which suggests that the use of looming eye buoys is unlikely to result in a significant level of compensation for auks. The Applicants are aware that OWIC are anticipating imminent publication of results of a bycatch study co-funded with Orsted assessing the scale of the problem, and OWIC are proposing

I.D.	Question	Natural England Response	Applicants' Response
	number of skippers? Is there any evidence that either approach would be achievable in practice?	24th March, after which responses should be publicly available, however the application document can be viewed on the Planning Inspectorate's website here: here .	to undertake further studies into potential bycatch mitigation measures. Although not currently available, these studies would be expected to provide evidence in advance of any requirement by the Applicants to implement adaptive management.
REP3-057: OR.1.37	NPS EN-3 in relation to offshore ornithology Looking at the evidence in front of the Examination at this time, what is your position in respect of the following tests in NPS EN-3 (which the ExA must consider in its recommendation to the SoS)? a) 'The Secretary of State may consider that monitoring of any impact is appropriate owing to the complex nature of offshore wind development, and the difficulty in establishing the evidence base for marine environmental recovery'. NPS EN-3 paragraph 2.8.296. b) 'The Secretary of State must be satisfied that displacement assessments have been conducted to a satisfactory standard having had regard to the advice from the relevant statutory advisor'. NPS EN-3 paragraph 2.8.315. c) 'The conservation status of seabirds is of relevance and the Secretary of State should take into account the views of the relevant statutory advisors and be satisfied that cumulative and in-combination impacts on seabird species have been considered'. NPS EN-3 paragraph 2.8.316.	a) Natural England's comments on The Applicant's In-Principle Monitoring Plan [REP2- 044] are provided in Appendix J of our Deadline 3 submission. b) Whilst significant progress has been made with the ornithology impact assessment, please see Appendix G2 of our Deadline 2 submission [AS-159] for our outstanding concerns with the displacement assessments. c) Whilst significant progress has been made with the ornithology impact assessment, please see Appendix G2 of our Deadline 2 submission [AS-159] for our outstanding concerns with the in-combination and cumulative assessments.	As per The Applicants' Responses to ExQ1 [REP3-027].
REP3-057: OR.1.39	Revised ES Chapter 12 Offshore Ornithology – connectivity Revised ES Chapter 12 [AS-057] indicates that one of the key embedded mitigation measures for offshore ornithology was site selection, with arrays being located at least 100km from the nearest nesting colonies at Flamborough Head and the Filey Coast and, as such, connectivity for most species would be relatively low. 1. Do you agree that connectivity for most species would be relatively low? If not, explain why not. 2. Do you agree the site selection is an effective embedded mitigation measure for potential EIA offshore ornithological impacts?	1) Please see response in Annex A. 2) Natural England agree that site selection can be an effective embedded mitigation measure for potential EIA offshore ornithological impacts. However, we do not consider that the location of the Dogger Bank South arrays, within a key foraging area in the Dogger Bank SAC, will have meaningfully reduced impacts to FFC SPA features, as evidenced by the high numbers of birds recorded in the Applicant's baseline surveys. We also highlight that Natural England has requested further consideration be given to hotspot modelling to identify particularly high impact areas within the site to inform array reductions, which has not been provided. It is important to acknowledge, however, that impact avoidance/reduction measures are only possible within the confines of the original Crown Estate seabed lease areas. We advise that this would be the most effective place for this mitigation to be embedded.	1) See the Applicants responses to Natural England's Annex A response in Appendix B of this document. 2) The Applicants note that Natural England are requesting further consideration is given to hotspot modelling for birds. The Applicants reiterate that density mapping data based on the site-specific aerial survey data was collated and examined (pre-application) to indicate areas within The Crown Estate lease options that showed higher and lower densities of birds, with one area related to birds used in the boundary refinement (this was presented as part of the minutes from the ornithology ETG meeting 06/02/2024 (see Consultation Report, Appendix F - Non-statutory consultation and engagement [APP-043])). Generally, the Applicants consider that hotspot modelling is an unreliable basis on which to conduct any boundary changes since seabird distributions are notoriously variable through time, and the snapshots collected for the impact assessment, while considered a reliable guide in terms of population estimates generally, are not considered to represent static and consistent locations. It would therefore not be appropriate to use these as a means to further modify the site boundaries.

I.D.	Question	Natural England Response	Applicants' Response
REP3-057: OR.1.40	Consideration of Highly Pathogenic Avian Influenza (HPAI) in the assessment of effects on marine bird species The Applicants have added a section to consider how HPAI has been considered in the assessment of effects on marine bird species into Chapter 12 of the ES [AS-057, section 12.5.2]. Has this adequately addressed your concerns on this issue? If not, what is outstanding and what could the Applicants do to address your remaining concerns?	Natural England considers that sufficient information has been included with respect to HPAI, however we disagree with the Applicant's characterisation of HPAI impacts. We do not consider any further action is required by the Applicant to address this, but have detailed our concerns for consideration by the Examining Authority. See G49 of our R&I log [AS-161], Appendix G2 [AS-159] of our Deadline 2 submission and response to part 3 of OR.1.41 for further detail.	The Applicants welcome Natural England's agreement that sufficient information has now been provided on HPAI.
REP3-057: OR.1.41	Seabirds of conservation concern 1. Does the latest status assessment of breeding seabird species in the UK (the 2021 Birds of Conservation Concern 5 review and the update to the second International Union for Nature Red List review of extinction risk, published in British Birds, 2 September 2024, Stanbury et al) affect the marine ornithology assessment and results? 2. Are there implications for the HRA? If so, does the paper need to be made available to the ExA? 3. Do you have any comments on the paper's examination of HPAI to date that might be relevant to the Proposed Development?	See response in Annex A.	No response is required, see the Applicants' previous response to OR.1.41 of The Applicants' Responses to ExQ1 [REP3-027].
REP3-057: OR.1.45	Decommissioning displacement impacts Your RR [RR-039] advised that an assessment of seabird displacement impacts during decommissioning would be necessary. The Applicants have said [PDB-006] that the decommissioning assessment was assumed to be equivalent to construction, in line with best practice. Your latest Risk and Issue Log [AS-161] advises it would be beneficial for decommissioning impacts to be explicitly quantified in the assessment as for construction impacts. Can you give examples of other OWF DCO applications for which this has been requested and for which the Applicants have provided this information?	Whilst Natural England advise that it would be beneficial for decommissioning impacts to be quantified in the assessment, we acknowledge that it would not materially impact the assessment conclusions, which is why we have categorised it as 'yellow' in our R&I log (G8). We do, however, highlight that as these figures are not included in operational annual impact assessment figures or PVAs for the project, that this is a source of under precaution in the assessment.	The Applicants welcome that Natural England agrees that inclusion of decommissioning impacts in the assessment would make no material difference to the assessment conclusions. The Applicants also note that the PVA outputs would be largely unaffected by the addition of a 1-2 year period of reduced impacts during decommissioning since impacts are treated as an annual effect and the trends provided in the graphs would therefore be maintained during this post-operational period, albeit at slightly reduced impact magnitudes. The Applicants consider describing this as underprecaution is an extreme position, since it relates to a short period of lower impacts at the end of a 30 year projection period.
REP3-057: OR.1.50	Collision risk modelling and associated parameters in the draft DCO Following on from written question OR.1.49, do you believe the rotor wind swept area should be included as a parameter in the draft DCO as per other made orders for other offshore windfarms such as Sheringham and Dudgeon and Awel y Môr?	Natural England agree that the maximum rotor swept area should be secured in the DCO, as has been done on other projects. We highlight that changes to the rotor swept area would affect collision impacts for kittiwake from FFC SPA, which is a key concern for this project.	The Applicants refer to their response on this matter in OR. 1.49 of The Applicants' Responses to ExQ1 [REP3-027], and repeated below: <i>Requirement 2 of the Draft DCO (Revision 6) [document reference 3.1] includes restrictions on both the number and diameter of turbines permitted to be constructed. It states that the number of wind turbine generators in respect of the DBS East Project offshore works must not exceed 100 and in respect of the DBS West Project offshore works must not exceed 100. It also limits the rotor diameter of each turbine to 344.08m, as well as containing restrictions on the height and spacing of the turbines and the minimum air</i>

