



EN010125: 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

The Examining Authority's further written questions and requests for further information

Issued on Tuesday 13 May 2025

The following table sets out the Examining Authority's (ExA's) further written questions and requests for information (ExQ2). Questions are set out using an issue-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 24 September 2024 [\[PD-002\]](#). Questions have been formulated as they have arisen from representations, examination of the issues and to address the assessment of the application against relevant policies. Please note that some topics that were included in the ExA's first written questions and requests for information (ExQ1) are not included in ExQ2 because the ExA does not wish to ask any further questions on these at this point. However, this does not preclude further questions on these topics later in the examination.

Column 2 of the table indicates which interested parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could provide a substantive response to all questions directed to them or indicate that the question is not relevant to them for a reason. This does not preclude an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code, followed by an issue number (indicating that it is from ExQ2) and a question number. For example, the first question on air quality is identified as AQ.2.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are answering a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions an [editable version of this table is available in Microsoft Word](#).

Finally, the draft Development Consent Order (DCO) includes five Deemed Marine Licences (DMLs) (Schedules 10 to 14). Therefore, to minimise repetition/ explanation, where a question refers to a DML the reference will be to DML1 (Schedule 10) but will apply to all the draft DMLs unless otherwise stated.

Responses, unless otherwise stated, are due by deadline 5: 23 May 2025

ExQ2: 13 May 2025

Responses due by Deadline 5: 23 May 2025

Abbreviations Used

Abbreviation	Definition
AEol	Adverse Effects on Integrity
AIS	Automatic identification system
amsl	Above mean sea level
ANS	Artificial Nesting Structure
BMV	Best and Most Versatile
CAA	Civil Aviation Authority
CAH	Compulsory Acquisition Hearing
CBRA	Cable Burial Risk Assessment
Cefas	Centre for Environment, Fisheries and Aquaculture Science
CfD	Contracts for Difference
CTMP	Construction Traffic Management Plan
DBS	Dogger Bank South
dB SELss	Decibel sound exposure level single strike
Defra	Department of Farming and Rural Affairs
DESNZ	Department of Energy Security and Net Zero
DIO	Defence Infrastructure Organisation
DL	Deadline
DML	Deemed Marine Licence
draft DCO	Draft Development Consent Order [REP4-005]
ECC	Export Cable Corridor
EDR	Effective Deterrent Range
EIA	Environmental Impact Assessment
EMP	Ecological Management Plan
ERYC	East Riding of Yorkshire Council
ES	Environmental Statement
ExA	Examining Authority
ExQ1	Examining Authority's First Written Questions
ExQ2	Examining Authority's Second Written Questions
FFC	Flamborough and Filey Coast
GES	Good Environmental Status

ExQ2: 13 May 2025

Responses due by Deadline 5: 23 May 2025

Abbreviation	Definition
GW	Giga Watt
HCC	Hull City Council
HDD	Horizontal Directional Drilling
HE	Historic England
HPAI	Highly Pathogenic Avian Influenza
HRA	Habitats Regulations Assessment
IP	Interested Party
iPCoD	Interim Population Consequence of Disturbance
ISH	Issue Specific Hearing
IPMP	In Principle Monitoring Plan
JLAF	Joint Local Access Forum
JNCC	Joint Nature Conservation Committee
km	Kilometres
LIR	Local Impact Report
LLFA	Lead Local Flood Authority
LMP	Landscape Management Plan
LONI	Letter of No Impediment
LPA	Local Planning Authority
LSE	Likely Significant Effect
m	Metre
MCA	Maritime and Coastguard Agency
MCZ	Marine Conservation Zone
MEEB	Measures of Equivalent Environment Benefit
MHWS	Mean High Water Springs
MMO	Marine Management Organisation
MMMP	Marine Mammal Mitigation Protocol
MRF	Marine Recovery Fund
MSL	Mean Sea Level
MW	Mega Watt
NAS	Noise Abatement Systems
NE	Natural England
NFFO	National Federation of Fishermen's Organisations

ExQ2: 13 May 2025

Responses due by Deadline 5: 23 May 2025

Abbreviation	Definition
NMS	Noise Mitigation Systems
NPS	National Policy Statement
NRW	Natural Resources Wales
oCoCP	Outline Code of Construction Practice [REP4-040]
oCTMP	Outline Construction Traffic Management Plan [REP4-046]
oEMP	Outline Ecological Management Plan [REP4-042]
oLMP	Outline Landscape Management Plan [REP4-044]
oMMMP	Outline Marine Mammal Mitigation Protocol [REP4-054]
Ørsted IPs	Ørsted Hornsea Project Three (UK) Limited and Ørsted Hornsea Project Four Limited
OWF	Offshore Wind Farm
oWSI	Outline Written Scheme of Investigation
PA2008	The Planning Act 2008
PEIR	Preliminary Environmental Information Report
Projco IPs	Dogger Bank Offshore Wind Farm Project 1 Projco Limited, Dogger Bank Offshore Wind Farm Project 2 Projco Limited, and Dogger Bank Offshore Wind Farm Project 3 Projco Limited
PRoW	Public Rights of Way
PVA	Population viability analysis
RSPB	Royal Society for the Protection of Birds
RIAA	Report to Inform Appropriate Assessment
RR	Relevant Representation
SAC	Special Area of Conservation
SNCBs	Statutory Nature Conservation Bodies
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
TCC	Temporary Construction Compounds
TJB	Transition Joint Bay
TPO	Tree Preservation Order
TTS	Temporary Threshold Shift
TWT	The Wildlife Trusts

ExQ2: 13 May 2025

Responses due by Deadline 5: 23 May 2025

Abbreviation	Definition
UK	United Kingdom
USI	Unaccompanied Site Inspection
UXO	Unexploded Ordnance
VHF	Very high frequency
WR	Written Representation
WSI	Written Scheme of Investigation

The examination Library

References in these questions set out in square brackets (eg [[APP-100](#)]) are documents catalogued in the examination Library. The examination Library can be obtained from the following link: [EN010125-000619-Dogger Bank South - examination Library.pdf](#)



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ExQ2	Question to:	Question
Broad, general and cross-topic questions		
BGC.2.1	The applicants	<p>Potential errors</p> <p>The draft Statement of Common Ground (SoCG) with East Riding of Yorkshire Council (ERYC) [REP4-059] under section 3.8 Landscape and Visual Impacts at various points (eg 108, 109, 110, 111, 116, 118, 119) states, 'After discussion at the 03/04/2025 meeting, ERYC confirmed their agreement on this matter in a 22/04/2024 email.' The Examining Authority (ExA) assumes that the latter date should be 22/04/2025? If this is the case, amend the SoCG accordingly and check through all the submitted or forthcoming statements to ensure accuracy throughout.</p>
BGC.2.2	The applicants	<p>Grid connection</p> <p>Further to your response to ExQ1 BGC.1.3 [REP3-027], have you applied for a connection queue position for the grid connection for the proposed development from the National Energy System Operator? If so, have you been offered a position and would this have any implications for the timescales for the delivery of the proposed development? If not, when do you expect to apply and when do you expect a response from the National Energy System Operator?</p>
BGC.2.3	The applicants	<p>Grid connection and generating capacity</p> <p>Your response to ExQ1 BGC.1.7 [REP3-027] states that the grid connection offer from the National Energy System Operator is for up to 2.9 gigawatts (GW), or 1450 megawatts (MW) per array area. However, in Environmental Statement (ES) Chapter 2: Need for the Project [APP-065], you set out that the proposed development could deliver 3GW of energy annually, or 1.5GW annually per array area, which is more than could be accepted by the grid. Therefore, should the ES as a whole, and particularly Chapter 2, setting out the needs case and associated benefits attached to the higher level of energy production, be updated to reflect what the grid connection would be able to accept for accuracy? If not, explain why.</p>
BGC.2.4	The applicants	<p>Generating capacity</p> <p>Works No 1A and 1B of Schedule 1 of the draft Development Consent Order (draft DCO) [REP4-005] provide a minimum generating capacity of 100MW for each array area. This is substantially less than the maximum generating capacity of 1.5GW per array area assessed in the ES. Explain why the minimum generating capacity per array should not be 600MW (or more), in accordance with the generic minimum 600MW requirement from The Crown Estate in the Dogger Bank Bidding Area (see pages 16 and 25 of [REP3-038])? What is the minimum generating capacity for each array area agreed in your specific lease agreements with The Crown Estate – if this is higher than 600MW, why should this not be the minimum generating capacity for each of the array areas, noting the benefits attached to providing a higher level of renewable energy?</p>

ExQ2	Question to:	Question
BGC.2.5	The applicants	<p>Needs case: energy affordability</p> <p>ES Chapter 2: Need for the Project [APP-065] sets out the context around energy affordability and aspirations for energy poverty reduction in section 2.3.3. However, section 2.4 does not appear to specifically address how the proposed development would improve energy affordability. Can you provide more information on how the proposed development would address energy affordability and energy poverty in the United Kingdom (UK).</p>
BGC.2.6	The applicants	<p>2025 revisions to National Policy Statements (NPS) EN-1, EN-3 and EN-5</p> <p>On 24 April 2025, the Department for Energy Security and Net Zero published a consultation on draft updates to NPS EN-1, EN-3 and EN-5. What implications do these proposed changes have for the consideration of the application by the ExA or Secretary of State (SoS)? (You may wish to cross reference the answer to this question with IOU.2.3)</p>
BGC.2.7	The applicants	<p>East Marine Plan ‘Issues with Supporting Evidence’ final report</p> <p>What implications does the publication of the East Marine Plan ‘Issues with Supporting Evidence’ final report have on the proposed development?</p>
BGC.2.8	The applicants	<p>Operational lifespan and decommissioning</p> <p>The ExA notes your response to ExQ1 BGC.1.9 [REP3-027], which states that the ‘ES assesses the realistic worst-case scenario and... is based on the indicative design of 30-32 years, although this might be extended further as technology advances.’ The ExA notes that the Round 4 Leasing arrangements for offshore wind farms with The Crown Estate are for 60 years with a 25 year break clause [AS-163] – how likely is it that the turbines which would be utilised for the proposed development would have a longer lifespan than 30-32 years?</p> <p>Your response to ExQ1 BGC.1.9 also states that the ‘lifetime of the Projects is already controlled through the requirements of the Energy Act 2004, which require the applicants to submit a decommissioning programme to the Secretary of State prior to commencement of the Projects’ offshore works, which would be secured by Requirement 7 of the draft DCO.’ However, this only relates to offshore elements, and the ExA therefore remains unclear that there would be mechanisms captured by the draft DCO or supporting documents to ensure that all the effects from the proposed development would not go beyond those assessed in the ES. Review this matter again in light of the above comments.</p>
BGC.2.9	The applicants	<p>Hornsea 4</p> <p>What are the implications for the application given the recent decision by Ørsted to discontinue the Hornsea 4 offshore wind project in its current form. The ExA would refer you to question HRA 2.1. You may wish to provide single response to address both questions.</p>

ExQ2	Question to:	Question
Air quality and health		
AQ.2.1	The applicants	<p>Low emission vehicles</p> <p>The ExA notes your responses to ExQ1 AQ.1.8 [REP3-027] and to ERYC's responses to ExQ1 [REP4-087] on the same question. Does low emission non-road mobile machinery exist which would be suitable for the proposed construction work? Given that NPS EN-1 states that consideration should be given to making the use of low emission mobile plant mandatory in DCO requirements, and most DCO applications would not be developed to the point at which they would have detailed information on supply chains during their examination, why should this requirement not be imposed to any forthcoming DCO if it were granted, noting that ERYC considers it should be a mandatory requirement?</p>
AQ.2.2	East Riding of Yorkshire Council (ERYC)	<p>Draft SoCG with ERYC</p> <p>The draft SoCG [REP4-059] between you and the applicants suggests that there are no matters of disagreement outstanding between you regarding air quality and health. Confirm whether you consider this to be the case? If not, set out where you consider any disagreements lie.</p>
Aviation, radar, military and communications		
ARMC.2.1	The applicants	<p>Military radar</p> <p>The ExA notes your response to Issue Specific Hearing 3 (ISH3) action point 3 [REP4-096], which explains a maximum turbine tip height of 452m above mean sea level (amsl) was considered during the Preliminary Environmental Information Report (PEIR) and subsequently reduced to 396m amsl to avoid impacts on the Staxton Wold radar. Within the Habitat Regulations Derogation Provision of Evidence [REP4-018], section 4.5.2], it explains the proposed development would not be commercially viable if the 34m air gap above sea level was increased. This is due to the resulting hub and blade heights and necessary foundation design, which are not available on the market. Further there are only a small number of vessels able of installing such large components. Can you confirm that section 4.5.2 [REP4-018] should be interpreted that turbines tips at 452m amsl would be unfeasible? Can the applicants reference examples of commercial scale offshore windfarms which have been constructed to blade tip heights in the realm of 452m amsl?</p>
ARMC.2.2	The applicants	<p>Military radar</p> <p>During ISH3 [EV8-002], the ExA noted ES Chapter 5 [REP1-009], section 5.5] sets out the maximum design parameters which may include 100 small wind turbines at 291.8m amsl or 57 large at 394m amsl. Small and large turbines are suggested to each have around a 15MW and 20MW installed generating capacity respectively [REP1-009], section 5.5.2]. Could you confirm the approximate installed generating capacity for each wind turbine generator with maximum blade tip heights of 310m amsl and 349m amsl?</p>

ExQ2	Question to:	Question
ARMC.2.3	Defence Infrastructure Organisation (DIO)	Military radar Staxton Wold Primary Surveillance Radar is reported to benefit from the Indra Lanza Long-Range Tactical Radar (LTR-25) system [APP-125, paragraph 128] and during ISH3 [EV8-002] the applicants explained the system may have the capabilities to mitigate the effects of the proposed wind turbine system. Can you confirm if the system has these capabilities? The ExA appreciates this information may be sensitive.
ARMC.2.4	DIO	Military radar During ISH3 [EV8-002 and REP4-086], the applicants explained that Programme Njord may be unable to provide mitigation for the intended first power generation from the proposed Dogger Bank South (DBS) West array in 2030/ 2031. Further, that interim mitigation may be required to enable commencement of energy generation prior to an enduring mitigation solution by Programme Njord. Can you advise what year Programme Njord would likely deliver operational capabilities of mitigating adverse effects on military radar capability? If this is beyond 2030/ 2031, can you advise what interim mitigation measures could likely be jointly pursued between the MoD and the applicants?
ARMC.2.5	The applicants, Civil Aviation Authority (CAA) and DIO	Air Navigation Order 2016 CAA and DIO: The CAA and DIO are asked for their views as to the geographical extent of relevant provisions (articles 222 and 223) of the Air Navigation Order 2016. As the parties will be aware, s120 of the Planning Act 2008 (PA2008) allows for a DCO to include provision applying and/ or modifying a statutory provision which relates to any matter for which provision may be made in the DCO. CAA, DIO and the applicants: If either the CAA or DIO takes the view that the geographical extent of the Air Navigation Order does not extend to the proposed development site, should it be applied by express provision in the draft DCO [REP4-005]? The applicants are asked to liaise with the CAA and DIO in this regard and consider whether an additional article may be required to expressly apply relevant provisions of the Air Navigation Order (with modifications if necessary) to the draft DCO.
Benthic and intertidal ecology and relevant Habitats Regulations Assessment (HRA) aspects		
BE.2.1	The applicants	NPSs in relation to benthic and intertidal ecology Please explain why you have not included and explained in ES Chapter 9 [APP-085] how the relevant policies on NPS EN-1 have been met for benthic ecology, while it has been done for other ecological topics such as marine mammals?
BE.2.2	The applicants	NPS EN-3 in relation to benthic and intertidal ecology The ExA notes that ES Chapter 9 [APP-085] section 9.4.11 does not reference the following paragraphs of NPS EN-3. Can you explain why the following paragraphs of NPS EN-3 have been omitted? If they were omitted in error, can you explain how the application fulfils these policy requirements in NPS EN-3 in relation to benthic and intertidal ecology?

ExQ2	Question to:	Question
		<ul style="list-style-type: none"> a) 'The applicant should demonstrate compliance with mitigation measures identified by The Crown Estate in any plan-level HRA produced as part of its leasing round'. NPS EN-3 paragraph 2.8.123 b) 'applicants should follow guidelines for leasing transmission assets infrastructures, and any successor to it produced by The Crown Estate'. NPS EN-3 paragraph 2.8.124 c) 'applicants must always employ the mitigation hierarchy, in particular to avoid as far as is possible the need to find compensatory measures for coastal, inshore and offshore developments affecting SACs SPAs, and Ramsar sites and/or MCZs. It is essential that applicants involve SNCBs, other statutory environmental bodies (e.g. Historic England) and Defra, in conjunction with the relevant regulators, as early as possible in the planning process to enable discussions of what is and isn't a significant and/or adverse effect, subsequent implications, and, if required, mitigation and/or compensation.' NPS EN-3 paragraph 2.8.213 d) 'At the earliest possible stage, alternative ways of working and use of technology should be employed to avoid environmental impacts. For example, construction vessels may be rerouted to avoid disturbing seabirds. Where impacts cannot be avoided, measures to reduce and mitigate impacts should be employed, for example using trenching techniques or noise abatement technology'. NPS EN-3 paragraph 2.8.214 e) 'applicants should undertake a review of up-to-date research and all potential avoidance, reduction and mitigation options presented for all receptors'. NPS EN-3 paragraph 2.8.215 f) 'Only once all feasible avoidance, reduction and mitigation measures have been employed, should applicants explore possible compensatory measures to compensate for any remaining significant adverse effects to site integrity'. NPS EN-3 paragraph 2.8.216 g) 'applicants must develop an ecological monitoring programme to monitor impacts during the pre-construction, construction and operational phases to identify the actual impacts caused by the project and compare them to what was predicted in the EIA/HRA.' NPS EN-3 paragraph 2.8.221 h) 'Should impacts be greater than those predicted, an adaptive management process may need to be implemented and additional mitigation required, to ensure that so far as possible the effects are brought back within the range of those predicted'. NPS EN-3 paragraph 2.8.222 i) 'Monitoring should be of sufficient standard to inform future decision-making. Increasing the understanding of the efficacy of alternatives and mitigation will deliver greater certainty on applicant requirements.' NPS EN-3 paragraph 2.8.223 j) 'Where HDD is proposed, the applicant should provide a mitigation plan to account for the possibility that HDD fails.' NPS EN-3 paragraph 2.8.229

ExQ2	Question to:	Question
		<p>k) 'The applicant should explain their justification for the alternative plan and ensure this is the least impactful method possible.' NPS EN-3 paragraph 2.8.230</p> <p>l) 'Where cumulative effects on intertidal habitats are predicted as a result of the cumulative impact of multiple cable routes, applicants of various schemes are encouraged to work together to ensure that the number of cables crossing the intertidal/coastal zone are minimised, and installation and decommissioning phases are coordinated to ensure that disturbance is also reasonably minimised'. NPS EN-3 paragraph 2.8.231</p>
BE.2.3	<p>Natural England (NE)</p> <p>The Wildlife Trusts (TWT)</p> <p>Lincolnshire Wildlife Trust</p> <p>The Marine Management Organisation (MMO)</p>	<p>Report to Inform Appropriate Assessment (RIAA) Habitats Regulations Assessment (HRA) Part 2 of 4 - Annex 1 Offshore Habitats and Annex II Migratory Fish Revision 4</p> <p>The applicants have submitted an updated RIAA HRA Part 2 of 4 - Annex I Offshore Habitats and Annex II Migratory Fish Revision 4 into the examination at deadline (DL) 4 [REP4-014]. There were considerable updates to section 6.4.2.6.1 physical change (to another seabed / sediment type) of the Dogger Bank Special Area of Conservation (SAC). Please provide any comments you have on this updated section or any other parts of this document.</p>
BE.2.4	The applicants	<p>Likely recoverability of benthic receptors</p> <p>a) Respond to NE's advice in Appendix C4 [REP4-127] that the pathways of effect which have been considered do not address impacts from the creation of depressions from Unexploded Ordnance (UXO) clearance or jack-up operations in areas of coarse or mixed sediments and that these areas would need to be considered as permanent habitat change or loss unless it can be otherwise evidenced that they would backfill with similar sediment types.</p> <p>b) Can you provide further evidence in this regard?</p> <p>c) What enhanced monitoring do you propose for this effect and how is it secured in the draft DCO?</p>
BE.2.5	The applicants	<p>Benthic halo effects</p> <p>Respond to NE's advice in Appendix C4, Table 2 [REP4-127] that insufficient evidence has been provided by yourselves to address NE's concerns on this issue set out in Relevant Representations [RR-039] and Appendix C2.1 of NE's DL2 submission [REP2-065].</p>
BE.2.6	NE	<p>Flamborough Head SAC assessment for Annex I habitats</p> <p>a) The applicants have inserted a paragraph into the RIAA Part 2 of 4 page 66 [REP4-014] stating:</p>

ExQ2	Question to:	Question
		<p>'As noted in Natural England's Advice on Operations for the Flamborough Head SAC (Natural England, 2025), the evidence base suggests that there is no interaction of concern between the feature 'Vegetated sea cliffs of the Atlantic and Baltic Coasts' and the potential pressures associated with the activity 'Power cable: laying, burial and protection' (i.e. installation of the Offshore Export Cable Corridor). As such, this feature has not been considered further in this assessment'.</p> <p>Do you agree with this statement from the applicants or have any comments you wish to make about it?</p> <p>b) The applicants submitted an updated Benthic Ecology Technical Note (Revision 2) [REP3-025] at DL3 to include the additional detail for the biotopes. What is your latest position on whether biotopes have been sufficiently considered and characterised within the Flamborough Head SAC, as this remains an outstanding point on your Risk and Issue log at DL4, reference C9/C19 [REP4-129]. Have the applicants satisfactorily considered the nature of secondary impacts, point 1 of Table 2 of Appendix C2.1 [REP2-065]? If not, explain what the applicants could do within the remaining examination time to resolve these issues.</p> <p>c) What is your most recent position on whether Adverse Effects on Integrity (AEoI) can or cannot be ruled out for Annex I habitats of the Flamborough Head SAC? Please break this down by impact pathway and qualifying features.</p> <p>d) If AEoI cannot be ruled out, explain in detail why and what the applicants could do within the remaining examination time to resolve this.</p>
BE.2.7	The applicants	<p>Flamborough Head SAC assessment and compensation proposals for Annex I habitats</p> <p>The ExA notes your response to BE.1.16 from the ExA's first written questions and that NE's response in point 1 of Table 2 of Appendix C2.1 [REP2-065] states the issues in question BE.2.6 above, should be readily resolvable. NE stated that without this information it is unable to provide advice with certainty on the likelihood of the conservation objectives of the Flamborough Head SAC being hindered.</p> <p>a) Explain how this issue has progressed since then.</p> <p>b) Given the stage of the examination, and the remaining outstanding concerns from NE in relation to this issue, the ExA believes it necessary to repeat the question in BE.1.16 asking, what compensation proposals you have for the situation in which NE, as the Statutory Nature Conservation Body (SNCB), were to advise it cannot rule out AEoI for the Flamborough Head SAC in relation to Annex I habitats and the Secretary of States agrees with this position?</p>

ExQ2	Question to:	Question
BE.2.8	NE	<p>Humber Estuary SAC assessment for Annex I habitats</p> <ul style="list-style-type: none"> a) Noting the revisions the applicants have made to the RIAA submitted at DL4 [REP4-014], what is your most recent position on whether AEol can or cannot be ruled out for Annex I habitats of the Humber Estuary SAC? Please break this down by impact pathway and qualifying features? b) If AEol cannot be ruled out, explain in detail why and what the applicants could do within the remaining examination time to resolve this.
BE.2.9	The applicants	<p>Humber Estuary SAC assessment and compensation proposals for Annex I habitats</p> <ul style="list-style-type: none"> a) Please confirm where your statement [REP3-028], that the approximate length of cable protection measures within the nearshore would be 116m per cable trench (assuming the cables were laid in a straight line) and will only protrude 50cm above the seabed, is secured in the draft DCO. b) Given the stage of the examination, and the remaining outstanding concerns from NE in relation to this issue, the ExA believes it necessary to ask, what compensation proposals you have for the situation in which NE, as the SNCB, were to state it cannot rule out AEol for the Humber Estuary SAC in relation to Annex I habitats and the Secretary of States agrees with this position.
BE.2.10	The applicants NE	<p>Decommissioning of cable/ scour protection within the benthic designated sites</p> <p>The ExA notes that section 5.5.13 of the project description [REP1-009] states that it is anticipated that all structures above the seabed or ground level would be completely removed and that section 5.5.13.2 related to offshore cables states that it is expected that most array and export cables (and any associated cable protection) would be left in situ. NE's advice at the relevant representation stage and since [RR-039]; B68, C59 [REP2-065] has been to advise that a commitment to remove all on and above seabed infrastructure associated with the development within benthic designated sites (excluding cable crossings) at the time of decommissioning should be secured in the DCO, which has also been reiterated at DL4 in Appendix C4 [REP4-127]. The ExA notes the applicants' response to this advice [REP3-028]. The ExA would like to understand:</p> <ul style="list-style-type: none"> a) Whether any further discussions have taken place between the applicants and NE on this matter and whether there is any change on either parties' position? b) Whether the applicants could propose wording for a commitment in the commitments register which may satisfy NE in this regard? c) What assessments would be required to be undertaken immediately prior to the offshore decommissioning to assess the balance between potential environmental damage from cable and cable protection removal to any benthic ecology which may have established on top during the operational lifetime and the overall benefits of cable retention to the designated site. How

ExQ2	Question to:	Question
		<p>and when is it envisaged this judgement would be made, by whom and under what legislative procedure?</p> <p>d) The applicants state that the assumption is that decommissioning effects would not be any greater than construction effects. What monitoring or assessments are secured to make this judgment at the time of decommissioning to validate this assumption?</p> <p>e) In the scenario that at the time of decommissioning it is demonstrated that this assumption would likely be incorrect and that the decommissioning effects would likely be greater than the construction effects in the designated areas, what adaptive management measures are secured which could be implemented to limit the effects to those assessed within the ES?</p>
Commercial fisheries		
CF.2.1	The applicants The MMO	<p>Cooperation agreements</p> <p>The applicants: ES Chapter 13 [APP-117] reports that cooperation agreements would mitigate the assessed moderate adverse effect for identified fishing receptor groups. During ISH3 [EV8-002] the applicants explained that cooperation agreements would be entered into prior to the proposed construction works within relevant areas. To provide certainly this mitigation can be relied upon, could DML1 Condition 15 (replicated in other DMLs as appropriate) [REP4-005] or the Outline Fisheries Liaison and Coexistence Plan [REP4-056] be redrafted to secure provision of evidence to the MMO of made cooperation agreements prior to the effect being realised? If not, should the assessment of residual effects be concluded as moderate adverse?</p> <p>The MMO: the ExA notes your position to not fulfil an arbitration role for commercial fishing receptors commercial negotiations. To provide certainty that the proposed mitigation of adverse effects could be achieved, would you agree to receiving evidence that an agreement has been reached?</p>
CF.2.2	The applicants	<p>Static gear impacts</p> <p>The National Federation of Fishermen's Organisations (NFFO) raises concerns that offshore static gear receptors may not return to fish within the proposed array areas during the operational phase [REP4-088]. If the environmental impact assessment had assumed a high proportion of offshore static gear receptors did not return to commercial fishing during the operational phase, would that change the outcome of the ES? Further would you consider including monitoring of commercial fishing activity during the operational phase to evidence the assumed post construction fishing activity?</p>
CF.2.3	The applicants	<p>Mitigation</p> <p>Would you consider including opportunities to educate the commercial fishing industry how to fish and navigate safely within array areas and if appropriate to do so, would you consider this as mitigation and enhanced benefits to the industry in accordance with EN3-2.8.251?</p>

ExQ2 Question to: Question		
Compulsory Acquisition and Temporary Possession of land and rights		
		No further questions at this time.
Draft Development Consent Order		
DCO.2.1	The applicants	<p>Definition of pre-commencement</p> <p>The definition of pre-commencement works as set out in Article 2 of the draft DCO [REP4-005] includes a list of works, some of which have the potential to result in significant effects. For example, the creation of site accesses, could have effects upon protected species, the erection of temporary screening or enclosure could result in isolation of land, and the creation of temporary hardstanding areas could be implemented without adequate drainage infrastructure in place. In this respect the ExA would refer the applicants to the Government guidance published 30 April 2024 on the content of a Development Consent Order required for a Nationally Significant Infrastructure Project. This identifies that typical examples of matters which are not acceptable preliminary works include major earthworks, clearance of trees and ground clearing, activities affecting protected species or archaeological remains.</p> <p>Review the definition and provide justification to support your position that all the works listed are pre-commencement and in accordance with the guidance.</p>
DCO.2.2	Historic England (HE)	<p>Deemed Marine Licence 1-5 conditions - archaeological Written Scheme of Investigation (WSI)</p> <p>In your DL1 submission [REP1-059] you raised concerns with regard to the proposed wording of the conditions relating to the archaeological WSI (offshore). The applicants' DL2 response [REP2-057] explained why they are not minded to amend the wording of the conditions. The SoCG [REP4-061] suggests this is still an outstanding matter, therefore, clarify whether you agree with the applicants' explanation? If not, explain why not and how this could be resolved.</p>
Articles		
		No further questions at this time.
Schedule 1		
DCO.2.3	The applicants	<p>Further Associated Development</p> <p>Within Schedule 1, Part 1 (Authorised development), the draft DCO includes details of Further Associated Development that is required for both DBS East and West. The ExA understands the principle of associated development, however the number of works identified within the definitions appears to be extensive and, from the way the wording is phrased, it would appear that the definitions do not represent closed lists, but instead provide examples of other works which may be necessary or expedient. Furthermore, there also appears to be duplication of works that have already been identified within the detailed Work Nos.</p>