I.D.	Question	Natural England Response	Applicants' Response
			<i>gap. It is therefore not considered to be necessary to also secure the rotor swept area.</i>
REP3-057: OR.1.52	New research findings At least two scientific research papers that may be relevant to the offshore ornithology assessment have been published since the submission of the application - do either of these or any other recent research have any implications for the assessments reported by the Applicant for the EIA and HRA? (1: Davies, JG et al, Influence of wind on kittiwake Rissa tridactyla flight and offshore wind turbine collision risk. Marine Biology 171, 191 (2024). 2: Pollock, CJ et al, Avoidance and attraction responses of kittiwakes to three offshore wind farms in the North Sea. Marine Biology 171, 217 (2024).)	See response in Annex A.	No response is required, see the Applicants' previous response to OR.1.52 of The Applicants' Responses to ExQ1 [REP3-027].
REP3-057: OR.1.53	Greater Wash SPA – qualifying features Along with red-throated diver, paragraph 5.2 and Table 5.1 of your RR [RR-039] identifies common scoter, little gull and little tern from the Greater Wash SPA as features for which outstanding concerns remain. Can you confirm your concerns in relation to these?	Natural England can confirm that little gull and little tern were included in Table 5.1 in error. Please see Annex 2 of our Deadline 3 Cover Letter for updated tables. Regarding common scoter, whilst an LSE cannot be ruled out, the risk of adverse effects is low, and is likely to be addressed by mitigation measures for RTD relating to construction, operations and maintenance vessel movements.	The Applicants highlight their commitment to the following mitigation measures with regards to red-throated diver, as detailed in the Outline Project Environmental Management Plan (Revision 2) [REP2-041] and secured in the Draft Development Consent Order (DCO) (Revision 7) [document reference 3.1] under Conditions 15 & 21 of Deemed Marine Licences (DMLs) 1 & 2 -, Conditions 13 & 19 of DMLs 3 & 4 and Conditions 11 & 15 of DML 5: <i>Potential impacts on red throated diver in the Greater Wash SPA during construction, operation and maintenance works will be mitigated through measures such as:</i> - Existing shipping lanes will be utilised for any vessels crossing the Greater Wash SPA and up to 2km beyond the SPA boundary to limit potential disturbance of red-throated diver; - Vessels may deviate from the existing shipping lanes to avoid disturbance of red-throated diver should they be located within the existing shipping lane; - Selecting routes that avoid known aggregations of birds; - Restricting vessel movements to existing navigation routes (where the densities of red-throated divers are typically relatively low); - Maintaining direct transit routes (to minimise transit distances through areas used by red-throated diver); - Considering the potential for crew transfer vessels to travel in convoy en route to the wind farm sites and seeking to do so where it is considered practicable; - Avoidance of over-revving of engines (to minimise noise disturbance); and - Briefing of vessel crew on the purpose and implications of these vessel management practices (through, for example, tool-box talks).

2.10 Ørsted IP

Table 2-11 The Applicants' Comments on Ørsted IP's Responses to ExQ1 [REP3-064]

I.D.	Question	Ørsted IP Response	Applicants' Response
REP3-064: IOU.1.6	NPS EN-3 wake loss Do you consider that existing offshore windfarms are relevant to NPS EN-3 paragraph 2.8.345 as 'other offshore industries'? If not, why not? If so, has the site selection and site design of the Proposed Development been made with a view to avoiding or minimising disruption or economic loss? Are there any design solutions which could resolve concerns regarding wake loss? Explain your answers.	The NPS-EN3, which is the primary policy for Secretary of State ("SoS") decision making relating to renewable energy NSIPs (alongside NPS-EN1) requires effects of projects on sea users to be assessed and addressed. In particular, the following provisions are relevant: - Paragraph 2.8.197 requires that, where a potential offshore wind farm is proposed "close to existing operational infrastructure or has the potential to affect activities for which a licence has been issued by government" the Applicant should assess the potential effects on that development. - Paragraphs 2.8.344-2.8.345, which relate to SoS decision making, direct that where a project potentially affects other offshore infrastructure or activity, applicants should work with the relevant sector to minimise negative impacts, and that the SoS should be satisfied that "the site selection and site design of a proposed offshore wind farm and offshore transmission has been made with a view to avoiding or minimising disruption or economic loss... to other offshore industries". National Policy Statements are constructed with a clear formula, and the policies noted above should be read together. In order for the SoS to exercise decision making under paragraph 2.8.345, the information required relating to the effects of the Project (as outlined in paragraph 2.8.197 – i.e. a wake assessment considering, amongst other things, the impact of the Project on the Ørsted IPs' offshore windfarms) must be provided. If this examination concludes without such information being provided, the SoS will be in a position where it cannot appropriately apply the policies of the NPS-EN3. Therefore, the Ørsted IPs consider that existing offshore windfarms are relevant to NPS EN-3 paragraph 2.8.345 as "other offshore industries". It is clear that the policies noted above should be read together (with offshore windfarms referenced in paragraph 2.8.197), and in any event if offshore windfarms were not intended to be included in the context of paragraph 2.8.345, the Ørsted IPs consider that this would be expressly excluded in the drafting of NPS EN-3. As for the questions in relation to site selection and design solutions, the Ørsted IPs consider that these are for the Applicants to consider. The Ørsted IPs cannot advise on these matters without knowledge of the design process of the Applicants' development to date. The obvious first step to investigate which design would best avoid or mitigate wake loss is to establish a baseline wake loss via an appropriate wake loss assessment from the Applicants. Generally, there are options available to minimise wake loss which the Applicants should consider. The Applicants could modify the site layout or project design to minimise the adverse impact, or to modify the operation of the development. This could include measures such as wind sector management. Wind sector management refers to the process of adapting a different operating mode on the Applicants' turbines when the wind direction is such that it will cause wake on the Ørsted IPs. Under normal conditions, wind turbines aim to operate as efficiently as possible to	The Applicants are not proposing to restate their position regarding EN-3. The Applicants have submitted at Deadline 4 a response to the wake effects action points from ISH3 [EV8-010]. 14.14 Wake Effects – Response to ISH3 Action Points sets out the Applicants' position on design mitigation for wake effects. Its main conclusion is that the Applicants are unaware of any approaches to mitigate the wake effects on other wind farms which would not have drastically negative impacts on the summed generation of both facilities. None of the proposed options from the IPs would be viable under the current conditions set out. If Ørsted provide field test reports and/or peer reviewed literature describing a method of wake mitigation over these distances that does not cause a significant reduction in net generation, the Applicants would examine and/or model this approach.

I.D.	Question	Ørsted IP Response	Applicants' Response																
		extract energy from the wind. The more energy that is extracted from the wind, the more the wind speed decreases after it passes through the rotor and the higher the wakes will be. Turbines can change their operating setting to be less aggressive and hence extract less energy from the incoming wind with a subsequent reduction of the wake effect. The changes to operating modes would not be required for wind directions which do not result in wakes on nearby assets and additionally would not be required for low and high wind speeds when the wakes have less impact. The balance between turbine efficiency and wakes is not linear (i.e. a 1% reduction in turbine efficiency for the Applicants would not equal a 1% improvement of the wake effect) and would require a site-specific analysis to determine the cost/benefit of this approach. Other options are also available to reduce adverse impacts, including reductions in power density and/or temporal overlap. In relation to this matter, the Ørsted IPs wish to note that all of the Ørsted IPs have concerns in relation to wake loss, rather than solely Orsted Hornsea Project Three (UK) Limited and Orsted Hornsea Project Four Limited.																	
REP3-064: IOU.1.9	Wake loss Can you provide an assessment and evidence to demonstrate the extent of suggested wake loss and effects on annual energy production from the Proposed Development on Hornsea Project 3 and Hornsea Project 4 OWFs which are referenced in your Deadline 1 submission [REP1-086]? Can you provide this information in kWh and as a percentage of annual energy production? Can you advise the installed capacity and the generating capacity of each offshore windfarm, and confirm what load factor you use to calculate the generating capacity? What is the operational lifespan of each offshore wind farm and how long would wake loss likely be a concern? Can you set out whether you consider any potential effects from wake loss would be significant in EIA terms and how you have derived this conclusion? Do you consider that any effects from wake loss on Hornsea Project 3 or Hornsea Project 4 would affect their operational viability? If so, can you provide evidence to demonstrate to what extent this would be the case? Provide this information at no later than Deadline 4 (25 April 2025) if you are unable to provide it by Deadline 3.	Per the above, and the Ørsted IPs' Deadline 1 Submission [REP1-086], it should be for the Applicants in the first instance to provide an assessment of wake loss on the Ørsted IPs' assets. The Applicants possess the detailed knowledge of the project design that they are pursuing and hence are best placed to estimate the impact that their project will have on neighbouring assets. The Ørsted IPs refer to the approach taken on the ongoing Outer Dowsing Offshore Wind Farm (Generating Station) Project examination, in which the Applicant provided a wake loss assessment in response to the Ørsted IPs' representations, following reasonable consideration of which the Ørsted IPs withdrew its objections in relation to wake loss for certain assets. The Ørsted IPs therefore reiterate that the Applicants should include an analysis of the wake loss impact on the Ørsted IPs' assets as part of the assessment that the Ørsted IPs understand is expected at Deadline 4. The installed capacity of each Ørsted IPs' wind farm is provided in the table below (noting that Hornsea 04 is in development and specific details regarding wind turbine generators ("WTGs") are not in the public domain, however these could be provided to the Applicants under a non-disclosure agreement). <table> <tr> <th>Wind Farm</th><th>Capacity (MW)</th><th>No. of WTGs</th><th>Turbine rated power (kW)</th></tr> <tr> <td>Race Bank</td><td>546</td><td>91</td><td>6000</td></tr> <tr> <td>Lincs</td><td>270</td><td>75</td><td>3600</td></tr> <tr> <td>Westermost Rough</td><td>210</td><td>35</td><td>6000</td></tr> </table>	Wind Farm	Capacity (MW)	No. of WTGs	Turbine rated power (kW)	Race Bank	546	91	6000	Lincs	270	75	3600	Westermost Rough	210	35	6000	As noted by the Ørsted IPs the Applicants have a detailed knowledge of the DBS site design. However, knowledge of the DBS site is not the critical factor in assessing the impact on Ørsted IPs projects. The critical factor is, in fact, the detail of the projects being impacted. Assumptions about external sites have a much lower impact on the accuracy of an assessment than assumptions about the site under assessment itself. As such, Ørsted IPs are better placed to assess the impact. See also the response at REP3-064:2 below and the Applicants response to the wake effects action points from ISH3 [EV8-010] at Deadline 4, 14.14 Wake Effects – Response to ISH3 Action Points.
Wind Farm	Capacity (MW)	No. of WTGs	Turbine rated power (kW)																
Race Bank	546	91	6000																
Lincs	270	75	3600																
Westermost Rough	210	35	6000																