ExQ2	Question to:	Question
		The applicants are asked to review the Further Associated Development works identified for both DBS East and West, amend as necessary and provide an explanation and justification for the works identified as Further Associated Development.
Requirements		
DCO.2.4	The applicants ERYC	<p>Requirement 25 The applicants: Requirement 25 in Schedule 2, Part 1 of the draft DCO [REP4-005], deals with the return of land that is temporarily used for construction to be reinstated to its former condition, subject to the approval of the Local Planning Authority (LPA). This approval would be given, depending on the location of the land, following consultation with the MMO and relevant drainage authority. Do you consider that the LPA should also be required to consult with the relevant landowner to ensure that they have all the necessary evidence to enable them to come to an informed decision? If you disagree, please explain why.</p> <p>ERYC: Provide your view on the above.</p>
Ecology and nature conservation		
ENC.2.1	The applicants	<p>Hedgerow removal along roads with identified constrained widths ES Chapter 24 [APP-195] has identified and assessed roads of constrained widths within the study area. Proposed mitigation measures, including road/ junction widening, provision of passing places or using mobile traffic management, are set out in the outline Construction Traffic Management Plan (oCTMP) [REP4-046] and the detailed measures would be agreed as part of the final construction traffic management plan (CTMP).</p> <p>Clarify how the loss of hedgerows from these proposed road accessibility measures (such as on Eske Lane or Ings Road) has been considered as part of the assessment within ES Chapter 20 [REP2-019] and taken account of in the outline Ecological Management Plan (oEMP) [REP4-042] to ensure that only the minimum amount of hedgerows necessary would be removed along these roads of constrained widths? For example, the Tree Preservation Order (TPO) and Hedgerow Plan [REP4-004] currently shows the removal of the entire hedgerow on the eastern side of Eske Lane. However, this would not appear to align with the much less intrusive measures proposed as part of the oCTMP [REP4-046] and paragraph 5.4.35 of NPS EN-1 which requires the applicants to demonstrate that activities will be confined to the minimum areas required for the works?</p> <p>In addition, clarify if you are proposing any maximum removal requirements for hedgerows for road accessibility measures, similar to the maximum removal requirements as detailed in paragraph 43 of the oEMP [REP4-042] for crossings? If not, explain why not.</p>

ExQ2	Question to:	Question
ENC.2.2	The applicants	<p>Bentley Moor Wood - woodland management plan</p> <p>The oEMP [REP4-042], paragraph 150] states, with reference to Bentley Moor Wood ancient woodland, that 'it is proposed to produce and implement a long-term woodland management plan (if non-existent)'. The applicants further confirmed in their Written Summaries of Oral Submissions made at compulsory acquisition hearing 2 (CAH2), ISH3, ISH4 and ISH5 [REP4-086], paragraph 176] that 'the long-term management of the woodland would be secured through the OLMP (Revision 3) [REP2-031]'.</p> <p>Whilst the information in Section 1.7.2 'Longer Term Management' of the oLMP [REP4-044] are noted, clarify:</p> <ol style="list-style-type: none"> Would the woodland management plan comprise of a separate document or form part of the final Landscape Management Plan (LMP) or final Ecological Management Plan (EMP)? How would this be secured? What are the timescales for preparation? Who would be consulted on the document? What is the proposed review mechanism?
ENC.2.3	The applicants	<p>Hedgerow re-location and re-use</p> <p>The applicants confirmed in their Written Summaries of Oral Submissions made at CAH2, ISH3, ISH4 and ISH5 [REP4-086], paragraph 173] that 'any hedgerows being replaced will be species rich. Any relocation of hedgerows will be considered on a case-by-case basis depending on the distinctiveness of the hedgerows to see if it would survive translocation. This mitigation is not currently included in the OEMP (Revision 4) [REP2-029]'.</p> <p>Do you propose to include any further wording on this in the oEMP [REP4-042]? If yes, confirm the wording. If not, how can any further consideration be given to the potential for hedgerow relocation or re-use if a commitment to undertake further research and assessment on this matter is not included in the oEMP [REP4-042]?</p>
ENC.2.4	The applicants	<p>Protected species licences</p> <p>The applicants confirmed at ISH4 that they are 'in the process of obtaining a letter of no impediment from Natural England. No definitive timescale for a response can be provided although it is hoped that it will be received before the close of the examination' [REP4-086], paragraph 178].</p> <p>If a positive response and letters of no impediment (LONI) cannot be provided during examination, clarify how the ExA would be able to report to the Secretary of State that all relevant protected species mitigation licences have been granted, or are intended to be granted, in line with paragraph 5.4.45 of NPS EN-1?</p>

ExQ2	Question to:	Question
ENC.2.5	The Forestry Commission The Woodland Trust ERYC	<p>Burton Bushes Site of Special Scientific Interest (SSSI) and ancient woodland</p> <p>The DL4 submission from Dr Stephen Mounce [REP4-100] raises concerns with potential effects on Burton Bushes SSSI and ancient woodland. Confirm your views on the potential effects from the proposed development on Burton Bushes SSSI and ancient woodland. Do you consider the mitigation measures as currently proposed and included in the oEMP [REP4-042] and oLMP [REP4-044] would be sufficient? If not, explain why not and clarify what other measures you would like to see included?</p>
Fish and shellfish ecology and relevant HRA aspects		
FSE.2.1	The applicants	<p>ES Chapter 9</p> <p>Can you explain why you have not included and explained in ES Chapter 9 [APP-085] how the relevant policies on NPS EN-1 have been met for fish and shellfish, while it has been done for other ecological topics such as marine mammals, (with the exception of paragraph 5.4.22). Can you include this in your update to the ES chapters?</p>
FSE.2.2	The applicants	<p>NPS EN-3 in relation to fish and shellfish</p> <p>The ExA notes that ES Chapter 10 [APP-091] does not reference the following paragraphs of NPS EN-3. Can you explain why the following paragraphs of NPS EN-3 have been omitted? If they were omitted in error, can you explain how the application fulfils these policy requirements in NPS EN-3 in relation to fish and shellfish?</p> <ul style="list-style-type: none"> a) 'Monitoring must measure and document the effects of the development and the efficacy of any associated mitigation or compensation.' NPS EN-3 paragraph 2.8.84 b) 'This will enable an assessment of the accuracy of the original predictions and improve the evidence base for future mitigation and compensation measures, enabling better decision-making in future EIAs and HRAs'. NPS EN-3 paragraph 2.8.85 c) 'Monitoring should be presented in formal reports which must be made publicly available. Monitoring data should be provided to The Crown Estate's Marine Data Exchange.' NPS EN-3 paragraph 2.8.86 d) 'Where appropriate, applicants are also encouraged to consider monitoring collaboratively with other developers and sea users. Work is ongoing between government and industry to support effective collaboration and the development of monitoring at a strategic level.' NPS EN-3 paragraph 2.8.87 e) 'A range of research programmes are ongoing to investigate impacts of offshore wind farm development, including, but not limited to: BEIS SEA Research Programme, ORJIP, ScotMER, the ORE Catapult and OWEC. applicants should explain why their decisions on siting, design, and impact mitigation are proportionate and well-targeted, referring to relevant scientific research and literature as appropriate.' NPS EN-3 paragraph 2.8.107

ExQ2	Question to:	Question
		<p>f) 'applicants are expected to have regard to guidance issued in respect of Marine Licence requirements and consult at an early stage of pre-application with the MMO'. NPS EN-3 paragraph 2.8.108</p> <p>g) 'applicants should have regard to duties in relation to Good Environmental Status (GES) of marine waters under the UK Marine Strategy and MPA target (including any interim target) in England, set under the Environment Act 2021'. NPS EN-3 paragraph 2.8.109</p>
FSE.2.3	The applicants	<p>National Policy Statement (NPS) EN-3 in relation to fish and shellfish</p> <p>The ExA notes that section 10.4 of ES Chapter 10 [APP-091] gives incorrect paragraph numbers for many of the quoted paragraphs in NPS EN-3. For example, paragraphs 2.8.138 to 2.8.141 should be 2.8.148 to 2.8.151. Can you review and correct all references to the NPS as necessary?</p>
FSE.2.4	The applicants The MMO	<p>Atlantic herring heat map</p> <p>In the applicants' response to action point 16 from ISH5 [REP4-096] they suggest that Figure 2-2 [AS-105] showing extents of preferred and marginal potential spawning habitats should be used in preference to Figure 2-1 [AS-105] displaying potential spawning habitat heat map for Atlantic herring. In [AS-105] the applicants explain that the information in Figure 2-2 is one of the inputs to the overall heat map in Figure 2-1.</p> <p>The applicants: Explain why you believe the other inputs use to create to the overall Atlantic herring heat map illustrating herring spawning potential in Figure 2-1 should be disregarded in preference of only considering the preferred spawning habitats for Atlantic herring in Figure 2-2?</p> <p>The MMO: Please provide the MMO's opinion on the applicants' use and comparison of Figure 1-2 and Figure 2-2 described above and their relevance to areas of medium and high potential herring spawning areas.</p>
FSE.2.5	The MMO	<p>Atlantic herring heat map</p> <p>The applicants state in their summary of representations at ISH5 [REP4-086], that the 135dB disturbance threshold is inappropriate to the assessment of herring and dispute the claim that the 135dB limit establishes the best available scientific evidence but rather that it represents preliminary findings to inform a more comprehensive behavioural disturbance metric in future studies and that the greatest range at which an impact should be considered for herring is 186dB. The applicants state further in the same reference that there is no evidence in Hawkins et al. (2014) or Popper et al. (2014) that shows that 135db would have an impact on herring spawning behaviour, going on to state that they do not consider that relying on Hawkins et al. (2014) is appropriate or justified as the authors note themselves that it should not be used in the way purported by the MMO or NE. Please explain the MMO's view of the relevance of the 135dB disturbance threshold and the 186dB TTS threshold.</p>

ExQ2	Question to:	Question
		Justify your response explaining what types of behavioural disturbance would likely be experienced over 135dB and how this could impact the existing herring population and spawning rates.
FSE.2.6	NE	<p>Seasonal restrictions for piling in the array areas in relation to potential impacts to herring and sandeel</p> <p>During questioning on this topic at ISH5 [EV10-005], the applicants stated that the authors of the paper on which you are basing your advice (Hawkins et al. (2014) or Popper et al. (2014)) specifically stated the paper should not be used for the purpose for which you have used it. Could you respond specifically to this point please, justifying the use of the paper in the way you have?</p>
FSE.2.7	The applicants The MMO	<p>Worst-case piling locations for herring</p> <p>In responses to questions on this topic at ISH5 [EV10-006] the applicants stated moving the worst-case location modelling location to the south-west corner might move the noise contours further south, so they overlapped less with the preferred substrates to the north on Figure 2-2 [AS-105]. This is based on the assumption that the worst-case noise modelling to produce contours for Figure 2-1 and Figure 2-2 is restricted to two locations only. Should the worst-case noise contour envelopes not be derived from all three locations, the two locations originally modelled and the additional modelling using the south-west location of the array area to produce the worst-case noise envelope contours?</p>
FSE.2.8	The applicants	<p>Commitments to noise abatement systems (NAS) for fish and shellfish</p> <p>In reference to question FSE.2.7 above regarding the commitments by Morgan Generation Offshore Wind Farm (OWF) (Project EN010136) and Morecambe Generation OWF (on a without prejudice basis) (Project EN010137) for use of NAS in the Outline Marine Mammal Mitigation Protocol (oMMMP) [REP4-054] and therefore applicable to marine mammals, do you intend to secure any commitments to NAS related to fish, specifically herring and sandeel and if so, how would these be secured in the draft DCO and draft DMLs?</p>
FSE.2.9	The MMO	<p>Export cable proposed through the Flamborough Head herring spawning ground</p> <p>The ExA is aware of the questions and responses between the applicants and the MMO regarding herring larval abundance mapping and presentation of the density data.</p> <ol style="list-style-type: none"> Can you confirm if this issue has now been resolved and if it is satisfied with the quality and presentation of the data regarding herring larval abundance and density submitted into the examination by the applicants at DL4 [REP4-098]. If not, please explain why not. If so, what is your position on potential impacts of the construction and installation of the export cable corridor on spawning herring? What is your opinion on whether the applicants have fully adhered to the mitigation hierarchy on this issue?

ExQ2	Question to:	Question
		d) Are the applicants' proposed mitigations sufficient and are you satisfied with the way they are secured in the DMLs?
FSE.2.10	The applicants The MMO	<p>Export cable proposed through the Flamborough Head herring spawning ground</p> <p>The applicants state in paragraph 10 on page 8 of the applicants' Fish and Shellfish Response to the MMO [REP4-098] that high abundances of larvae (200-600 larvae per m²) have been recorded between KP50 - KP60, however this location is ground-truthed as being unsuitable sediment type for spawning and that it is likely that larvae have drifted from potential habitat outside of the Offshore Export Cable Corridor. The ExA notes that the applicants state larvae in the water column above the seabed are not considered to be at risk of potential impacts associated with the installation of cables [AS-105] paragraph 39 page 26].</p> <p>The applicants: What impact could the export cable constriction and installation, such as but not limited to seabed disturbance and sediment plumes, have on drifting larvae at the developmental stage? Has this been assessed? If so, please provide a reference for where it can be found.</p> <p>The MMO: Please provide your position on the applicants' statements in paragraph 10 on page 8 of the applicants' Fish and Shellfish Response to the MMO [REP4-098] and [paragraph 39 page 26 of the Heat Mapping Report: Atlantic Herring and Sandeel [AS-105]. Please state whether you are in agreement or not with these statements and what impact the export cable construction and installation could have on drifting, developing herring larvae?</p>
FSE.2.11	The applicants	<p>Export cable proposed through the Flamborough Head herring spawning ground</p> <p>Respond in detail to NE's response to action point 57 from ISH5 [REP4-126] which states, 'Natural England do not consider that the worst-case scenario of permanent impacts to spawning grounds from infrastructure being left in situ has been assessed, however we also advise that consideration of permanent impacts should be a last resort following exhaustive application of the mitigation hierarchy. At present, we consider that mitigation options remain available to the Applicant to avoid or reduce their impacts. Natural England maintains the advice provided in our Relevant Representations [RR-039] that in the first instance, the Applicant should commit to not installing cable protection within areas of high - very high potential spawning habitat for sandeel and herring to avoid impacts. If this is not possible, a commitment should be made to only a certain proportion of the full volume being allowed in these areas to reduce impacts. It should be demonstrated through the Cable Burial Risk Assessment why the volumes applied for are needed and cannot be refined down further. Should cable protection be utilised in these areas, a commitment should be made to remove all on and above seabed infrastructure at the time of decommissioning to prevent permanent impacts to spawning areas. We advise these commitments should be secured in the DCO'.</p>