I.D.	Question	Ørsted IP Response				Applicants' Response
		Hornsea 01	1218	174	7000	
		Hornsea 02	1320	165	8000	
		Hornsea 03	2995	197	15000	
		Hornsea 04	2400	Maximum 180	TBC	
		The Ørsted IPs do not use a fixed load factor to calculate the expected production from their assets. Instead, site specific wind resources are calculated and used in combination with layout and turbine information to model the average production in a given year. The Applicants would be expected to follow a similar process to determine both the production of their assets for business case evaluation purposes, as well as the impact on neighbouring wind farms as a result of the wake effect from their assets. The wake impact from the Applicants' assets would be expected to impact the Ørsted IP assets for their remaining lifetime, from the date that the Applicants' assets are constructed. The remaining lifetime is not certain at this moment in time; however, minimum durations can be provided if required. With regards to the potential wake effects being considered significant in Environmental Impact Assessment terms, or whether they could impact the operational viability of the Ørsted IP assets, the Ørsted IPs are not able to provide a response to this until the Applicants provide the requested wake loss assessment.				
REP3-064: IOU.1.12	Wake loss What resolution do you seek regarding wake loss and if appropriate, how would you wish to see this captured in the draft DCO or any supporting documents? If the ExA and SoS were to determine that wake loss was a relevant consideration under NPS EN-3, can you comment on whether a requirement along the same lines as Requirement 25 of The Awel y Môr Offshore Wind Farm Order 2023 (requiring a wake loss assessment post-consent) would be justified and would meet the relevant legal and policy tests?	The Ørsted IPs cannot make a reasonable judgment on the resolutions sought without seeing an assessment of the wake loss impact on their assets, which the Applicants should provide (per comments above). This assessment must be undertaken pre-consent, in order to meet the relevant policy tests in NPS EN-3. The Ørsted IPs anticipate that its preferred outcome would be to seek a separate agreement with the Applicants on these matters, with protective provisions only being requested in lieu of such agreement. However, as stated, the Ørsted IP's reserve their position until such time that the Applicants provide a sufficient wake loss assessment. The Ørsted IPs would be happy to meet with the Applicants to discuss these matters.				See the Applicants response to REP3-064:2 in The Applicants' Responses to Deadline 3 Documents [document reference: 14.4].

2.11 RSPB

Table 2-12 The Applicants' Comments on the RSPB's Responses to ExQ1 [REP3-o66]

I.D.	Question	RSPB Response	Applicants' Response
REP3-o66: OR.1.25	Kittiwake compensation proposals - offshore ANS Section 6.3 of the Applicants' Project-Level Kittiwake Compensation Plan [REP2-010] states that three candidate offshore ANS sites have been selected for progress to site investigation surveys to confirm suitability and that the Applicants are seeking to undertake geophysical surveys for the three candidate sites in April and May 2025, and geotechnical surveys later in 2025. The Applicants state that the outputs of these surveys would enable the selection of a project led offshore ANS site by the close of the Examination period. The Applicants go on to state that they anticipate that in Q2 2025, a Marine Licence application would be submitted to the Marine Management Organisation (MMO) and a Seabed Lease application to The Crown Estate would be submitted with ongoing consultation with fisheries organisations and other key stakeholders in the interim and that stakeholder engagement would continue throughout the site selection process. Do NE, The Wildlife Trusts or the RSPB have any concerns with this suggested approach?	The RSPB welcomes the Applicants' updates in respect of its work to identify a final oANS site. The RSPB also notes and supports NE's concerns regarding Sites 4 and 6 as set out in section 3.3 of AS-160, specifically regarding consideration of (i) collision risk and (ii) likelihood of competition with birds foraging from FFC SPA. The RSPB welcomes the Applicants updates in respect of its proposed Marine Licence application and Seabed Lease application in Q2 2025. We note however, this means that the decisions on each will therefore fall outside the examination period and that it is unclear if they would be made before the current decision date expected in mid-January 2025, and therefore available to the Secretary of State to provide confidence the site location has been secured. Notwithstanding those concerns, the RSPB welcomes this as significant progress compared to several earlier offshore wind farm ANS compensation schemes where such applications for consent or lease were only made after DCO consent was given. This gave rise to the difficulties requiring non-material change applications, for example, by Hornsea 3.	The Applicants note RSPB's position on the Applicants approach to Artificial Nesting Structure (ANS) site selection. The Applicant has placed substantial emphasis on identifying a suitable site for the installation of an offshore ANS. As a further update, geophysical site investigation surveys are due to be carried out in April / May, with geotechnical surveys following later in the summer. The data collected during these surveys will allow the Applicant to narrow down the shortlisted candidate sites and identify a refined and preferred installation area to be put forward in the marine licence application. This will be submitted to the Marine Management Organisation (MMO) before the close of examination to provide clarity (and commitment) regarding the Applicants approach to ANS delivery. Whilst the Applicants acknowledge that the marine licence is unlikely to be granted before the end of the examination period, detailed constraints analysis during the site selection process accompanied by a comprehensive consultation process with key stakeholders has reduced risks associated with this process and therefore as such we do not envisage any issues in the granting of the marine licence.
REP3-o66: OR.1.26	Case for reduction in kittiwake breeding seasons for ANS installation Do you have any comments on the Applicants' proposal to reduce the number of breeding seasons ahead of operation of the proposed offshore ANS from three to two seasons, as proposed in the Case for Reduction in Kittiwake Breeding Seasons for ANS Installation [REP2-060] and the Project-Level Kittiwake Compensation Plan [REP2-010]? Please signpost or add further evidence to support your position.	The rationale for requiring four breeding seasons is based on the breeding ecology of the seabird species concerned e.g. kittiwake. Four years is the accepted typical period of first breeding and an acknowledgement that, assuming successful colonisation in Year 1, first breeding from fledged young will be four years later. It is an acknowledgement of the need to mitigate some of the risk arising from the predicted adverse impact occurring immediately upon first operation and of there being both an inherent delay in the compensation working, and the risk of it not working or not working successfully. Any shortening of this time period increases: - the exposure of the species to the predicted adverse impact in the absence of an effective compensation measure, and - the time it will take for the compensation measure to benefit the impacted species. The RSPB therefore considers there is inherent uncertainty in whether ANS (onshore or offshore) will work at all, or work successfully, i.e. will kittiwakes (i) colonise and (ii) breed successfully in the numbers required to meet compensation objectives.	The Applicant would firstly like to state that the development of offshore ANS is considered to be the most ecologically appropriate compensatory measure for offsetting impacts on kittiwake in English Waters as outlined by Defra (Defra's letter to OWIC, 2024). This is reinforced by the inclusion of this measure in Offshore Wind Environmental Improvement Package's (OWEIP) Library of Strategic Compensation Measures (LoSCM). While the Applicant acknowledges there are inherent uncertainties associated with colonising times, as demonstrated with Orsted's onshore ANS, there is confidence in the ecological viability of the measure. Natural England's position is that the benefits of this measure are further increased offshore, compared to onshore given the advantageous positioning of any structure in closer proximity to foraging grounds, with in-built design features to deter predators. To enhance confidence in the measure, the Applicant has undertaken a rigorous site selection process (which it acknowledges has taken time) though additional programme pressure associated with this task is considered a good (and necessary) investment by the Applicant. Several additional factors have given the Applicants cause to re-examine timelines in regard to offshore ANS installation ahead of wind farm operation.

I.D.	Question	RSPB Response	Applicants' Response
		The non-material change applications for both Hornsea 3 and Hornsea 4 were requested due to each project encountering difficulties meeting the original development consent order requirements, which were based on kittiwake breeding ecology. Both requests were direct responses to failures to anticipate and address potential risks at an earlier stage and to plan ahead accordingly. Subsequent proposals, such as Outer Dowsing and Dogger Bank South, should prioritise avoidance of such failures rather than adjust lead-in periods. Therefore, we welcome the Examining Authority's question OR.1.24 to the Applicants in terms of identifying and mitigating foreseeable risks in delivering an oANS. Such risks are now evident from Hornsea Four which has switched to an onshore ANS and will, we understand, deliver its Kittiwake ANS compensation four full breeding seasons before first operation. In other words, it will now meet its original DCO requirement⁸. Work modelling compensation debt is, by its nature, inherently uncertain and relies on various assumptions of colonisation rates, breeding success and recruitment, none of which can be known at this stage, especially for experimental ANS structures. This is demonstrated by the current low or no colonisation levels of existing nearshore ANS (Hornsea 3) and onshore ANS (Port of Lowestoft). It also cannot take account of the possible impact of future stochastic events e.g. the often catastrophic population scale impact of HPAI outbreaks. Therefore, there remains considerable ecological uncertainty as to how well ANS measures will succeed in meeting their compensation objectives. For these reasons, the RSPB considers four full breeding seasons in advance of first operation is appropriate to manage down the risk associated with ANS, as acknowledged in the various predictions of mortality/compensation debt in the Applicants' submissions.	There were several drivers behind the reduction in breeding seasons for the Hornsea Projects and Outer Dowsing (ODOW) which also apply to the Applicants. The Hornsea Projects required the non-material changes (NMCs) to allow time for the construction of the ANS without impacting the programme for the operation of the development and avoiding unnecessarily delay in provision of renewable energy to the national grid. Delivering an offshore ANS is a highly challenging task, and one that resulted in Hornsea 4 abandoning their offshore ANS scheme in pursuit of an onshore one – it is evident that the delivery of this measure is a genuine risk to overall project delivery if not done correctly. As such, the Applicants assert that it is crucial to ensure that they hold all of the necessary data, have taken due care with site selection, proceeded with diligence during the concept and detailed design processes, as well as with the procurement and appointment of fabrication contractors. The fabrication process itself is subject to availability of the most suitable contractors and will take time, as will transport and installation of the ANS once made. Procuring materials (primarily steel) will additionally be contingent upon international supply chains which are presently subject to flux due to international market uncertainty. With these factors combined, even under optimistic programming scenarios, it would be challenging for the Projects to deliver an offshore ANS more than two breeding seasons ahead of operation. Additionally, to deliver the offshore ANS four years in advance of first possible operation (planned for 2029), the Applicants would have been required to install the structure in Q1 2025, prior to consent being granted. This was not considered feasible, or reasonable in regard to financial or logistical risks. Updated details on the Projects programme are provided in Appendix 1 - Project Level Kittiwake Compensation Plan (Revision 5) [application reference 6.2.1]. Under the scenarios presented within Case for Reduction in Kittiwake Breeding Seasons for ANS Installation [REP2-o6o], the Applicants disclose that the ANS may take between 13 and 37 years to deliver full compensation. If the ANS is colonised but there is remaining compensation debt after 30 years of operation (the expected lifespan of the Projects), to reduce the risk of compensation deficit the Applicant retains the ability to maintain and monitor the ANS beyond the lifespan of the Projects. This additional responsibility could be implemented as adaptive management, to be reviewed regularly with oversight from the Kittiwake Steering Group which will include Natural England and the RSPB as primary members. While the Applicants understand Natural England and RSPB's position regarding onshore ANS, they would like to emphasise the value of the onshore ANS that has already been delivered by the Projects. This

⁸ See paragraph 4.3.2.6 in Hornsea Four's submitted Kittiwake Compensation and Implementation Plan (submitted in November 2024: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010098/EN010098-002394-Hornsea%20Four%20KCIMP%20Updated_Redacted.pdf)

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			structure was installed ahead of the Round 4 Kittiwake Strategic Compensation Plan [APP-053] publication and was delivered in good faith with the understanding that this structure could provide compensation and avoid the accrual of mortality debt well in advance of any impacts associated with operation. The onshore ANS was constructed in February 2023, a full seven breeding seasons ahead of first possible operation for the Projects. An update on programme will be provided in updates to the Appendix 1 - Project Level Kittiwake Compensation Plan (Revision 4) [REP2-010] and additional detail on the offsetting of mortality debt and the case for reducing the number of breeding seasons will be provided in an update to Case for Reduction in Kittiwake Breeding Seasons for ANS Installation [REP2-060] at Deadline 4.
REP3-066: OR.1.29	Suitability of predator eradication or reduction on the Isles of Scilly as strategic compensation for auks Can you comment on the Applicants' auk compensation proposals in general and particularly the suitability of predator eradication or reduction on the Isles of Scilly as a strategic compensation scheme as proposed by the Applicants in their Guillemot [and Razorbill] Compensation Plan [AS-089] and the latest update provided in the Applicants' Cover Letter at Deadline 2 [AS-158], taking into consideration The Wildlife Trusts' comments in its submission [REP1-088], section 2.4].	The RSPB understands that the following statement has been issued by the Offshore Wind Industry Council in respect of the Isles of Scilly Seabird Recovery Project as a strategic compensation measure. This sets out the current position and plans in respect of the Recovery Project. <i>"The Isles of Scilly Seabird Recovery Partnership is developing a predator eradication project to recover seabird populations on the Isles of Scilly (IoS) as a strategic compensation measure in relation to offshore wind development. This partnership is led by Isles of Scilly Wildlife Trust, and closely involves the Duchy of Cornwall, RSPB, The Wildlife Trusts and a range of other local and national partners.</i> <i>The partnership, with support from The Wildlife Trusts, is developing a predator eradication programme on the Isles of Scilly to cover a 30 year period. This programme will include an operational plan to remove predators from the islands, a long-term maintenance/biosecurity plan to ensure the islands remain predator free, a community engagement plan and a monitoring and evidence plan. It is expected the outputs of this work will be delivered Spring 2027, with the potential delivery of the eradication programme to follow. It is envisaged that this will be one of the first fully developed and costed programmes to be established as a strategic compensation measure for offshore wind farm impacts on protected seabirds.</i> <i>Currently, Defra is establishing the Marine Recovery Fund (MRF), to develop strategic compensation measures, which is anticipated to be fully operational by late 2025. A number of organisations have recently met, including Defra, DESNZ, Natural England, The Wildlife Trusts, OWIC, The Crown Estate, and RSPB, to establish a Task and Finish Group to establish the mechanisms required to allow predator</i>	With regards to the Isles of Scilly, the Applicants agree with the RSPB's note that this is reliant on information to be provided by the Isles of Scilly Seabird Recovery Partnership. The Applicants were not permitted by The Wildlife Trusts to undertake any further surveys on the Isles of Scilly in regard to predator abundance or distribution. With regards to the redaction of the Guillemot and Razorbill Compensation Site Shortlist Refinement Report [PDB-008], the Applicants made a significant financial investment to gather this information at a number of locations around the UK and therefore consider this to be commercially sensitive in advance of any formal agreements on collaboration. In addition the Applicants have formal NDAs in place with landowners, hence for some locations are not at liberty to disclose the information publicly without landowner agreement. In the case of the Isles of Scilly, however, with the comfort provided via the recent statements from OWIC and Defra regarding the development of the strategic predator eradication project on the Isles of Scilly, the Applicants have reconsidered the sensitivity of the information and are willing to make the Applicants' 2024 Isles of Scilly survey data and rat-free nesting space projections available to the Examination, and the members of the Isles of Scilly Task and Finish Group and Isles of Scilly Seabird Partnership. Data on both auk numbers and projected numbers of rat-free nesting spaces for auks that could be created through a predator eradication scheme are provided in the Isles of Scilly Guillemot and Razorbill Survey and Habitat Assessment [document reference: 14.12], issued at Deadline 4. This report, which also includes detailed accounts of the survey results for each Island surveyed in 2024 by HAR Ltd on behalf of the Applicants, will therefore be available to the RSPB. Further information on surveys undertaken by the Applicants at Worms Head and Middle Mouse were presented in the Guillemot and Razorbill

I.D.	Question	RSPB Response	Applicants' Response
		<i>eradication to be delivered as a strategic compensation measure, noting the option for this to delivered by the Marine Recovery Fund.</i> <i>All parties agree that predator eradication on the Isles of Scilly has great potential to provide compensation for the impacts of offshore wind projects and would support its inclusion in project specific compensation plans. Offshore wind projects currently seeking consent might wish to submit this statement to the examining authority to demonstrate progress with this scheme, if they seek</i> <i>to use it as strategic compensation for unavoidable impacts to protected species likely to be impacted by their projects."</i> In respect of the Applicants' auk compensation proposals in general, our position remains as set out in our Written Representation (REP1-087). In respect of the Applicant's project-led proposals, we await further information from the Applicant on the availability and scope of its survey reports for Worms Head and Middle Mouse (although we note from NE's AS-160 submission that a survey report for Worms Head may be submitted at Deadline 3). In respect of the suitability of predator eradication or reduction on the Isles of Scilly as a strategic compensation scheme for Guillemot and Razorbill, this will rely on the information to be provided by the Isles of Scilly Seabird Recovery Project in due course. It is the RSPB's understanding that as part of the initial phases of work, the Project will be undertaking its own habitat suitability assessment to assess the potential benefit of the Project to a range of seabird species, including Guillemot and Razorbill. In the absence of this information, the RSPB is not currently in a position to comment on the suitability of the Isles of Scilly as a strategic compensation measure for Guillemot or Razorbill. We expect it will be suitable to some extent, but await the findings of the Project's habitat suitability assessment to understand the potential scale of that suitability. We are not able to comment on the Applicants' habitat suitability assessment as that has been redacted on commercial sensitivity grounds.	Compensation Site Shortlist Refinement Report (Revision 2) [REP3-019] submitted at Deadline 3.
REP3-066: OR.1.32	Adaptive management measures If adaptive management measures beyond predator eradication became required to compensate for impacts on auks, section 5.4 of the Guillemot (and Razorbill) Compensation Plan [AS-089] considers artificial nesting sites, and bycatch reduction, which would rely on the	At paragraph 6.51 of our Written Representation (REP1-087), the RSPB set out its agreement that both Artificial Nesting Structures and Bycatch Reduction lacked evidence they would be ecologically effective as measures for either Guillemot or Razorbill, including as adaptive management measures.	The Applicant's response to RSPB's position on ANS is dealt with in REP3-066: OR.1.26. The Applicants note RSPB's position on bycatch reduction. The Applicants are aware that OWIC are anticipating imminent publication of results of a bycatch study co-funded with Orsted assessing the scale of the problem,