ExQ2	Question to:	Question
FSE.2.12	The applicants The MMO NE	<p>Potential effects on sandeel and herring populations</p> <p>The ExA would welcome a <u>brief, high level</u> summary of the MMO's, NE's and the applicants' latest positions on the following issues including positions on whether proposed mitigation from the applicants is adequate. Cross references to other documentation submitted into the examination which give the detail would also be helpful:</p> <ul style="list-style-type: none"> a) Potential impacts on fish from underwater noise from piling in the array areas for: <ul style="list-style-type: none"> i) Herring ii) Sandeel b) Potential impacts on fish from construction activity along the export cable corridor through the Flamborough Head spawning ground for: <ul style="list-style-type: none"> i) Herring ii) Sandeel c) Potential impacts on fish from underwater noise from UXO clearance in the array areas and along the export cable corridor through the Flamborough Head spawning ground for: <ul style="list-style-type: none"> i) Herring ii) Sandeel d) Potential effects on fish spawning areas from benthic ecological halo effects associated with above ground structures including cable protection installed on the sea bed for: <ul style="list-style-type: none"> i) Herring ii) Sandeel e) Potential effects on fish spawning areas from EMF effects and the localised heating of sediment within the array areas and along the export cable corridor for: <ul style="list-style-type: none"> i) Herring ii) Sandeel f) Potential cumulative effects from the proposed development in combination with other planned projects on: <ul style="list-style-type: none"> i) Herring ii) Sandeel g) Potential long term or permanent effects if cable protection was not removed from the export cable corridor post decommissioning within areas of high - very high potential spawning habitat for: <ul style="list-style-type: none"> i) Herring ii) Sandeel <p>If there are other potential impacts on fish that remain a concern, please list them and provide a brief outline of your latest position.</p>

ExQ2	Question to:	Question
FSE.2.13	The applicants	<p>Intra-project cumulative assessment</p> <p>For intra-project cumulative effects, whilst noting the content of Table 10-30 of ES Chapter 10 [APP-091] (interactions between construction impacts), can you signpost the cumulative assessment of temporary habitat loss and disturbance of fish and shellfish species and their spawning or nursery grounds with the connected impacts on adjacent and wider parts of the receptors associated with sediment suspension and settlement?</p>
FSE.2.14	The MMO	<p>Seasonal restrictions for piling in the array areas in relation to potential impacts on herring and sandeel</p> <p>NE has maintained its advice at DL4 that as the behavioural threshold of 135dB SELss (decibel sound exposure level single strike) overlaps a significant area of the high and very high spawning habitat potential sites when piling in the array areas a seasonal restriction on piling may be required and defers to the Centre for Environment, Fisheries and Aquaculture Science (Cefas) for advice on timing on any such restriction. The MMO's DL4 submission states on page 15 that it agrees with NE's conclusions and agrees that a seasonal restriction is needed to reduce population impacts on the Banks Herring population.</p> <ol style="list-style-type: none"> What is Cefas's advice on the timing of a potential seasonal restriction for piling in the array areas to reduce the potential impacts on herring and sandeel? Please update the examination on the latest discussions with the applicants regarding any seasonal piling restrictions if discussions have taken place since ISH5 and DL4 submissions. During ISH5 the ExA suggested [EV10-006] the applicants and the MMO discuss the herring piling restriction in condition 26 of the Rampion 2 made Order to see whether a similar condition could be used for the DMLs for the proposed development as a way to resolve this issue. Have discussions taken place? Are there any further data you require from the applicants in order to move forward this issue? If so, please specify.
FSE.2.15	The applicants	<p>Seasonal restrictions for piling in relation to potential impacts on herring and sandeel</p> <ol style="list-style-type: none"> Please update the examination on the latest discussions with the MMO, Cefas and NE regarding any seasonal piling restriction if discussions have taken place since ISH5 and DL4 submissions. During ISH5 the ExA suggested [EV10-006] you discuss the herring piling restriction in condition 26 of the Rampion 2 made Order with the MMO to see whether a similar condition could be used for the DMLs for the proposed development as a way to resolve this issue. Have discussions taken place? If so, please provide details of the discussions. If a seasonal restriction was deemed appropriate, please explain whether there would be an impact on the timescales for construction of the proposed development and the commercial or

ExQ2	Question to:	Question
		technical viability of the construction and operation of the proposed development. Justify your response and quantify as far as possible.
FSE.2.16	The applicants	RIAA Part 2 - Annex II migratory fish The RIAA Part 2 [REP4-014] describes in Table 7-2 that 'Use of Low-yield methods will be utilised for the detonation of UXO where viable', as an embedded mitigation measure relating to Annex II migratory fish. Can you confirm whether the conclusions of no AEoI for Annex II migratory fish presented in the RIAA Part 2 [REP4-014] rely on this measure? The ExA notes that the oMMMP [REP4-054] states low-order clearance is the default option for UXO clearance, but that some high-order detonation may need to be undertaken.
Geology and ground conditions		
GGC.2.1	ERYC	Mineral resource safeguarding The applicants' updated position is that mineral resources would not be extracted prior to construction and cable ducts are likely to be left in situ post decommissioning, resulting in a likely sterilisation until at least the end of the operational phase [REP4-096, AP51] . This is reported as a moderate adverse effect. Do you have any comments to make in relation to the updated position, the effects to mineral resources and the proposed mitigation?
GGC.2.2	The applicants	Environment Improvement Plan 2023 Would the proposed development hinder the delivery of the aims, goals, measures and targets of the Environment Improvement Plan 2023 [NPS EN1 paragraph 5.4.39]. This should focus on the specific issues covered within ES Chapters 19 and 21 [APP-158] and [REP2-022] .
GGC.2.3	The applicants	General query Concerns have been raised in relation to contractor adherence to the code of construction practice and soil management plan, and the ability of an agricultural liaison officer to effectively address issues during construction of a similar renewable energy infrastructure project [REP4-107] . How could these concerns be addressed to avoid similar issues with the proposed development?
Good design		
GD.2.1	The applicants	Converter stations zone site selection and alternatives Whilst noting your response to ExQ1 GD.1.14 [REP3-027] , the ExA is still unclear why Zone 4 remained in the site selection process and why other Zones were removed, given the constraints identified in your response. For example, ES Chapter 4 tables 4-11 and 4-12 [AS-017] appear to identify similar or fewer constraints for Zones 2, 7 and 8 compared to those identified for Zone 4. The ExA also notes that ES Chapter 4 paragraph 84 identifies similar constraints to those at Zone 4. Moreover, the wording of your response to ExQ1 GD.1.14 suggests that there were other constraints

ExQ2	Question to:	Question
		not listed in the response, in addition to those set out. Provide further justification and explanation of the site selection and alternatives considered, with reference to the points noted above.
GD.2.2	ERYC	Design review process Review the applicants' response to action point 24 [REP4-096] setting out their proposed approach to the detailed design review process for the converter stations and confirm if you agree with the proposed amendments. If you do not, set out what changes you seek to the design review process and why.
GD.2.3	The applicants ERYC	Design review process The ExA notes both the applicants' and ERYC's positions that the Design and Access Statement [REP2-027] should refer to a maximum 56 day or 28 day period for provision of comments on any outputs of any Design Panel review respectively. Consider whether a 42-day consultation period would allow sufficient time for ERYC to respond, whilst ensuring a timely response. If you do not agree, set out why this timeframe would not be suitable. If you do consider this to be a suitable consultation period, liaise with each other to seek agreement on this matter and update the Design and Access Statement accordingly.
Historic environment (onshore)		
HE.2.1	The applicants	Draft SoCG with Historic England Draft SoCG [REP4-061] ID.1 suggests that there has been a lack of engagement between you and Historic England on matters which Historic England has raised concerns over. Are you therefore able to demonstrate that you have attempted to reduce the effects from the proposed development to a minimum, given these comments from Historic England?
HE.2.2	The applicants	Draft SoCG with Historic England Draft SoCG [REP4-061] ID.7 states that regarding the appropriate consideration of relevant plans and policies, Historic England considers that paragraphs of NPS-EN1 dealing with public benefit have not been given due weight by the applicants. The position status is however marked as agreed, which does not appear to be the case. Review the draft SoCG and update it accordingly.
HE.2.3	Humber Archaeology Partnership	Draft SoCG with Humber Archaeology Partnership The draft SoCG between you and the applicants submitted at DL4 [REP4-076] suggests that all matters regarding onshore archaeology which you have been consulted on are agreed. Can you confirm that this is the case? If not, what matters do you consider are still outstanding and how would you suggest that they are resolved?
HE.2.4	The applicants	NPS EN-1 NPS EN-1 paragraph 5.9.12 states that the applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately

ExQ2	Question to:	Question
		understood from the application and supporting documents. Historic England stated [REP3-043] that it does not know what the initial light level would be from the converter stations and therefore cannot judge the degree of harm it would cause to the scheduled ant-aircraft gunsite. At present, the ExA therefore does not consider that the requirements of NPS EN-1 paragraph 5.9.12 have been fulfilled. The ExA requests that a nighttime visualisation showing the potential effects from the converter stations on the gunsite, on a worst-case scenario basis is provided.
HE.2.5	Humber Archaeology Partnership ERYC Historic England	Archaeology Do you have any comments regarding the Phase 2 Archaeological Evaluation Trenching Report [REP4-089] and [REP4-090] submitted at DL4?
HE.2.6	The applicants Humber Archaeology Partnership ERYC	Archaeology The Phase 2 Archaeological Evaluation Trenching Report [REP4-089] makes specific recommendations regarding archaeological mitigation measures in Section 10. Should these be incorporated into the outline Onshore Written Scheme of Investigation [REP4-048] ? If not, why not?
HE.2.7	The applicants Humber Archaeology Partnership	Hydrological effects on items of archaeological importance The applicants: ES Chapter 22: Onshore archaeology and cultural heritage [AS-092] acknowledges that the proposed development could affect below ground deposits of archaeological and geoarchaeological interest over a wider area than that of the footprint of the proposed development, through hydrological changes that may cause desiccation and drying out of wetland deposits and associated preserved waterlogged archaeological or geoarchaeological remains. How would the draft DCO [REP4-005] or the supporting documents mitigate any effects from changes to hydrology on items of archaeological importance, including any items outside the order limits, such as any within Burton Bushes SSSI, noting that the outline Onshore Written Scheme of Investigation [REP4-048] does not refer to mitigating effects from hydrological changes? Could the hydrogeological risk assessments identified as an embedded mitigation measures in ES Chapters 19 and 20 [APP-158] , table 19-3 and [REP1-014] , table 20-3] be updated to include effects on groundwater flows and works near Burton Bushes SSSI? This is currently only for accidental spills and leaks of contaminants mitigation and not groundwater flows. Humber Archaeology Partnership: Do you consider that the draft DCO and supporting documents adequately protect items of archaeological importance inside and outside of the order limits from effects from changes to hydrology as a result of the proposed development? Why, or why not?

ExQ2	Question to:	Question
HE.2.8	Historic England	Anti-aircraft gunsite at Butt Farm Provide comments on the applicants' responses to your comments in response to ExQ1 HE.1.16 and HE.1.21 [REP4-087] .
HE.2.9	The applicants	Anti-aircraft gunsite at Butt Farm Provide a plan or drawing showing the WWII defensive 'box' around Hull and the Humber and how the anti-aircraft gunsite at Butt Farm fitted within this, which identifies elements of the WWII defence network which Historic England refer to in response to ExQ1 HE.1.21 [REP3-043] , with clarification if they survive to this day.
HE.2.10	Historic England The applicants	Effects on the significance of the anti-aircraft gunsite at Butt Farm Historic England: The ExA notes your response to action point 31 from ISH4 [REP4-109] . However, confirm if you consider whether an <u>effect</u> on the significance of a heritage asset is the same or different to a <u>loss</u> (including any partial loss) of the significance of a heritage asset. Provide this answer with reference to your comments regarding the effects of the proposed development on the setting of the anti-aircraft gunsite at Butt Farm. The applicants: Provide a view on the question whether an effect on the significance of a heritage asset is the same or different to the loss (including any partial loss) of the significance of a heritage asset.
HE.2.11	The applicants	Effects on the significance of the anti-aircraft gunsite at Butt Farm Further to your response to ISH4 action points 27 and 28 [REP4-096] , how long on a worst-case scenario basis do you consider that less than substantial harm to the setting of the scheduled anti-aircraft gunsite at Butt Farm would endure during operation of the proposed development? Moreover, how long on a worst-case scenario basis do you consider that there would be an adverse and significant effect on the setting of the scheduled monument during operation of the proposed development? The ExA notes that you consider it difficult to be able to quantify this, therefore on a worst-case scenario basis allowing for the landscaping to mature, should the duration of harm be considered as 10 years?
HE.2.12	The applicants Historic England ERYC	Effects on the setting of the anti-aircraft gunsite at Butt Farm With reference to updated figure 23-15a4 Cultural Heritage Viewpoint 2: Anti Aircraft Battery at Butt Farm [REP4-039] showing part of the proposed access road to the converter stations, given the proximity of the access road to the scheduled monument, is the access road and the proposed landscaping either side of it likely to create a sense of enclosure around the gunsite? If so, what effect would this have on the setting of the heritage asset?

ExQ2	Question to:	Question
HE.2.13	The applicants	<p>Enhancements of the anti-aircraft gunsite at Butt Farm</p> <p>To what extent have you involved the owners and tenants of Butt Farm in the development of the proposed enhancement measures to the scheduled monument? If you have not, why not, given that their permission would be required to facilitate some of the proposed enhancements? If agreement with the owners or tenants has been established, provide evidence to support this. If agreement from the tenants and owners of Butt Farm for the proposed enhancements of the scheduled monument cannot be obtained during the course of the examination, what weight could the ExA and SoS offer these benefits?</p>
HE.2.14	Historic England	<p>Detailed design of the converter stations</p> <p>The ExA notes your DL3 response [REP3-043] and request to be consulted by ERYC on the detailed design plans which would be submitted to the Local Planning Authority to discharge requirement 9 of the draft DCO, if development consent was granted for the proposed development. The applicants have however proposed that Historic England be consulted during an earlier stage of the design review process (see [REP4-096] action point 24 page 27). Provide a view on this suggestion.</p>
HE.2.15	Historic England	<p>Public outreach/ community engagement strategy</p> <p>Provide a view of the public outreach/ community engagement strategy in appendix 3 of the outline Onshore Written Scheme of Investigation [REP4-048]. In your view, should any amendments be made to these, and if so what and why?</p> <p>What weight should be offered to the proposed enhancements as ‘public benefits’ given their outline nature, notably regarding the anti-aircraft gunsite nearby to Butt Farm?</p>
HE.2.16	The applicants	<p>Decommissioning</p> <p>The ExA has been presented with the following information:</p> <ul style="list-style-type: none"> ES Chapter 22 [AS-092] table 22-15 states that decommissioning impacts would be <u>similar in nature</u> to those of construction. Paragraph 327 suggests that the worst-case scenario outlined for the construction phase in relation to temporary changes to the setting of heritage assets is <u>unlikely to be exceeded</u> due to decommissioning activities. ES Chapter 22 [AS-092] paragraph 326 suggests that the direct physical effects from decommissioning could be <u>worse than construction</u> and that “the worst-case scenario regarding decommissioning <u>cannot be ascertained</u> until the Decommissioning Plan is finalised”. Your written summary of oral submissions made at ISH4 [REP4-086] states that the effects during decommissioning would be <u>significantly lower than construction</u>. <p>The ExA remains unclear on the potential effects during decommissioning given this conflicting information presented in the ES and during the hearings. Potential effects should be presented</p>