I.D.	Question	RSPB Response	Applicants' Response
	Applicants successfully achieving the process set out in paragraph 204 [AS-089] to engage sufficient skippers to implement adequate compensation. What would be an adequate number of skippers? Is there any evidence that either approach would be achievable in practice?	We went on to provide more information on the RSPB's position on bycatch reduction as a possible adaptive management measure (paragraph 6.52, REP1-087). At present, we are not aware of an effective bycatch reduction measure for either Guillemot or Razorbill. The RSPB considers it is not feasible to answer the questions posed. This is due to: • The absence of an agreed level of compensation requirement; and, equally critically • A published peer-reviewed paper on an effective bycatch reduction measure for a known fishery fleet of a known size with a known level of bycatch of Guillemot and/or Razorbill. This is separate from and a pre-requisite to the process set out in paragraph 204 in AS-089.	and OWIC are proposing to undertake further studies into potential bycatch mitigation measures. Although not currently available, these studies would be expected to provide evidence in advance of any requirement by the Applicants to implement adaptive management.
REP3-066: OR.1.41	Seabirds of conservation concern 1. Does the latest status assessment of breeding seabird species in the UK (the 2021 Birds of Conservation Concern 5 review and the update to the second International Union for Nature Red List review of extinction risk, published in British Birds, 2 September 2024, Stanbury et al) affect the marine ornithology assessment and results? 2. Are there implications for the HRA? If so, does the paper need to be made available to the ExA? 3. Do you have any comments on the paper's examination of HPAI to date that might be relevant to the Proposed Development?	Seabirds of conservation concern (1) The latest statement assessment should not affect the underlying assessment of effects i.e. levels of collision risk or displacement mortality. However, it can provide relevant contextual information to interpret predicted population level impacts (e.g. Population Viability Outputs) against the current BOCC status of the seabird species. In respect of the Dogger Bank South schemes, as part of that consideration, it would be appropriate to consider whether a relevant species changed status between the 2015 and 2021 BOCC assessments. (2) As per our answer to (1) above, we consider the paper could provide relevant contextual information to understand the population level status of relevant species of seabird. This would provide general background to help understand the conservation importance and status of an SPA's breeding seabird features. (3) Consideration of HPAI in Stanbury et al (2025) follows from Tremlett et al (2024)⁹. The RSPB's position on the consideration of HPAI in the context of the Dogger Bank South schemes is set out in our paragraphs 4.28-4.32 of our Written Representation (REP1-087).	The Applicants considers that the RSPB's response to these questions is largely in agreement with that provided by the Applicants [REP3-027], namely that the Birds of Conservation Concern (BoCC) reviews provide background context to understand the status of seabird populations more widely, but they do not directly inform assessments themselves.

⁹ Available at: [Avian Influenza: a major threat to our struggling seabirds](#)

2.12 The Wildlife Trusts

Table 2-13 The Applicants' Comments on The Wildlife Trusts Responses to ExQ1 [REP3-o69]

I.D.	Question	The Wildlife Trusts Response	Applicants' Response
REP3-o69: OR.1.29	Suitability of predator eradication or reduction on the Isles of Scilly as strategic compensation for auks Can you comment on the Applicants' auk compensation proposals in general and particularly the suitability of predator eradication or reduction on the Isles of Scilly as a strategic compensation scheme as proposed by the Applicants in their Guillemot [and Razorbill] Compensation Plan [AS-o89] and the latest update provided in the Applicants' Cover Letter at Deadline 2 [AS-158], taking into consideration The Wildlife Trusts' comments in its submission [REP1-o88, section 2.4].	The Wildlife Trusts are in favour of the IoS as a site for predator eradication. The Wildlife Trusts and Isles of Scilly Wildlife Trust have decided that we can only take predator eradication forward on the islands as a strategic compensation measure, to be funded by the Marine Recovery Fund. We do not support any project-led schemes on the IoS. We have been encouraged by comments made by the applicant to deliver this scheme through the MRF and a commitment to find an interim solution before the MRF is launched. We are concerned that the applicants reports on their breeding habitat surveys for the IoS are heavily redacted. This has made it very difficult for us to interpret decisions made on the quantum of compensation on this site. The Isles of Scilly Seabird Recovery Partnership is developing a predator eradication project to recover seabird populations on the Isles of Scilly (IoS) as a strategic compensation measure in relation to offshore wind development. This partnership is led by Isles of Scilly Wildlife Trust, and closely involves the Duchy of Cornwall, RSPB, The Wildlife Trusts and a range of other local and national partners. The partnership, with support from The Wildlife Trusts, is developing a predator eradication programme on the Isles of Scilly to cover a 30 year period. This programme will include an operational plan to remove predators from the islands, a long-term maintenance/biosecurity plan to ensure the islands remain predator free, a community engagement plan and a monitoring and evidence plan. It is expected the outputs of this work will be delivered Spring 2027, with the potential delivery of the eradication programme to follow. It is envisaged that this will be one of the first fully developed and costed programmes to be established as a strategic compensation measure for offshore wind farm impacts on protected seabirds. Currently, Defra is establishing the Marine Recovery Fund (MRF), to develop strategic compensation measures, which is anticipated to be fully operational by late 2025. A number of organisations have recently met, including Defra, DESNZ, Natural England, The Wildlife Trusts, OWIC, The Crown Estate, and RSPB, to establish a Task and Finish Group to establish the mechanisms required to allow predator eradication to be delivered as a strategic compensation measure, noting the option for this to delivered by the Marine Recovery Fund. All parties agree that predator eradication on the Isles of Scilly has great potential to provide compensation for the impacts of offshore	The Applicants welcome The Wildlife Trusts (TWT) support for a strategic eradication project on the Isles of Scilly. With regards to the redaction of the Guillemot and Razorbill Compensation Site Shortlist Refinement Report [PDB-008], the Applicants made a significant financial investment to gather this information at a number of locations around the UK and therefore consider this to be commercially sensitive in advance of any formal agreements on collaboration. In the case of the Isles of Scilly, with the comfort provided via the recent statements from OWIC and Defra regarding the development of the strategic predator eradication project on the Isles of Scilly, the Applicants have reconsidered the sensitivity of the information and are willing to make this information available to both the Examination, and the members of the Isles of Scilly Task and Finish Group and Isles of Scilly Seabird Partnership. Data on both guillemot and razorbill numbers observed and projected numbers of rat free nesting spaces that could potentially be created for these species through a predator eradication scheme are provided in the Isles of Scilly Guillemot and Razorbill Survey and Habitat Assessment [document reference: 14.12], issued at Deadline 4. This report, which also includes detailed accounts of the findings of the survey for each individual island surveyed around the Scillies in 2024 by HAR Ltd on behalf of the Applicants, will therefore be available to both The Wildlife Trust and Isles of Scilly Wildlife Trust.