ExQ2	Question to:	Question
		consistently and be properly evidenced. Provide a clearer explanation of the potential effects from decommissioning on onshore heritage assets and update the ES if this is necessary.
Hydrology and flooding		
HF.2.1	The applicants	Existing land levels Your response to ISH4 action points [REP4-096, AP5] explains the updated oCoCP [REP4-040, section 6.3.2] states “structures including temporary haul roads and Temporary Construction Compounds (TCCs) in Flood Zone 3 are not raised on average above existing ground levels so not to alter surface water flow paths (excluding the stock piling of topsoil and subsoil)”. Can you explain what is meant by ‘on average’ and how the effects of locations where land is raised have been assessed?
HF.2.2	The applicants	Existing land levels Appendix 20-1 - Flood Risk and Hydrology Consultation Responses [APP-165] states, ‘where temporary access roads and compounds are required during construction, existing ground levels will be used so as not to alter surface water flow paths’. Can you signpost where this is secured or if it isn’t, where the effects of altering land levels on surface water flow paths have been assessed?
HF.2.3	The applicants	Watercourse crossing assessment methodology Your response to ISH4 action points [REP4-096, AP10] sets out several changes to the assessment methodology, the assessed magnitude of impact and significance of effect related to temporary and haul road watercourse crossings in ES Chapter 20 [REP1-014]. Given the implication of these changes, the ExA requests the referenced updated ES Chapter 20 is submitted for DL5, not DL7, to provide IPs with sufficient opportunity to review and provide comments.
HF.2.4	The EA and Lead Local Flood Authority (LLFA)	Discharge rates What is your position on the proposed increased runoff rates from the proposed development for the 1 in 1 and 1 in 2 year storm events and any effect on local hydrology and flood risk downstream [REP4-096, AP12].
HF.2.5	The applicants	Pre- and post-construction land drainage Your response to ISH4 action points [REP4-096, AP43] explains that land drainage would be put in place prior to construction to intercept existing agricultural drains and to keep the working areas dry. Can you confirm: <ul style="list-style-type: none"> a) if the definition of ‘pre-commencement works’ in the draft DCO [REP4-005, Article 2] includes for this or should it be updated? b) if the proposed land drainage work is included within the definition of pre-commencement works, would the commitments in the Outline Drainage Strategy [REP2-033] and Outline Code of Construction Practice (oCoCP) [REP4-040] apply?

ExQ2	Question to:	Question
		c) If the answer to b. is no, how can these commitments be appropriately secured for the pre-commencement works?
HF.2.6	The applicants	Creation of hardstanding during pre-commencement works The creation of temporary hardstanding is included in the definition of 'pre-commencement works' [REP4-005]. As this would likely alter the local hydrology and associated risk of flooding, should surface water drainage also be constructed and a design approved by the LPA and relevant drainage authority prior to pre-commencement works? If so, make amendments to the application documents as necessary. If not, explain how the ExA can be certain such works would not lead to adverse effects.
Habitat Regulations Assessment (HRA) General		
HRA.2.1	The applicants NE	Hornsea 4 announcement The ExA is aware of the announcement Hornsea 4 has made to discontinue the Hornsea 4 offshore wind project in its current form and not deliver Hornsea 4 under the Contracts for Difference awarded in AR6 and instead seek to develop the project later. Do you consider there to be any implications from this announcement to the in-combination assessments for birds, marine mammals, fish and shellfish and any other relevant offshore and onshore HRA aspect, bearing in mind the DCO is still in place for the Hornsea 4 development, granted on 12 July 2023 and is valid for seven years?
HRA.2.2	The Joint Nature Conservation Committee (JNCC)	Scottish sites It is noted that whilst NE is authorised to exercise the JNCC's functions as a statutory consultee in respect of applications for offshore renewable energy installations in offshore waters (0-200nm) adjacent to England, this authorisation does not extend to sites in Wales, Scotland and Northern Ireland. UK National Site Network sites in Scotland for which JNCC has joint or sole responsibility have been identified in the application documents for the proposed development, specifically the Moray Firth SAC. Could you submit your position on the applicants' conclusions in the RIAA [APP-047] for the Moray Firth SAC?
HRA.2.3	NatureScot	Scottish sites Could you confirm whether you are in agreement with the applicants' conclusions presented in the Screening Assessment [APP-049] and RIAA [REP4-016] for ornithological receptors and RIAA [APP-047] for marine mammal receptors, for the relevant Scottish sites?
HRA.2.4	The applicants	HRA screening Your response to ExQ1 HRA 1.2 [REP3-027], refers to the in-combination assessments presented for sites screened in for assessment in the RIAA. The ExA's question [HRA 1.2, PD-014] was in relation to sites screened out at the screening stage. Specifically, sites designated for terrestrial ecology and marine ornithology features for which a likely significant effect (LSE) was excluded from the project alone and you did not go on to consider in-combination effects at screening stage (eg Hornsea Mere

ExQ2	Question to:	Question
		Special Protection Area (SPA)). Therefore, for all sites for which a LSE has been excluded from the project alone, can you provide a robust rationale for the conclusion of no LSE from the project in-combination with other plans or projects?
HRA.2.5	NE	Designated nature conservation sites with features for which outstanding concerns remain The ExA thanks NE for submitting Table 5-1 in Annex 2 of NE's DL3 cover letter [REP3-059] at DL3 in response to ExQ1 HRA.1.7 [PD-014] . The ExA requests an update to this table at DL5 to confirm whether there are any changes to your position on any designated site listed in this table. The ExA requests that this table also separates out whether concerns relate to the project alone, in-combination or both.
HRA.2.6	NE	Indirect effects from impacts on forage fish prey species a) Regarding marine ornithology, can you confirm whether your concerns regarding indirect effects from impacts on forage fish species [REP4-129] , NE12, G66] relate only to qualifying features of Flamborough and Filey Coast (FFC) SPA? If this concern also relates to other marine ornithology sites and features, please can you specify which? b) If on review of 'Effects on Prey Species Technical Note', to aid resolution of this issue [REP4-093] , and you consider that your concerns regarding indirect effects on forage fish prey species are not resolved for offshore ornithological and/ or marine mammal features, please could you provide specific advice as to how the applicants could expand their assessments to address this point?
HRA.2.7	The applicants	Flamborough Head SAC, the Humber Estuary SAC and the Holderness Inshore Marine Conservation Zone (MCZ) In the circumstance that NE cannot rule out AEoI to the Flamborough Head SAC, the Humber Estuary SAC and effects to the Holderness Inshore MCZ in relation to Annex I habitats from effects from siltation from the cable construction, or the Humber Estuary SAC and in relation to Annex II migratory fish from UXO clearance from cable construction, and the Secretary of State agrees with these positions, could you explain what alternative cable routes have been considered to avoid these effects in the first instance?
Infrastructure and other users		
IOU.2.1	The applicants	Oil and gas blocks In your response to ExQ1 IOU.1.14 [REP3-027] , you confirmed that 13 new oil and gas blocks were awarded in the 33 rd Licensing Round which wholly or partly overlap the offshore development area. Have you contacted the developers of these additional 13 oil and gas blocks to begin discussions on potential crossing and proximity agreements which would be necessary? If not, why not, or if so, what progress has been made?

ExQ2	Question to:	Question
IOU.2.2	The applicants	<p>Crossing methodologies</p> <p>IPs raised concerns regarding a lack of detail on how crossings and interactions with other existing infrastructure would be executed and managed (eg [RR-004, REP1-082]). Can you provide more information on potential options for construction methods for crossing existing offshore infrastructure and how construction and other impacts would be minimised and mitigated? For example, how have you dealt with these matters when constructing other offshore wind farms?</p>
IOU.2.3	The applicants Ørsted Hornsea Project Three (UK) Limited and Ørsted Hornsea Project Four Limited (Ørsted IPs) Dogger Bank Offshore Wind Farm Project 1 Projco Limited, Dogger Bank Offshore Wind Farm Project 2 Projco Limited, and Dogger Bank Offshore Wind Farm Project 3 Projco Limited (Projco IPs)	<p>2025 revisions to the energy NPSs – wake loss</p> <p>Provide your view on the following proposed changes to the energy NPSs, with regards to the implications on wake loss for the assessment of this application:</p> <ul style="list-style-type: none"> • The inclusion of the government's Clean Power 2030 Action Plan. • The recommendation that at the design stages for proposed offshore wind farms, an assessment of inter-array wake effects should be undertaken to inform and support the consideration of potential mitigations. • The requirement that developers should make reasonable efforts to demonstrate that they have considered how to manage the impact of wake effects on other occupiers and set out non-exhaustive examples of what this could include, such as how the project configuration has been evolved during the design process to reduce the impact or avoid the most impactful configurations, or manage the planned layout of an offshore wind turbine array to select layouts with reduced long-distance wake impact on other occupiers. • The addition of paragraphs 2.8.176, 2.8.232, 2.8.233 and 2.8.316 to draft NPS EN-3. <p>(You may wish to cross reference the answer to this question with BGC.2.6.)</p>
IOU.2.4	The applicants Ørsted IPs Projco IPs	<p>2025 revision to NPS EN-3 – wake loss</p> <p>How do you interpret the word 'nearby' in draft NPS EN-3 paragraph 2.8.176 regarding the need to assess inter-array wake effects between proposed offshore wind farms and 'nearby' offshore wind generating stations? How would you apply this to the proposed development, and which planned, consented or operational offshore wind farms do you consider would be 'nearby' to the proposed development?</p>

ExQ2	Question to:	Question
IOU.2.5	The applicants Ørsted IPs Projco IPs	2025 revision to NPS EN-3 – wake loss Do the proposed changes to NPS EN-3 give direction on which party holds responsibility for carrying out a wake loss assessment? If so, what implication does this have for this examination?
IOU.2.6	The applicants	2025 revision to NPS EN-3 – wake loss Draft NPS EN-3 paragraph 2.8.176 specially considers wake loss and states, ‘As with any new development, applicants should consider the impact of their proposal on other activities and make reasonable endeavours to address these.’ Paragraph 2.8.232 of draft NPS EN-3 states, ‘applicants should demonstrate that they have taken all reasonable steps to minimise as far as possible the impact of wake effects on other offshore industries.’ With reference to the current version of NPS EN-3, do these proposed changes clarify the government’s position regarding whether other offshore wind farms should be considered as ‘other offshore infrastructure and activities’ and thus whether paragraphs 2.8.192 – 2.8.203 apply to other offshore windfarms, and any associated wake loss effect? If not, why not? If so, demonstrate how you have complied in full with these policies, notably paragraphs 2.8.196, 2.8.197, 2.8.200, 2.8.201 and 2.8.203.
IOU.2.7	The applicants	2025 revision to NPS EN-3 – wake loss The ExA notes your position [REP2-058 , REP3-028 , REP4-086] that the Round 4 licensing round buffer of 7.5 kilometres (km) is a fundamental point in consideration of the effects from wake loss. The ExA notes that in updated draft NPS EN-3, there is no reference to the Round 4 buffer zone in relation to the consideration of whether another offshore wind farm should be considered as nearby or not. To what extent does this impact your position on what should be considered as ‘close’ in reference to NPS EN-3 paragraph 2.8.197?
IOU.2.8	The applicants	Wake loss If the ExA or Secretary of State (SoS) determined that wake loss does fall within the remit of NPS EN-3, to what extent could you demonstrate that you had complied with the mitigation hierarchy regarding this matter in reference to paragraphs 2.8.213 and 2.8.214, other than adhering to the Round 4 licensing round buffer of 7.5km?
IOU.2.9	Ørsted IPs	NPS EN-3 paragraph 2.8.197 In your DL4 response [REP4-121], in the context of NPS EN-3 paragraph 2.8.197, you state that ‘close’ is not solely defined by physical distance, but also by the effects a development would have on other sea users. The wording of paragraph 2.8.197 states, ‘Where a potential offshore wind farm is proposed close to existing operational offshore infrastructure, or has the potential to affect activities for which a licence has been issued by government, the applicant should undertake an assessment of the potential effects of the proposed development on such existing or permitted infrastructure or activities.’ If offshore wind farms fall within the definition of ‘operational offshore infrastructure’, does this wording

ExQ2	Question to:	Question
		suggest that the proximity of the existing operational offshore infrastructure should be determined in the first instance (ie whether it is 'close'), in order to then determine whether an assessment of potential effects of the proposed development should be undertaken? If not, why not? If so, which existing offshore windfarms in the Ørsted portfolio do you consider should be assessed for wake loss effects from the proposed development and why?
IOU.2.10	The applicants	<p>Projco IPs DL4 submission on wake loss</p> <p>Provide a detailed response to the information provided by the Projco IPs [REP4-117] on wake loss effects to Dogger Bank A, B and C as a result of the proposed development. Ensure that you consider the following points:</p> <ul style="list-style-type: none"> • Why do you consider that there is a difference of 2.1% between your stated 'worst-case scenario' wake loss effect on Dogger Bank A [REP4-099] and the Projco IPs suggested effect? • Do you consider the presented potential wake loss effects for Dogger Bank B and Dogger Bank C to be reliable and realistic – why/ why not? • Do you consider the Projco IPs suggested annual impact of wake loss from the proposed development of £20 million and £582 million for the total period of concurrent operations, using the Projcos IPs' Contract for Difference Strike Prices in 2025 to be reasonable and reliable – why/ why not? • To what extent do you agree with the Projcos IPs' consideration of the potential significance of effects from wake loss on Dogger Bank A, B and C? • To what extent do you agree with the Projco IPs' points on protective provisions and ability to secure financial compensation. <p>Liaise directly with the Projco IPs to obtain additional information you may need to answer the above points.</p>
IOU.2.11	The applicants Ørsted IPs	<p>Deadline (DL)4 submission on wake loss</p> <p>The Projco IPs state in their DL4 comments regarding wake loss [REP4-117] that 'There has not been a project which has had such a significant effect in terms of wake losses on other nationally significant infrastructure projects which will deliver the same benefits, outside of an extension project where both projects are ordinarily controlled by the same underlying entity.' To what extent do you agree with these comments and why?</p>
IOU.2.12	Projco IPs	<p>DL4 submission on wake loss</p> <p>Provide the wake loss assessment which was carried out for Dogger Bank A, B and C in a report format which sets out the inputs and assumptions, method, results and conclusions of the wake loss assessment.</p>