I.D.	Question	The Wildlife Trusts Response	Applicants' Response
		wind projects and would support its inclusion in project specific compensation plans. Offshore wind projects currently seeking consent might wish to submit this statement to the examining authority to demonstrate progress with this scheme, if they seek to use it as strategic compensation for unavoidable impacts to protected species likely to be impacted by their projects.	
REP3-069: BE.1.4	The Dogger Bank SAC review of consents The ExA notes that your Written Representation (WR) [REP1-088] requested confirmation that a Review of Consents as required by the Competent Authority under Section 33 of the Offshore Habitats Regulations has been undertaken for Dogger Bank SAC and that if a Review of Consents has not been undertaken you state this must be delivered urgently. Can you clarify your concerns in this regard, including where, with whom and at what stage you believe actions lie?	These concerns regard DESNZ. We agree with comments made by the applicant that the review of consents should be carried out where a new european site is designated, and that this is in compliance with Section 33 of the Offshore Habitats Regulations. In accordance with the Aarhus convention, each party shall ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible. Our concern is that this should be a public document and (if the review of consents does exist) we have never been able to view such a document. We request that either a) the existing review of consents report be made available in the documents library for this project b) a review of consents report be produced if one does not exist.	No response is required.
REP3-069: BE.1.6	Compensation for Adverse Effects on Integrity (AEol) of the Dogger Bank SAC At Deadline 2, the Applicants confirmed that the principal compensation proposed in the Project Level Dogger Bank Compensation Plan revision 2 [REP2-012] would be the designation of a new protected site or extension of an existing site to offset predicted impacts on the Dogger Bank SAC sandbank feature, which would be delivered strategically, via Defra, through contribution to the Marine Recovery Fund (MRF). Do you agree with the Applicants' statement in their Deadline 2 cover letter page 4 [AS-158] that, '...the Applicants believe that the compensation measure proposed by the Applicants is accepted by Natural England and the delivery mechanism confirmed by Defra and DESNZ, hence this does not need further debate.' 1. Do you agree with the Applicants' conclusion in section 2.3.3, paragraph 27 of the Extension of the Dogger Bank SAC for HRA Derogation Compensation rationale and evidence base, that an extension of the Dogger Bank SAC to the north would encompass an equivalent (or greater) area of habitat to that lost, that inclusion of greater area of more stable sediments to the north may increase the overall ecological function, and that it would not decrease the overall structure and function of the SAC? If not, explain why not. 2. Has your position on whether habitat disturbance effects should contribute to AEol of the Dogger Bank SAC and the level of	1. Quantum question (TWT does not need to reply) 2. We echo comments made by NE that the recovery of sandbanks report published by the applicant was not convincing. Regarding the recovery time of the sandbanks, we are satisfied that NE has provided sources for their 10-25 year recovery time. There are also habitats listed within the applicants own MarESA assessments that have recovery times of over 25 years. In addition to this the applicants benthic habitat assessment, using EUNIS habitat classifications, found only 74 of 149 (49.7%) of stations to contain highly recoverable habitat (less than 2 years recovery). Many MPAs in the North Sea are not in favourable condition due to past, current and proposed human activity preventing the recovery of the site, hindering their ability to contribute to a coherent and well managed network of MPAs. Evidence to support this is included in recent pilot conservation advice documents produced by Natural England, including the conservation advice related to Haisborough, Hammond and Winterton SAC, Inner Dowsing, Race Bank and North Ridge SAC, Dogger Bank SAC and Cromer Shoal Chalk Beds MCZ. The applicant has provided some studies that they claim show the rapid recovery of sandbanks after disturbance of removal of structures. However, some of these studies have limited confidence in their results (Deising et al. 2013, Eggleton et al. 2016). The Met Mast survey referenced by the applicant involves structures very different to the	1) No response from TWT and therefore no response is required. 2) TWT do not provide any additional evidence to support their position: - TWT state that they are "are satisfied that NE has provided sources for their 10-25 year recovery time". - As per the Applicants' response to BE.1.7 in The Applicants' Responses to ExQ1 [REP3-027], the Applicants reiterate that the evidence provided by NE is inadequate. It is: - Generic – not specific to Dogger Bank SAC; - Does not include any evidence from any offshore industry (other than fisheries or aggregates, which have very different effects in terms of form and frequency) regarding physical disturbance and recovery; - Has old references to what are reviews or meta-analyses; - Does not include any direct studies of the effect or evidence from offshore wind post-consent monitoring; - Does not take into account the evidence presented by the Marine Evidence-based Sensitivity Assessment (MarESA) for recovery of the relevant biotopes (which the Applicants have added in full to Review of Evidence on Recovery of Sandbank Habitat Following Habitat Damage (Revision 2) [REP3-021]; and

I.D.	Question	The Wildlife Trusts Response	Applicants' Response
	compensation required suggested by the Applicants changed or remained the same since further evidence was submitted by the Applicants? Explain your answer. 3. Does the WMS on the Marine Environment published on 29 January 2025 and the Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance published by the DESNZ on 29 January 2025 change your concerns on compensation proposals for the Dogger Bank SAC? Provide reasons for your answer. 4. Comment on the adequacy and conclusions of Appendix 3 to the RIAA - Habitats Regulations Assessment- Project Level Dogger Bank Compensation Plan Revision 2 [REP2-012] submitted by the Applicants at Deadline 2. Provide reasons for your answer.	ones proposed in this project (suction caissons) and only shows a physical recovery, rather than a biological one. We are also in agreement with NE that the ecological halo effect should be considered when calculating the impact footprints of structures in this project. The Dogger Bank SAC is currently in an unfavourable condition based on its protected benthic features. We would like to point to advice given regarding other MPAs in a similar situation by Natural England, the North Norfolk Sandbanks and Saturn Reef SAC: "As some of the features and subfeatures of this SAC are considered to be in unfavourable condition, adding further pressure to the SAC with cable laying and associated cable protection would be likely to have a significant impact on the conservation objectives of the SAC and may impede restoration of the features" We consider the Dogger Bank SAC to mirror this situation, with any physical damage to the sandbank habitat to be considered to be impairing the conservation objectives of the site. If a plan or project is likely to undermine the conservation objectives of the site, it must necessarily be considered likely to have a significant effect on integrity (Case C-127/02 "Waddenzee" at [36]). 3. We see nothing in these documents that would change our concerns. Ultimately our concerns are over the quantum, rather than the means of delivery, of the MPA expansion. As the inclusion of habitat disturbance effects (see Q2) will significantly impact the scale and therefore the benefits of this measure. We welcome the High Level Implementation and Monitoring Plans set out in the Strategic measures for offshore wind activities report, as this will allow more informed decisions as to the efficacy and scales required for MPA expansion as a compensation measure in future projects. 4. It is not within the remit of this examination to decide the location or size of the site extension providing compensation for this project. This responsibility ultimately falls with DEFRA who will process this decision externally to this examination.	- Does not acknowledge site specific evidence of recovery provided by the Applicants in [REP3-021] or UK Government studies (i.e. Eggleton <i>et al</i>, 2016)¹⁰. "The Met Mast survey referenced by the applicant involves structures very different to the ones proposed in this project (suction caissons) and only shows a physical recovery, rather than a biological one." - The Applicants submit that the type of foundation is irrelevant, the suction caisson is a 15m cylinder at the seabed which is the same as the large monopile presented in Chapter 5 Project Description (Revision 3) [REP1-009] and larger than the 11m monopile which represents the worst case Project-level footprint. Whilst the site specific evidence the Applicants present in the Review of Evidence on Recovery of Sandbank Habitat Following Habitat Damage (Revision 2) [REP3-021] is limited to a few cases (because the consented Dogger Bank projects are currently in construction and limited monitoring has been reported to date) it nonetheless demonstrates physical recovery in very short timescales (months to <4 years). As the Applicants have stated previously if there is physical recovery then there is no barrier to ecological recovery in sandy sediment habitats. (Physical recovery refers to the recovery of underlying sediments, while ecological recovery refers to the recovery of the ecological communities present in the area of disturbance). The assessments are based upon MarESA approach, and for the most common biotope within the Array Areas (MB5233 <i>Nephtys cirrosa</i> and <i>Bathyporeia</i> spp. in Atlantic infralittoral sand), MarESA states¹¹ (emphasis added): "As a consequence of the dynamic nature of the habitat the faunal component of the biotope is very sparse and low in species richness. Therefore, the community might be considered 'mature' only a few days or weeks after the last storm event, as the mobile species displaced from the biotope and those from adjacent area colonize the substratum via the surf plankton. Even following severe disturbances recovery would be expected to occur within a year; biotope resilience is therefore assessed as 'High' for any level of impact". "We are also in agreement with NE that the ecological halo effect should be considered when calculating the impact footprints of structures in this project" - The Applicants have responded in detail to this point in The Applicants' Responses to Deadline 2 Documents [REP3-028] (see

¹⁰ Eggleton, J., Murray, J., McIlwaine, P., Mason, C., Noble-James, T., Hinchey, H., Nelson, M., McBreen, F., Ware, S. & Whomersley, P. (2016). Dogger Bank SCI 2014 Monitoring R&D Survey Report. JNCC/Cefas Partnership Report, No. 11.

<https://data.jncc.gov.uk/data/87510dd6-33d2-4730-9997-b35f2edffeo4/JNCC-Cefas-11-FINAL-WEB.pdf>

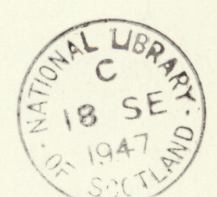
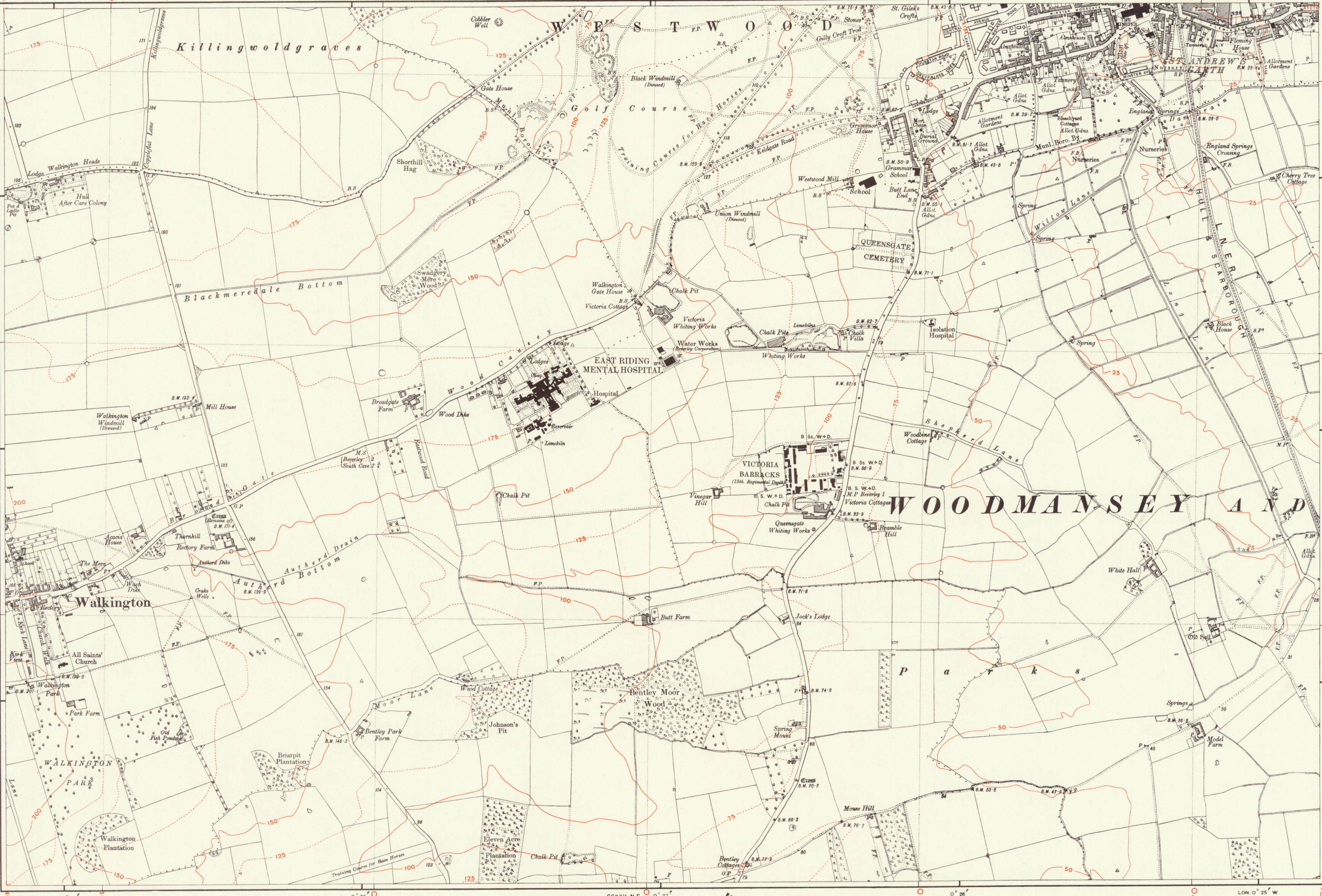
¹¹ https://www.marlin.ac.uk/habitats/detail/154/nephtys_cirroasa_and_bathyporeia_spp_in_infralittoral_sand