ExQ2	Question to:	Question
IOU.2.13	Projco IPs	<p>DL4 submission on wake loss</p> <p>In paragraph 12 of your submission on wake loss [REP4-117], you suggest that an indicative estimate of the annual impact of wake loss from the proposed development could be £20 million and £582 million for the total period of concurrent operations. Clarify the following points:</p> <ul style="list-style-type: none"> • Provide a detailed explanation of how these figures were calculated. • Provide more information on Contract for Difference Strike Prices and how much do they fluctuate annually. • To what extent would such losses impact the viability of the respective offshore windfarms – evidence your answer.
IOU.2.14	Ørsted IPs	<p>Generating capacity</p> <p>The ExA notes your DL4 response [REP4-121] and comments regarding generating capacity. However, the ExA requests that generating capacity is provided for the offshore wind farms to understand the likely effects from wake loss and for reporting purposes.</p>
IOU.2.15	Ørsted IPs Projco IPs	<p>Wake effects - response to ISH3 action points and greenhouse gas sensitivity analysis of wake effects</p> <p>Provide a view on the applicants' wake effects - response to ISH3 action points [REP4-099] and greenhouse gas sensitivity analysis of wake effects [REP4-095]. To what extent do you agree or disagree with the assessments and their findings, and why?</p>
IOU.2.16	Ørsted IPs Projco IPs	<p>Wake effects - response to ISH3 action points</p> <p>To what extent do you agree with the stated background level of environmental fluctuation in energy yield from variations in weather of 5.4% referred to in Table 2 [REP4-099], and the applicants' statement that effects from wake loss would fall within the natural variability of the weather and therefore, the impacts from wake loss would be "lost in the noise" of the natural variation of the wind?</p>
IOU.2.17	The applicants	<p>Greenhouse gas sensitivity analysis of wake effects</p> <p>Provide answers to the following queries regarding the submitted greenhouse gas sensitivity analysis of wake effects [REP4-095]:</p> <ul style="list-style-type: none"> • Provide the sensitivity test for the isolation development scenario as well as the sequential scenario. • Why is the sequential scenario determined as the worst-case scenario between the concurrent and sequential scenario? • Given draft NPS EN-3 paragraph 2.8.176 refers to the need to carry out an assessment of inter-array wake effects between the proposed development and nearby generating stations that are <u>planned</u>, consented or operational, should the sensitivity assessment have included

ExQ2	Question to:	Question
		<p>net effects from wake loss on Dogger Bank D and Outer Dowsing? If not why not? If so, update the assessment accordingly.</p> <ul style="list-style-type: none"> Paragraph 16 states, 'These projects were selected as they are either in operation, under construction or have been consented, and sit either partially or wholly within 100 km of the Projects.' Why is a 100km zone of influence adopted by the sensitivity assessment, what is this based on? Why were the potential wake effect scenarios of 0.5%, 1.0% and 2.0% modelled for the sensitivity test, and what are these based on? Should a higher scenario of 4.1% be modelled for completeness based on the wake loss assessment from the Projco IPs [REP4-117]? Paragraph 18 states that the 2.0% wake effect scenario at each offshore wind farm is highly conservative based on the distance and direction of a number of the offshore wind farms within its scope. How can you be sure that this is the case, given the evidence presented from the Projco IPs [REP4-117] that wake loss effects on Dogger Bank A could result in a 4.1% loss of annual energy production? You also refer to a review of other recent wake loss assessments completed for offshore wind farms during examinations. Were these comparable to proposed array area in terms of geographical relationships, climatology, wind farm configuration and wind turbine characteristics? If not, why are these suitable comparisons?
IOU.2.18	The applicants	<p>Wake effects - response to ISH3 action points</p> <p>Provide answers to the following queries regarding the submitted wake effects - response to ISH3 action points [REP4-099]:</p> <ul style="list-style-type: none"> Paragraph 7 states that the capacity factor for the proposed development is confidential. Why is this the case? How can the ExA and SoS be confident that an appropriate capacity factor has been applied to the proposed development and assessments in the 'wake loss - response to ISH3 action points' and greenhouse gas sensitivity analysis of wake effects, if this information is not provided? Given draft NPS EN-3 paragraph 2.8.176 refers to the need to carry out an assessment of inter-array wake effects between the proposed development and nearby generating stations that are <u>planned</u>, consented or operational, should the sensitivity assessment have included net effects from wake loss on Dogger Bank D and Outer Dowsing. If not why not? If so, update the assessment accordingly. Paragraph 14 of the document states that the worst-case scenario for wake impacts has been considered in the assessment – explain how this was determined. Paragraph 12 suggests that all offshore wind farms partially or wholly within 100km of the proposed array areas that have been consented were included in the simulation. Why are only

ExQ2	Question to:	Question
		the wake effects on Dogger Bank A reported? Provide the likely wake effects from the proposed development on all of the offshore wind farms considered in the assessment.
IOU.2.19	Ørsted IPs	Wake loss assessment The ExA notes your DL4 response [REP4-121] and position that the applicants should be required to submit a wake loss assessment to demonstrate the likely effects from wake loss on the Ørsted portfolio of offshore wind farms. However, the ExA remains unclear whether you intend to submit a wake loss assessment on the likely effects on the Ørsted portfolio of offshore wind farms if the applicants do not – confirm if you intend to do so. The ExA highlights that it will only be able to report on the information it has available to it at the close of the examination to the SoS.
IOU.2.20	The applicants	Wake loss and protective provisions Provide further information on why you consider that protective provisions, ‘cannot be compared to protective provisions in place for statutory undertakers where there may be a physical impact on their infrastructure’ [REP4-086] .
IOU.2.21	Projcos IPs	Wake loss approach to requirements and protective provisions Paragraph 36 of your DL4 submission [REP4-117] reviews the potential of any requirement (and in turn protective provision) to deal with the effects from wake loss resulting from the proposed development against ‘the 6 tests’. The ExA notes your comments on enforceability and reasonableness, however, given the difference in position between you and the applicants, do you think that it is likely that you would be able to find agreement in discharging a requirement following grant of a DCO (if approved)? If not, is any requirement of this nature reasonable and enforceable?
IOU.2.22	Projco IPs Ørsted IPs The applicants	Wake loss – protective provisions Projco IPs, Ørsted IPs: submit a copy of draft protective provisions for consideration regarding the matter of wake loss. The applicants: submit a copy of draft protective provisions for consideration regarding the matter of wake loss on a without prejudice basis.
IOU.2.23	The applicants Ørsted IPs	Wake loss – arbitration If the ExA or SoS determined that a requirement or protective provisions to address wake loss effects was necessary, to what extent do you think that arbitration would be useful or necessary in protecting the interests of all parties involved?
Landscape and visual interest		
LVI.2.1	ERYC	Trees and hedgerows Do you have any outstanding concerns regarding tree or hedgerow removals, or proposed mitigation measures relating to retained trees and hedgerows? The ExA notes that you previously raised

ExQ2	Question to:	Question
		concerns [REP1-055] regarding the loss of T246 sycamore tree as a result of Works No. 16A/ B – do you still remain concerned regarding this tree?
LVI.2.2	The applicants Woodland Trust Forestry Commission	<p>Hydrological effects on ancient woodland</p> <p>The applicants: How would the draft DCO [REP4-005] or the supporting documents mitigate any effects from changes to hydrology on ancient woodland inside and outside the order limits, such as ancient woodland in Burton Bushes SSSI? Could the hydrogeological risk assessments in the embedded mitigation measures in ES Chapters 19 and 20 [APP-158], table 19-3 and [REP1-014], table 20-3] be updated to include effects on groundwater flows and works near Burton Bushes SSSI? This is currently only for accidental spills and leaks of contaminants mitigation and not groundwater flows.</p> <p>Woodland Trust, Forestry Commission: Do you consider that the draft DCO and supporting documents adequately protect ancient woodland inside and outside the order limits from effects from changes to hydrology as a result of the proposed development? Why, or why not?</p>
LVI.2.3	ERYC Woodland Trust Forestry Commission	<p>Ancient woodland</p> <p>The applicants have updated the oEMP [REP4-042] to state that ancient woodland in the onshore converter station zone would be avoided via the use of trenchless crossing techniques such as horizontal directional drilling at a minimum depth of 5 metres, unless the applicants are able to demonstrate that a shallower depth is acceptable due to other constraints. Do you consider this wording to be acceptable and do you have any outstanding concerns regarding the protection of ancient woodland in any other regards? If so, set out what these are, and how the applicants could overcome them.</p>
LVI.2.4	The applicants ERYC	<p>Visualisations</p> <p>Whilst the ExA notes the applicants' response to ISH4 action point 10 [REP4-096], which states that owing to the distance and presence of intervening vegetation, it is unlikely that the significance of visual effects from relocating Viewpoint 6 would be significant, can you confirm whether you consider that there would be a minor adverse effect if Viewpoint 6 was relocated as discussed during ISH4?</p>
LVI.2.5	The applicants ERYC	<p>Visualisations</p> <p>At DL4, ES Chapter 23 Landscape and Visual Amenity figure 23-7e (Viewpoint 1: Butt Farm) [REP4-039] was updated to reduce the leaf cover serving the trees, to be more representative of the winter tree cover. A comparison between the version of this visualisation provided at DL2 [REP2-024] and the DL4 submission shows that the converter stations would be more prominent in the winter at year 10 of operation in the updated visualisation. Does this amendment affect the findings of the ES regarding the residual effects from Viewpoint 1 at year 10 of operation? If not, why not? If so, the applicants should update the ES accordingly.</p>

ExQ2	Question to:	Question
LVI.2.6	The applicants	<p>Visualisations</p> <p>In response to ExQ1 LVI.1.3 [REP3-037], ERYC queried the significance and purpose of the red dots that appear to be part of the switchgear, shown on figure 23-15a4 Cultural Heritage Viewpoint 2 [REP2-024]. These have now been removed from the latest version of figure 23-15a4 [REP4-039]: why is this the case? The ExA notes that the red dots are shown on figure 23-7d and should be shown on all visualisations if they would be visible from public vantage points.</p>
LVI.2.7	ERYC	<p>Mitigation</p> <p>Do you have any outstanding concerns regarding the mitigation measures in the outline Landscape Management Plan (oLMP) [REP4-044]? If so, what are these and how could the applicants address them?</p>
LVI.2.8	The applicants	<p>Mitigation</p> <p>The ExA notes your response to action point 23 from ISH4 [REP4-096] regarding the consideration of a zoning plan or other potential solutions to identify maximum heights for different equipment areas of the converter station zone, and your inability to commit to this at this stage of the design of the proposed development. However, the ExA remains concerned that the draft DCO [REP4-005] and supporting documents do not specifically require that low level elements of the converter stations are screened, given that this is the basis from which the ES conclusions are drawn from and which the visualisations have been prepared on. Can the applicants give more consideration as to how screening would be provided which would be of a sufficient height and spread to screen the low-level elements of the converter station equipment. Would a possible solution be to update the oLMP [REP4-044] to include a commitment to the delivery of such screening?</p>
LVI.2.9	The applicants	<p>Compensation</p> <p>At ISH4 you confirmed that there are no committed landscape or visual compensatory measures proposed, given the localised impacts. Whilst the ExA notes that the oLMP [REP4-044] states that opportunities would be explored to deliver offsite planting and to develop partnerships with relevant organisations, such as the Humber Forest, to deliver offsite landscaping, this cannot be considered as 'committed'. NPS EN-1 paragraph 4.2.12 states that "applicants should set out how residual impacts will be compensated for as far as possible." Why should localised significant adverse effects not be compensated, given the wording of NPS EN-1? What more formal commitments could be made to provide landscape and visual compensatory measures?</p>

ExQ2	Question to:	Question
Land use and agriculture		
LUA.2.1	The applicants	<p>Temporarily restricted access to agricultural land</p> <p>In your response to ISH4 action points [REP4-096], AP44], 71ha of land temporarily restricted for agricultural use for longer than two years is identified. Can you confirm if any of this land is identified as best and most versatile (BMV)?</p>
LUA.2.2	The applicants	<p>Commitment to return land within two years</p> <p>In your response to ISH4 action points [REP4-096], AP46], Requirement 25 and Article 29(3) of the draft DCO [REP4-005] are referred to as effective security of land being returned to landowners within two years of construction commencement. Both however, refer to the return of land no longer than 12 months post-completion of the relevant phase or part of the proposed development and would therefore authorise land being unavailable for agricultural use for up to seven years. Can the applicants review the draft DCO wording and consider how the two-year return of land identified as embedded mitigation in ES Chapter 21 [REP2-022] can be effectively secured?</p>
LUA.2.3	The applicants	<p>Restrictive covenants</p> <p>Where a landowner applies for consent contrary to the restrictive covenants in Schedule 7 of the draft DCO [REP4-005], would you consider updating the wording of the restrictive covenants to include a maximum determination period for the undertaker's decision?</p>
LUA.2.4	The applicants	<p>Loss of agricultural land assessment</p> <p>Your response to ISH4 action points [REP4-096], AP44 and AP45] sets out several changes to the assessed magnitude of impact and significance of effect related to agricultural land use in ES Chapter 21 [REP2-022]. Given the implication of these changes, the ExA requests the referenced updated ES Chapter 21 is submitted for DL5, not DL7, to provide IPs with sufficient opportunity to review and provide comments.</p>
LUA.2.5	The applicants	<p>Erection of any temporary screening and means of enclosure during pre-commencement works</p> <p>The erection of any temporary screening and means of enclosure is included within the definition of 'pre-commencement works' [REP4-005]. Could you confirm:</p> <ol style="list-style-type: none"> If this would allow for the enclosure of all the onshore works area during pre-commencement works? If access to land for agricultural use would be retained for landowners during pre-commencement works and how this would be secured? If the answer to b) is no, would the loss of agricultural land be for a period longer than that assessed in ES Chapter 21 [REP2-022]?