I.D.	Question	The Wildlife Trusts Response	Applicants' Response
			response to REP2-065:1.2). In summary, the Applicants consider that it is unlikely that such gross changes would occur (from halo effects) that these would lead to a loss or change of Annex 1 feature. Such changes should be a focus of the benthic monitoring programme, but do not warrant the increase of the footprint of habitat loss in the assessment. 3) The Applicants do not agree that disturbance should contribute to the conclusion of Adverse Effect on Integrity (AEoI) for the Dogger Bank SAC. However, the worst case for disturbance effects has been provided in Project Change Request 1 – Offshore and Intertidal Works [AS-141] and will be included in the updated version of RIAA HRA – Part 2 of 4 - Annex I Offshore Habitats and Annex II Migratory Fish (Revision 4) [document reference 6.1] which will be submitted at Deadline 4. This is reflected in the updated Project Level Dogger Bank Compensation Plan [document reference: 6.2.3] provided at Deadline 4 which includes the disturbance footprint on a without-prejudice basis. This information will allow the Secretary of State to determine the footprint contributing to AEoI should they concur with Natural England's advice. 4) The Applicants concur with TWT's comments.
REP3-069: OR.1.26	Case for reduction in kittiwake breeding seasons for ANS installation Do you have any comments on the Applicants' proposal to reduce the number of breeding seasons ahead of operation of the proposed offshore ANS from three to two seasons, as proposed in the Case for Reduction in Kittiwake Breeding Seasons for ANS Installation [REP2-060] and the Project-Level Kittiwake Compensation Plan [REP2-010]? Please signpost or add further evidence to support your position.	The Wildlife Trusts are not in support of artificial nest structures as a compensation measure for impacts on Kittiwakes. Therefore we can not comment on any decisions regarding lead-in times of proposed artificial nest structures.	The Applicants acknowledge TWT's comment.
REP3-069: OR.1.50	Collision risk modelling and associated parameters in the draft DCO Following on from written question OR.1.43, do you believe the rotor wind swept area should be included as a parameter in the draft DCO as per other made orders for other offshore windfarms such as Sheringham and Dudgeon and Awel y Môr?	The Wildlife Trusts will not be commenting on the specifics of modelling parameters or methodologies for bird collisions.	No response is required.
REP3-069: OR.1.25	Kittiwake compensation proposals - offshore ANS Section 6.3 of the Applicants' Project-Level Kittiwake Compensation Plan [REP2-010] states that three candidate offshore ANS sites have been selected for progress to site investigation surveys to confirm suitability and that the Applicants are seeking to undertake	As mentioned in our written response, The Wildlife Trusts does not support offshore artificial nesting structures as a compensation measure for kittiwakes.	The Applicants acknowledge TWT's comment.

I.D.	Question	The Wildlife Trusts Response	Applicants' Response
	geophysical surveys for the three candidate sites in April and May 2025, and geotechnical surveys later in 2025. The Applicants state that the outputs of these surveys would enable the selection of a project led offshore ANS site by the close of the Examination period. The Applicants go on to state that they anticipate that in Q2 2025, a Marine Licence application would be submitted to the Marine Management Organisation (MMO) and a Seabed Lease application to The Crown Estate would be submitted with ongoing consultation with fisheries organisations and other key stakeholders in the interim and that stakeholder engagement would continue throughout the site selection process. Do NE, The Wildlife Trusts or the RSPB have any concerns with this suggested approach?		
REP3-069: OR.1.31	Connectivity between the proposed sites and the FFC SPA and the National Site Network Whilst welcoming the Applicants' assessment of connectivity with the National Site Network that was included in the Guillemot and Razorbill Compensation Plan [AS-089], NE states [AS-160] that, whilst there is a pathway from the potential sites of Worms Head and Middle Mouse for birds to recruit and contribute to the National Site Network, it is likely to be limited, and this uncertainty should be reflected in the level of compensation provision. 1. Can the Applicants, RSPB and the Wildlife Trusts suggest a suitable factor to be applied to the compensation quanta to account for this level of uncertainty? 2. Can NE advise a factor to be applied to the compensation quanta to account for this level of uncertainty?	TWT do not see Worms Head or Middle Mouse as being suitable sites for compensation through predator eradication due to their proximity to the mainland compared to the other potential site, the Isles of Scilly. TWT do not enter discussions on the calculation of ratios for compensation, which are the responsibility of government and SNCBs. In DEFRA's Consultation on policies to inform updated guidance for marine protected areas assessments (2024) a lower relationship between the impacted feature and the compensation target is noted as requiring a higher ratio of compensation.	The Applicants note TWTs' opinion regarding the suitability of Worms Head and Middle Mouse in comparison to the Isles of Scilly. However, the Applicants consider that with the appropriate biosecurity measures in place, proximity to the mainland (and reincursion of predators) can be managed. As stated in the Strategic Compensation Measures for Offshore Wind Activities: Marine Recovery Fund interim guidance (January 2025), strategic measures secured through the MRF cannot be relied upon for consent at this time and must be provided alongside project-led measures. Therefore, the Applicants are required to progress project-led measures such as those proposed at Worms Head and Middle Mouse, which the Applicants consider to be viable options. The Applicants also note, and welcome, TWTs' deference to government on the subject of ratios.

Appendix A – REP3-037: HE.1.17 1946 Ordnance Survey Mapping

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LAT. 53° 50'

38

CCXI. S.W.

BEVERLEY PARKS

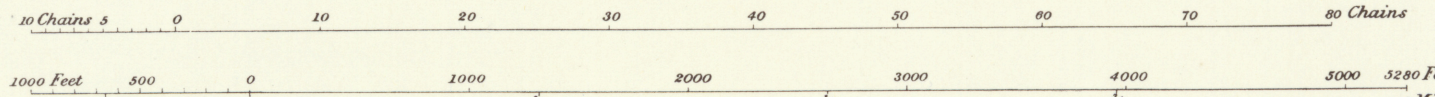
LAT. 53° 49'

BEVERLEY R. D.

436069.1m.N.

Surveyed in 1852-53. Levelling Revised in 1908 and partly Re-levelled in 1925. Boundaries Revised to 1926. Adjusted to the New Geodetic Levelling and Newlyn Datum in 1926.

Scale - Six Inches to One Statute Mile or 880 Feet to One Inch = 10380



CHARACTERISTICS AND SYMBOLS

County Boundary	Antiquities, Site of
Parliamentary Division Boundary	Arrow, showing direction of flow of water
Union Boundary	Instrumental
Rural District Boundary	Contours
Parish Boundary	Trigonometrical Station
Ministry of Transport Road No.	

Price 2/- net.

N.B.—The representation on this map of a Road, Track, or Footpath, is no evidence of the existence of a right of way.
Printed and Published by the Director General at the Ordnance Survey Office.
The altitudes of bench marks and surface heights are given in Feet above the mean level of the sea at Newlyn, and are based on the revised primary levelling of 1912-21.
Altitudes indicated thus (A.B.M. 54.7) refer to bench marks on buildings, walls, &c., those marked thus (V) preceded or followed by the height, to surface levels.
The contours on this map are referred to the old Ordnance Survey Datum i.e. assumed mean sea level at Liverpool, and are not based on the revised primary levelling of 1912-21.
There may thus be discrepancies of some inches between the contours and the bench marks and spot levels.
Crown Copyright Reserved.