ExQ2	Question to:	Question
Marine archaeology		
MA.2.1	The applicants	<p>Direct Impacts on potential heritage assets - assessment of significance</p> <p>HE's response [REP3-043] to the first round of written questions [PD-014, MA.1.1] concluded, '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).'</p> <p>Whilst the conclusions on this matter in the SoCG [REP4-061] are noted, can you confirm whether you agree with the additional concerns raised by HE? Do you intend to update ES Chapter 17 [APP-133] in line with HE's suggestions by DL7? If not, why not?</p>
MA.2.2	HE	<p>Public outreach and engagement</p> <p>Do you consider the initiatives to deliver public benefits in relation to the offshore elements of the proposed development as set out in the outline Written Scheme of Investigation (oWSI) (offshore) [APP-246] and the updated oWSI (onshore) [REP4-048] to be appropriate? If not, explain any outstanding requirements.</p>
MA.2.3	HE	<p>Preservation by record</p> <p>In your DL1 submission [REP1-059], you raised concerns with the terminology 'preservation by record'. The applicants' DL2 response [REP2-057] sought to explain why the use of the terminology would be appropriate in this instance. Are you content with the explanation given? If not, explain why not.</p>
MA.2.4	HE	<p>oWSI (offshore) for artificial nesting structures (ANS)</p> <p>The SoCG [REP4-061] suggests outstanding concerns in relation to the provision of WSIs for the installation of ANS. Do you consider the applicants' proposal for separate WSIs (offshore) for the pre-construction, construction, operation and maintenance, and decommissioning phases for the proposed locations for installation of the ANS (or any other compensation measures) alongside separate deemed marine licences to be appropriate? If not, explain why not.</p>
MA.2.5	HE	<p>Underwater evaluation techniques</p> <p>Your DL1 submission [REP1-059] suggests the provision of a commitment, directed by the oWSI (offshore) to test recent or potentially even new underwater evaluation techniques. The applicants' response at DL2 [REP2-057] argues that this is already captured as part of the oWSI (offshore) [APP-246, Section 6.4]. Do you consider the information already provided to be sufficient? If not, explain any outstanding concerns.</p>

ExQ2	Question to:	Question
MA.2.6	HE	<p>Survey Coordination - Holderness Coast</p> <p>You noted in your DL1 submission [REP1-059] that the WSI should consider coordinating survey and investigation measures to address possible impacts on the remains of towns lost along the Holderness Coast due to sustained coastal erosion. The applicants provided a detailed response at DL2 [REP2-057] to address this matter. Do you agree with the applicants' response? If you do not, explain why not.</p>
Marine and coastal processes		
MCP.2.1	The applicants NE	<p>Emergency intertidal access</p> <p>NE: Can you clarify why you consider an outline Contingency Plan should be provided during examination and confirm the detailed information you would like to see included as part of the document? In addition, explain why providing the information as part of the applicants' proposed Drilling Fluid Breakout Management Plan, post consent, and as part of the oCoCP [REP4-040], would not be appropriate.</p> <p>The applicants: Why do you disagree with NE and its requirement for an outline Contingency Plan to be provided during examination?</p>
MCP.2.2	NE	<p>Sediment transport pathways</p> <p>In relation to the document 'Bed Mobility and Thermal Environment' [REP3-032], the applicants state in their Responses to DL3 Documents [REP4-088] that 'seabed morphology and mobility is characterised in section 4 of the report'. In addition, they consider that 'this is the same process as bedform crest mapping as recommended by NE, the only difference is the outputs are presented as grid instead of as lines on a map'.</p> <p>On that basis, why do you consider that no new information has been submitted? Why do you consider that the repeat bathymetry surveys to quantify seabed mobility and bedform migration speeds would not be sufficient? What is your view on the applicants' approach to bedform crest mapping and how the outputs have been presented?</p>
MCP.2.3	NE	<p>Sediment transport pathways</p> <p>In your DL4 response [REP4-122] regarding the document 'Bed Mobility and Thermal Environment' [REP3-032], you state that the potential for seabed mobility, cable exposure and scour would require further investigation. Why do you consider that the information should be provided during the examination? Could it be provided post consent? If not, why not? What are the potential implications of the information not being provided now?</p>
MCP.2.4	The applicants	<p>Sediment transport pathways</p> <p>The applicants' DL3 response [REP3-028] noted that 'a search of available evidence regarding regional sediment transport pathways along the Offshore Export Cable Corridor reveals no relevant</p>

ExQ2	Question to:	Question
		<p>information is available' and that they 'cannot provide more information on the identification of regional sediment transport pathways other than that referenced above'. At the same deadline, the applicants submitted the 'Bed Mobility and Thermal Environment' document [REP3-032] into the examination. However, NE considered [REP4-122] that the document would not change its current advice and provided guidance on the additional information required to address its concerns in [REP4-122] and [REP4-126].</p> <p>Can you explain why it would not be possible to provide up to date additional information in line with the request from NE during the examination? Do you consider the information requested by NE could be submitted prior to commencement? If yes, how would they be secured? If not, explain why it would not be possible to undertake the requested additional surveys.</p>
MCP.2.5	The applicants	<p>Sediment disposal</p> <p>The updated Cable Statement [REP4-051] states in paragraph 37 that '...they can commit to depositing like sediment on like sediment both within and beyond the boundary of the Dogger Bank SAC'.</p> <p>Can you clarify whether the commitment would therefore extend beyond the array area and would also cover the offshore export cable corridor? If not, explain which areas are excluded from the proposed commitment.</p>
MCP.2.6	NE	<p>Sediment disposal</p> <ul style="list-style-type: none"> a) Are you aware of any dredgers suitable for DBS which may be equipped with your recommended disposal technology using a fall pipe? b) Do you consider the detailed information on the dredging technology (including the use of a fall pipe) could be agreed post determination as part of the final Cable Statement? If not, why not? c) Clarify any further discussions that have been held with the applicants on this topic and conclusions.
MCP.2.7	The applicants	<p>Sediment disposal</p> <p>NE stated in its response to action point 31 [REP4-126] that the use of a fall pipe within SACs as well as commitments to place sediment updrift and in similar habitat type has been committed to on both Five Estuaries and Outer Dowsing Offshore Wind Farms (OWF).</p> <ul style="list-style-type: none"> a) Why do you consider a similar commitment could not be made for the Dogger Bank SAC? b) If the use of a fall pipe would be available, would you propose to use the technology and include this as part of an updated Cable Statement? If not, why not? c) Do you propose to commit placing sediment not just in similar sediment type, but also updrift? If not, why not?

ExQ2	Question to:	Question
MCP.2.8	The applicants	<p>Cable burial risk sites</p> <p>NE in its DL3 [REP3-051] and DL4 [REP4-122] responses has asked for an understanding of indicative locations for cable protection requirements and where key risk sites are located, in relation to any sensitive receptors or designated areas of seabed. The applicants' response to DL3 documents [REP4-088] refers to Appendix F of the offshore export cable corridor Cable Burial Risk Assessment (CBRA) (Appendix B of the Cable Statement [REP4-050]). However, the table would not appear to include distances or an explanation to nearest sensitive receptors or designated areas of seabed. Provide an update to the table to include the missing information and in addition, provide a plan indicating the location of the risk areas referred to in the table.</p>
MCP.2.9	The applicants	<p>Requirement for cable protection</p> <p>The worst-case scenario currently assumes that a maximum of 10% of the cable route within the Dogger Bank SAC and a maximum of 20% outside the Dogger Bank SAC would require remedial cable protection. NE has requested that further rationale and justification for the worst-case scenario is provided. The applicants indicate in their response to ISH2.4.4 [REP1-050] and which has been repeated in their DL4 response [REP4-088] that 'the array areas should not present areas of burial challenge. The site boundaries brought forward for examination were refined from the Agreement for Lease boundaries presented at the PEIR stage in part to exclude high density boulder regions which would have presented significant burial risk. Despite the removal of this area of potentially challenging ground conditions, an upper limit of 10% of remedial protection has been assessed on the basis of the level of uncertainty that currently exists prior to geotechnical survey outputs being available and prior to a specific array cable layout being developed.'</p> <p>Explain in more detail on what basis the 10% and 20% maximum limits of remedial cable protection have been chosen. Noting that the areas within the Dogger Bank SAC would be unlikely to present burial challenge, could the commitment here be reduced, for example to a maximum of 5%? If not, why not? In addition, provide clear reasoning for the 20% requirement along the offshore export cable corridor and why this could not be reduced further.</p>
MCP.2.10	The applicants NE The MMO	<p>Cable protection licensing</p> <p>Noting the applicants' response in relation to cable protection licensing at ISH5 [REP4-086], paragraph 257], do you consider a change in the lengths to the proposed licensing period from the applicants' proposed 10 years for new cable protection on designated sites could be more appropriate? If yes, explain the suggested lengths and why?</p> <p>In addition, the response states that 'any replenishment would occur on 'lost' habitat so there is no real risk of new harm to licence in this scenario'. However, if there is a period of up to 10 years of no or limited interaction, what are the possibilities of the habitat being restored during that time?</p>

ExQ2	Question to:	Question
MCP.2.11	NE The MMO	Flamborough Front The applicants have submitted the 'Review of Flamborough Front Technical Note' [REP4-092] at DL4. <ol style="list-style-type: none"> Do you consider the updated assessment of significance to be appropriate? If not, why not? Do you consider the detailed monitoring proposals as explained in the updated In Principle Monitoring Plan (IPMP) [REP4-052] in relation to near-field and far-field monitoring to be sufficient? If not, explain any outstanding requirements. Do you agree with the conclusions of the document? If you have any outstanding concerns, explain what they are and how they could be addressed.
MCP.2.12	NE	Wave model assessment In your DL3 response [REP3-058] , you requested that wave modelling should also include waves approaching from a south and south-west direction. The applicants in their response at DL4 [REP4-088] have acknowledged that there is a secondary wave component from the south and south-west and have explained in more detail why they consider the predicted changes in wave regime would not hinder conservation objectives of the Dogger Bank SAC. Do you agree with the applicants' explanation? If not, explain the additional information that should be provided to address your concerns.
MCP.2.13	The applicants	Hornsea Project 4 cable crossing <ol style="list-style-type: none"> In line with NE's DL4 response [REP4-122], explain whether you would be able to commit to a cable crossing with Hornsea Project 4 to be located seaward of the 20m depth contour to the east of Smithic Bank. If yes, where is this secured? If not, why not? Why do you consider any location closer to shore would not negatively interrupt or affect sediment transport processes? What is the proposed distance from the proposed crossing location to Smithic Bank and the Holderness Offshore Marine Conservation Zone (MCZ)?
MCP.2.14	The applicants	Secondary scour <ol style="list-style-type: none"> With regard to NE's response at DL4 [REP4-122], can you explain whether secondary scour has been appropriately assessed and referenced in the IPMP [REP4-052]? Do you consider this should be explained further and included as part of the monitoring? If not, why not? Will the IPMP [REP4-052] need to be updated to align with the proposals set out in ES Chapter 8 [APP-080] in relation to secondary scour? If not, explain why you do not consider there to be a discrepancy.

ExQ2	Question to:	Question
MCP.2.15	ERYC	<p>Coastal change monitoring</p> <p>Your DL1 response [REP1-055] requested that a 'coastal change adaptation plan should be put in place, setting out how the developer will monitor the risk to their assets from coastal erosion, their response should accelerated coastal erosion result in the exposure of the cables and their plans for decommissioning the pipelines at the end of their life. Furthermore, as the Shoreline Management Plan policy for this location is No Active Intervention, it is critical that any works (including the creation of an emergency beach access) do not impact on natural coastal processes. Monitoring should be undertaken to monitor this and action should be undertaken to mitigate any impacts e.g. through the manual relocation of sand.'</p> <p>The applicants responded at DL2 [REP2-058] that 'in relation to the request for a coastal change adaptation plan, as noted above, the Applicants have already considered coastal erosion based on the NCERM data sets, available at the time of the Design Freeze (late 2023) and have now undertaken a further check of the latest NCERM 2 data. This has confirmed the TJB's will be located a sufficient distance from the cliff edge for the operational lifetime of the Projects. The Applicants will monitor all potential risk to their assets over the lifetime of the development and this would include the consideration of coastal erosion at the landfall, should any intervention be required in the future the relevant consents would be applied for at that time in consultation with the ERYC.'</p> <p>Do you consider the response to be satisfactory? If not, please explain any outstanding concerns and requirements.</p>
Marine Conservation Zone Assessment		
MCZ.2.1	The applicants	<p>Holderness Inshore MCZ</p> <p>NE has advised at DL4 that if significant indirect impacts from cable installation on designated features of the MCZs cannot be excluded during examination then a without prejudice Measures of Equivalent Environment Benefit (MEEB) proposal and/ or commitments to invest in strategic compensation should be progressed and submitted into the examination [REP4-129] point B35/B53]. Do you intend to do this and if so at what DL can it be expected? If not, why not?</p>
MCZ.2.2	NE	<p>Holderness Offshore MCZ</p> <p>Table 1 of Annex 2 of NE's cover letter at DL3 [REP3-059] refers to your DL3 risk and issue log regarding outstanding issues for the Holderness Offshore MCZ. The ExA is unable to find any specific references to the Holderness Offshore MCZ in the risk and issues log (only general references to the Maritime and Coastguard Agency (MCA) assessment). Could you provide a more precise reference to your outstanding concerns for the Holderness Offshore MCZ?</p>

ExQ2	Question to:	Question
Marine mammals and relevant HRA aspects		
MM.2.1	The applicants	<p>NPS EN-3 in relation to marine mammals</p> <p>The ExA notes that ES Chapter 11 [APP-095] does not reference the following paragraphs of NPS EN-3. Can you explain why the following paragraphs of NPS EN-3 have been omitted? If they were omitted in error, can you explain how the application fulfils these policy requirements in NPS EN-3 in relation to marine mammals?</p> <ul style="list-style-type: none"> a) 'It is likely that mitigation may include proactive measures to reduce the impact of deployment e.g., micro-siting of offshore transmission routes to avoid vulnerable habitats, alternatives piling or trenching techniques, noise abatement technology, collision avoidance methods or, if necessary, compensation for habitat loss. See Section 2.8.80 for Offshore Wind Environmental Standards.' NPS EN-3 paragraph 2.8.53 b) 'The British Energy Security Strategy included a commitment to introducing mechanisms to support strategic compensatory measures, including for projects already in the consenting process (where possible), to offset environmental impacts and reduce delays to individual projects. Only once all feasible alternatives and mitigation measures have been employed, should applicants explore possible compensatory measures to make good any remaining significant adverse effects to site integrity.' NPS EN-3 paragraph 2.8.55 c) 'applicants are expected to seek advice from SNCBs and Defra for projects in England, in conjunction with relevant regulators, Local Planning Authorities and/or landowners, on potential mitigation and/or compensation requirements at the earliest opportunity and comply with future statutory requirements and/or guidance once available.' NPS EN-3 paragraph 2.8.56 d) 'Where requested by the Secretary of State applicants are required to undertake environmental monitoring (e.g., ornithological surveys, geomorphological surveys, archaeological surveys) prior to and during construction and operation.' NPS EN-3 paragraph 2.8.38 e) 'Monitoring must measure and document the effects of the development and the efficacy of any associated mitigation or compensation.' NPS EN-3 paragraph 2.8.84 f) 'This will enable an assessment of the accuracy of the original predictions and improve the evidence base for future mitigation and compensation measures, enabling better decision-making in future EIAs and HRAs'. NPS EN-3 paragraph 2.8.85 g) 'Monitoring should be presented in formal reports which must be made publicly available. Monitoring data should be provided to The Crown Estate's Marine Data Exchange.' NPS EN-3 paragraph 2.8.86 h) 'Where appropriate, applicants are also encouraged to consider monitoring collaboratively with other developers and sea users. Work is ongoing between government and industry to support

ExQ2	Question to:	Question
		<p>effective collaboration and the development of monitoring at a strategic level.’ NPS EN-3 paragraph 2.8.87</p> <p>i) ‘A range of research programmes are ongoing to investigate impacts of offshore wind farm development, including, but not limited to: BEIS SEA Research Programme, ORJIP, ScotMER, the ORE Catapult and OWEC. Applicants should explain why their decisions on siting, design, and impact mitigation are proportionate and well-targeted, referring to relevant scientific research and literature as appropriate.’ NPS EN-3 paragraph 2.8.107</p> <p>j) ‘applicants are expected to have regard to guidance issued in respect of Marine Licence requirements and consult at an early stage of pre-application with the MMO’. NPS EN-3 paragraph 2.8.108</p> <p>k) ‘applicants should have regard to duties in relation to Good Environmental Status (GES) of marine waters under the UK Marine Strategy⁴⁹ and MPA target (including any interim target) in England, set under the Environment Act 2021’. NPS EN-3 paragraph 2.8.109</p>
MM.2.2	The applicants	<p>Updated embedded mitigation for marine mammals in light of Change Request 1</p> <p>a) Is it correct to assume embedded mitigations related to the Export Cable Corridor (ECC) related to marine mammals are now irrelevant and should be removed from the relevant tables (Table 11-3 and Table 11-4) within section 11.3.3 of the ES Chapter 11 [APP-095] in light of Change Request 1? Examples are seasonal restrictions to piling activity within the ECC and no concurrent monopile installation for the Electrical Switching Platform in the offshore ECC with the Project Array Areas.</p> <p>b) Can you provide an updated table containing all relevant embedded environmental mitigation measures for marine mammals, in light of Change Request 1? If not, why not?</p>
MM.2.3	NE The MMO	<p>Migratory bats</p> <p>a) Can NE and the MMO tclarify their position in regard to migratory bats so that the ExA can inform the Secretary of State when it submits its recommendation following the conclusion of the examination. Can NE and the MMO confirm whether or not they consider that the proposed development would result in any adverse effects on migratory bats. If not, why not? If so, what mitigation would be required, if any?</p> <p>b) Can you advise as to whether or not a licence would be required in relation to any disturbance or harm to migratory bats that might be associated with the proposed development. If a licence would be required, are there any known impediments to the issue of such a licence?</p>