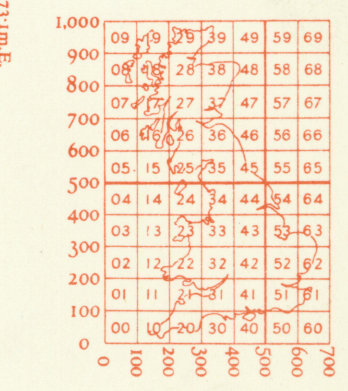
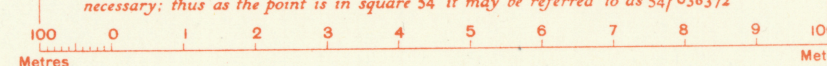
THE NATIONAL GRID

To refer to a particular point—(1) Read for each half of the reference the double figures printed in large type in the margins, which denote tens of Kilometres and Kilometres. (2) Then, to obtain reading to nearest 100 metres, measure position of point in tenths from the grid lines, which are 1000 metres apart. THIS TO GIVE A NORMAL NATIONAL GRID REFERENCE ON THIS SHEET

EXAMPLE WHITE HALL

East	North
Take west edge of square in which point lies and read the large figures printed opposite this line on north or south margins. Measure tenths Eastwards.	Take south edge of square in which point lies and read the large figures printed opposite this line on east or west margins. Measure tenths Northwards.
03 8 938	37 2 372

Similar references occur at intervals of 100 Kilometres i.e. in each of the figured squares in the diagram. The figure indicating the square should be added where necessary; thus as the point is in square 54 it may be referred to as 54/038372



Appendix B – The Applicants Responses to Annex A – Natural England’s detailed responses to Examiner’s Questions

4. Table B-1 below details The Applicants Responses to Annex A – Natural England’s detailed responses to Examiner’s Questions, which was included within **Appendix K - Natural England’s Response to The Examining Authority’s First Written Questions (ExQ1) and Rule 17 Request dated 3 March 2025** [PD-016] [REP3-057]. The Applicants have not provided a line-by-line response to Annex A, instead responding to what it is believed to be the key points noted by Natural England in the Annex.

Table B-1 The Applicants Responses to Annex A – Natural England’s detailed responses to Examiner’s Questions

I.D.	Natural England Topic	The Applicants Response
REP3-057: A1	Appropriate displacement rates (proportion of birds likely to be displaced by the presence of an offshore wind farm).	It is a mischaracterisation to state that the Trinder <i>et al.</i> (2024) study only provides information on bird behaviour within the study wind farm. This is incorrect. The study also presented before and after spatial modelling which complemented the within wind farm results and found no evidence for wind farm avoidance in all species studied with the exception of gannet. The Applicants provided detailed consideration of the other studies Natural England cites in support of their position in The Applicants' Responses to Deadline 2 Documents [REP3-028]. In summary, the Applicants consider these studies to be unrepresentative of the predicted responses of auks to the Projects.
REP3-057: A2	Adoption of precaution at each aspect of an assessment.	Natural England defends the combination of precaution throughout the assessment on the basis that: <i>"the assessment process currently relies on limited empirical evidence that hinders our understanding of potential impacts of offshore wind farm developments. Inevitably this introduces complications and layers of precaution: however, we consider it reflects the reality of the current 'state of play' regarding evidence."</i> Natural England then goes on to detail some of these, such as: a. variability in the abundance in the array areas (which Natural England use as justification for assuming the upper 95% C.I.), b. the challenges of ageing birds seen at sea (which Natural England use as justification for assuming that all birds will be adults), c. variations in foraging range estimates cross studies (which Natural England use as justification for assuming the mean-max range plus 1 SD is appropriate), d. post-breeding movements of auks (which Natural England use as justification for assuming high proportions will be adults from the SPA), e. nonbreeding season movements of auks (which Natural England use as justification for assuming high proportions will be adults from the SPA), and f. summing of impacts across seasons (which Natural England use as justification for assuming there will be no double counting). The Applicants agree that these are all sources of uncertainty in the assessment, however Natural England does not appear to consider that treating all of these sources of precaution independently results in highly inflated impact estimates and a large degree of over-precaution in the final outcome. The Applicants do not dispute that uncertainty is present throughout the assessment and that this should be reflected through precaution, however this should not be applied as building blocks, but rather combined in a balanced manner, with most likely impacts derived from mean or central values with an overall uncertainty estimate obtained through a measured combination of uncertainty. The Applicant’s demonstration that in-combination guillemot impacts now represent 73% of the population despite wind farms covering only 6% of the area illustrates the logical conclusion of Natural England’s approach (i.e. that impacts are being over-estimated by up a factor of up to 12 times). Natural England has defended their position on the basis that these birds will not be evenly distributed, which is reasonable. But it is unreasonable to suppose that this unevenness is of a sufficiently large extent that it justifies Natural England’s position. The Applicants direct Natural England and the Examining Authority to the Precaution in the Ornithology Assessment and Implications for Compensation Quantum [REP3-030] document issued at Deadline 3 which provides further detail on this topic.
REP3-057: A3	Confidence intervals.	Natural England state: <i>"Confidence intervals are used to show the range we can be 95% confident the true impact value falls within (for a 95% confidence interval). As the true value could fall anywhere within this range, confidence intervals show the level of uncertainty associated with an estimate (i.e. the larger the interval is, the more uncertain the true value is and vice versa)."</i> Thus, Natural England acknowledges that confidence intervals are two-sided, i.e. the lower 95% C.I. is equally probable as the upper 95% C.I. A balanced approach to uncertainty, therefore, would recognise that the mean or central value is the most likely value and that there is no more likelihood that the upper 95% C.I. is appropriate than the lower 95% C.I.

I.D.	Natural England Topic	The Applicants Response
REP3-057: A4	Adult apportioning.	Natural England disagree with the use of the well supported and evidence based stable age structure for estimating adult proportions because: <i>"we consider it unlikely that this approach, generalised across multiple years and sea areas, will be representative of the actual proportions of adults present within specific areas at different times of year".</i> Given that the wind farm assessment is intended to cover the lifetime of the project (i.e. 30 years) and throughout all seasons, a generalised estimate is, all else being equal, actually much more likely to be representative, particularly when compared to Natural England's approach which is to assume 100% of birds in the breeding season will be adults. That is a an undeniably extreme position for which no supporting evidence is provided except that ageing seabirds at sea is not possible. Nevertheless, the Applicants have applied the 100% adult approach as Natural England request, but consider this to be one of several sources of high precaution in the assessment which should all be kept in mind when giving consideration to the final outcome.
REP3-057: A5	Connectivity during the core breeding season.	Natural England states that: <i>"the standard mean maximum foraging ranges (plus 1SD) are 153.7km for guillemot and 164.6km for razorbill (Woodward et al 2019, Woodward et al 2024), which places the Projects well within foraging range for both species. Natural England do not, therefore, consider that connectivity between the Projects and the FFC SPA can be considered as low for these species".</i> The Applicants have reviewed the full details in Woodward <i>et al.</i> (2019) and it is apparent that the auk ranges have been heavily influenced by data from one study, conducted at Fair Isle during a period when the prey fish stocks collapsed resulting in atypical behaviour in the breeding seabirds. The maximum guillemot distances (km) used in their analysis were: 7, 9.4, 26.6, 44.2, 65.1 and 338.4. The last value (338) was the outlying one and Woodward <i>et al.</i> (2019) clearly recognised this and presented summary ranges with and without this study. The former is the one Natural England quotes (mean-max 73.2 +80.5 SD) while the later mean-max is 55.5 + 39.7 SD. Woodward <i>et al.</i> (2019) make it clear that they consider the mean-max plus 1SD represents a distance for screening sites into assessment, not as representing the core usage range. However Natural England interprets these distances rather differently, with respect to the mean-max plus SD including the outlier: <i>"which places the Projects well within foraging range for both species. Natural England do not, therefore, consider that connectivity between the Projects and the FFC SPA can be considered as low for these species".</i> There are therefore two separate components of precaution in this approach. Firstly, the mean-max plus 1SD is not representative of typical foraging ranges which will be much closer to the mean value, with potential for longer trips (mean-max), but not the addition on top of 1SD. Secondly, the figures used by Natural England are very strongly influenced by a significant outlier. If this is omitted, even under their precautionary approach DBS is beyond foraging range for guillemot from FFC SPA. Similar arguments apply to razorbill, albeit that DBS West remains within Natural England's preferred distance (mean-max + 1SD) when the Fair Isle study is omitted. However, the unrepresentativeness of this classification of foraging range (the first point) still applies. Overall, the mean-max is clearly a precautionary value and the mean-max plus 1SD is highly precautionary. And furthermore, in the case of guillemot, when a robust dataset is used, even applying Natural England's precautionary approach DBS is beyond breeding season connectivity range. For the reasons set out here the Applicants strongly contest Natural England's statement that DBS is '<i>well within foraging range</i>', which is an unreasonable interpretation of the evidence. Notably, Natural England state that '<i>immature guillemot and razorbill are more likely to be distributed further away from breeding colonies, being unconstrained by the location of a nesting site (Wernham et al. 2002)</i>'. The Applicants agree with this statement but consider this strongly supports an alternative interpretation of this information, which is that most of the birds present on DBS in the breeding season are in fact nonbreeding birds for precisely the same reason: the sites are beyond reasonable foraging range of FFC SPA.

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