ExQ2	Question to:	Question
MM.2.4	TWT	<p>Commitments to the use of noise mitigation measures and acoustic deterrent devices and The Wildlife Trust Statement of Common Ground (Revision 2)</p> <p>The ExA notes a major outstanding issue in the TWT Statement of Common Ground Revision 2 issued at DL4 [REP4-072] and signed by the TWT, in relation to the use of noise abatement systems, a stronger commitment to the use of noise mitigation measures and acoustic deterrent devices. Given this document is signed by TWT, does this represent your final position on this matter?</p>
MM.2.5	The applicants	<p>Commitment to noise abatement systems</p> <p>a) NE's submission at DL4, Appendix F4 [REP4-123] included a statement that it believes that to reduce the noise that NAS would be required for all projects causing an impact going forward and that it is only the specific type of mitigation that should be discussed post consent. The MMO's submission at DL4 [REP4-115] included a statement in paragraph 3.5.7 that:</p> <p>'The MMO highlights and we welcomed the recent inclusion of a commitment to using NAS/NMS on the DML by Morgan Generation OWF (Project EN010136) and Morecambe Generation OWF (on a without prejudice basis) (Project EN010137). The proposed wording was similar to below, noting there are slight variations due to different plans being utilised on the projects:</p> <p>'(X) In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol in accordance with the outline marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation body, must be submitted to the MMO at least six months prior to the commencement of piling activities. The marine mammal mitigation protocol must include consideration of deployment of noise mitigation systems or noise abatement systems that will be utilised to manage sounds from those piling activities. The marine mammal mitigation protocol must include full details and justification for the mitigation chosen or excluded for deployment'.</p> <p>How do you respond to the MMO's and NE's statements above and the inclusion of the above commitment by Morgan Generation OWF (Project EN010136) and Morecambe Generation OWF (on a without prejudice basis) (Project EN010137), bearing in mind these applications have not yet reached the Secretary of State decision stage?</p> <p>b) The ExA notes your response to action point 48 of ISH5 included the following statement:</p> <p>'...The applicants have identified appropriate primary and secondary mitigation options pre-consent, and are including them in the Projects' procurement strategy to ensure</p>

ExQ2	Question to:	Question
		<p>that an appropriate suite of mitigation measures <u>will</u> be included in the final MMMP post-consent'. (emphasis added).</p> <p>As you have stated that an appropriate suite of mitigation measures <u>will</u> be included in the final Marine Mammal Mitigation Protocol (MMMP) post-consent (emphasis added), please explain further your reluctance to include a commitment stating this in the commitments register?</p>
MM.2.6	The applicants	<p>Department of Farming and Rural Affairs' (Defra) marine noise policy paper</p> <p>How do you respond to the MMO's points in its DL4 submission [REP4-115] page 12] that '...it would like to highlight that Defra is intending to publish further information and clarification in relation to the policy based on feedback from industry representatives and that the intention of the paper is that if noise thresholds are likely to be breached, alone or in-combination with other Projects, the proposed development may not get approval of the SNS SAC SIP without the use of Noise Abatement or Mitigation Systems (NAS/NMS) ... Developers who have secured the greatest possible noise reductions through NAS/NMS are less likely to face requests to further explore satisfactory alternatives, and therefore delays in consenting, as they would have demonstrated they have utilised best endeavours to secure a 'satisfactory alternative'?"</p>
MM.2.7	The applicants	<p>Wildlife licence</p> <p>How do you respond to the following statements from the MMO in its DL4 submission [REP4-115]:</p> <p>'As a Wildlife licence will be required, the Applicant will be required to demonstrate that NAS has been secured, and where this has not been possible, justification must be provided. This is necessary to meet the required legal test to consider satisfactory alternatives, as NAS/NMS is now considered to be a primary and expected mitigation. Applications that do not propose to use NAS/NMS may only be accepted in exceptional circumstances, where an applicant can prove that the inability to secure NAS/NMS is outside of their control. The additional cost of NAS/NMS is not a sufficient justification to discount a satisfactory alternative'. [REP4-115] page 12 paragraph 3.5.3]</p> <p>and</p> <p>'As within Section 3.5 above given the technical advances in relation to NAS and NMS, the first instance means the Applicant has to show there is no satisfactory alternative to cause an impact. The MMO believes that to reduce the noise that NAS/NMS will be required for all projects causing an impact going forward and that it is only the specific type of mitigation that should be discussed post consent'? [REP4-115] page 14 paragraph 3.6.5]</p>

ExQ2	Question to:	Question
MM.2.8	The Applicants	Wildlife licence The MMO has confirmed a wildlife licence would be required [REP4-115 page 12]. Could you submit letters of no impediment for the wildlife licences that would be required into the examination? If not, please explain why (a reference to a section of a previous submission is fine).
MM.2.9	The applicants	Underwater noise What response do you have to the MMO's statement that they and Cefas are content to discuss the inclusion of piling restrictions similar to those within the Rampion 2 Schedule 11, in response to action point 26 from ISH5 [REP4-115]?
MM.2.10	The applicants	Underwater noise Provide a response to NE's statement in its response to ISH5 action points [REP4-126] that 'Natural England understands the MMO consider primary and/or secondary noise reduction methods to be 'satisfactory alternatives' to reducing noise impacts from piling. As such, Natural England considers 'first instance' to mean the Applicant should consider the use of primary and/or secondary noise reduction methods to reduce the impacts of underwater noise and ensure the 'satisfactory alternatives' licensing test can be met and a licence can be issued. Therefore, Natural England believes that some form of noise reduction will be required for all projects going forward, although the details of which technology is most appropriate for a specific project can be identified post-consent'.
MM.2.11	The applicants	Interim population consequence of disturbance (iPCoD) population modelling <ol style="list-style-type: none"> Provide a response to NE's advice in Appendix F4 at DL4 [REP4-123], that the predictions from the iPCoD population modelling (Appendix B Marine Mammal Environmental Statement Update [AS-143]) in year 2032 for harbour porpoise (98.72%), bottlenose dolphin (97.98%) and minke whale (98.34%) all experience more than 1% decline, and potentially show a significant impact and therefore warrant further investigation. What further investigation could you propose within the examination timeframe to satisfy NE with regards to this issue? Provide a response to NE's advice in Appendix F4 at DL4 [REP4-123] that you should present results from the iPCoD modelling using a more conservative definition of significant impacts. Do you intend to do this? If not, why not?
MM.2.12	The applicants	Harbour porpoise <ol style="list-style-type: none"> Provide a response to NE's advice that you should commit to using noise reducing technology and provide updated documents to show how implementing this will alter estimated impact ranges and significance conclusions with regards to the significance level of 'major adverse' for harbour porpoise, presented in the Effective Deterrent Range (EDR)/Dose Response/Temporary Threshold Shift (TTS) column of Table 1-3 [REP4-123].

ExQ2	Question to:	Question
		b) What enhanced monitoring do you propose for harbour porpoise given the above conclusions and how is it secured in the draft DCO?
MM.2.13	The applicants	Grey seals <ol style="list-style-type: none"> Provide a response to NE's advice that you should commit to using noise reducing technology and provide updated documents to show how implementing this will alter estimated impact ranges and significance conclusions with regards to the significance level of 'moderate adverse' for grey seals, calculated by the dose response method [REP4-123]. What enhanced monitoring do you propose for grey seal given the above conclusions and how is it secured in the draft DCO?
MM.2.14	The applicants	HRA conclusions for the Southern North Sea SAC, Humber Estuary SAC and Berwickshire & North Northumberland Coast SAC <p>The ExA notes the applicants' response to MM.1.12 from ExQ1 [REP3-027] and that NE stated [REP3-059] that it did not consider the grey seal feature (and other features) of the Humber Estuary Ramsar site to be of immediate concern, however it could become a concern if impacts to the Humber Estuary SAC could not be ruled out. Given the stage of the examination, and the remaining outstanding concerns from NE, the ExA believes it necessary to ask what compensation proposals you have for the situation in which NE, as the SNCB, were to state it cannot rule out AEol for marine mammals (grey seal and harbour porpoise) for the Southern North Sea SAC, Humber Estuary SAC and Berwickshire & North Northumberland Coast SAC and the Secretary of States agrees with this position? Can you provide a without prejudice derogations case for this possibility and submit this into the examination at DL5?</p>
Noise and vibration		
NV.2.1	ERYC	Construction working hours <p>Following discussions at ISH4 in April 2025, the wording in the oCoCP [REP4-040], paragraph 34] has been updated in line with your suggestions. Does the wording now appropriately address your concerns? If not, explain why not.</p>
NV.2.2	The applicants	Noise effects on tourism <p>In your response to ExQ1 [REP3-027], you confirmed that the approach taken for the proposed development in relation to tourism facilities was similar to the approach used on other large infrastructure projects, such as HS2. Can you provide further details on how this was approached for HS2 and any other large infrastructure schemes and explain why you consider the approach to be relevant to DBS?</p>

ExQ2	Question to:	Question
NV.2.3	The applicants	<p>Construction noise at landfall</p> <p>Table 25-30 of ES Chapter 25 [REP1-019] notes a medium sensitivity and medium magnitude of impact for construction noise at landfall. The pre-mitigation effect is considered to be minor adverse and no further mitigation measures are proposed. Whilst the explanation in Section 25.6.1.1 (Impact 1: On-site construction noise at landfall zone) is noted, explain why the conclusions drawn here would not be misleading in relation to the assessment of significance. Do you consider Section 25.6.1.1 or table 25-30 would need to be updated? If not, why not?</p>
NV.2.4	The applicants	<p>Noise sensitive receptors</p> <p>In your response to the January 2025 action points [AS-155] you helpfully provided a list of all properties that form part of each NSR as listed in table 25-16 of ES Chapter 25 [REP1-019]. Whilst the Unaccompanied Site Inspection (USI) in October 2024 showed two properties situated in close proximity to each other on Eske Lane, table E-2 in Appendix E of [AS-155] only references one property at receptor R59 (Low Burn, Low Burn, Eske Lane, Tickton, HU17 9SG). Is the adjoining property at 1 Eske Lane missing from the list? Also, can you explain whether this property formed part of R59 and has been appropriately assessed in relation to noise and vibration impacts?</p>
Offshore and intertidal ornithology and relevant HRA aspects		
OR.2.1	The applicants NE RSPB	<p>Ornithological assessment methodology</p> <p>Given there are still several months of the examination remaining and therefore further potential opportunities within the examination to resolve issues, the ExA asks both parties once again whether any movement by either party could be made to resolve the following disagreements by the close of the examination in order to attempt to reduce the potential number of outstanding issues at the close of the examination upon which the Secretary of State would need to make a decision. If there is no change in position a reference to a previous submission is fine rather than repeating the explanation. If there is a change in position, please explain the reasons for the change in full:</p> <ul style="list-style-type: none"> a) Methodology for estimating species abundance. b) Methodology for estimating species displacement risk. c) Methodology for estimating species collision mortality risk.
OR.2.2	The applicants NE	<p>Displacement and mortality rates</p> <p>The ExA notes the differing positions of the applicants, NE and the RSPB regarding displacement and mortality rates. Can you comment as to whether applying these different rates would have any bearing on the outcomes of the HRA, ie whether an AEoI (where not already conceded by the applicants or where a without prejudice derogations case has been presented) would exist under one parties preferred rates but not the other.</p>

ExQ2	Question to:	Question
OR.2.3	The applicants NE	<p>Ornithological digital aerial surveys</p> <p>The applicants: The RSPB state [REP4-113] that they would welcome more details of the independent external quality assurance on the digital aerial survey data that Dr Trinder stated had been undertaken during ISH5 [EV10-004]. Could the applicants submit into the examination the further information on the independent external quality assurance as the RSPB have requested?</p> <p>NE: Are you content with the applicants' digital aerial surveys for marine ornithology?</p>
OR.2.4	The applicants	<p>Ornithological mitigation</p> <p>In revision 3 of your ornithological mitigation report submitted at DL4 [REP4-081] and explanations in your written summary of ISH5 [REP4-086], increasing the air gap appears to be synonymous with increasing the hub height of the turbines. In your written summary of ISH5 [REP4-086] paragraph 195 onwards, you summarise the main reasons why increasing the air gap would be unfeasible as:</p> <ul style="list-style-type: none"> a. the increased risk of impacts to MoD radar and the associated mitigation costs; b. the need for larger foundation sizes and the corresponding increases in steel and detrimental consequences for project design / cost; c. limited availability of vessels with the capacity to install the largest turbines and foundations which would be exacerbated by any increase in air gap'. <p>Plate 5-4 in Chapter 5 of the ES, Project Description [REP1-009] indicates a 50m gap between Mean Highwater Spring (MHWS) and the blade tip when assuming the maximum rotor blade diameter of 344m at the maximum tip height above MHWS of 394m.</p>

ExQ2	Question to:	Question
		<div data-bbox="719 236 1267 715"> <p>The diagram illustrates a wind turbine with three blades. A horizontal double-headed arrow at the top indicates the 'Max rotor blade diameter: 344m'. A vertical double-headed arrow on the left indicates the 'Maximum tip height above Mean High Water Springs (MHWS): 394m'. A vertical double-headed arrow on the right indicates the 'Minimum lower blade tip clearance to Mean Sea Level (MSL): 34m'. The water level is marked as 'Mean High Water Springs (MHWS)'. The turbine components are labeled: 'Blade', 'Tower', and 'Transition piece'.</p> </div> <p data-bbox="719 730 1025 751">Plate 5-4 Indicative Wind Turbine Parameters⁵</p> <p data-bbox="719 922 1081 943">⁵ All measurements are provided to the nearest integer.</p> <p data-bbox="698 981 2011 1182">Plate 5-4 labels a minimum blade tip clearance of 34 metre (m) to Mean Sea Level (MSL), equivalent to 32.8m to MHWS [REP3-027 OR.1.47]. This diagram and the dimensions it references which are specified in the draft DCO in Schedule 2, Article 3, Requirement 2(1)(a)(b)(d) [REP4-005] would indicate that if turbines were constructed to the maximum height permitted using the maximum rotor diameter permitted there would be an air gap significantly greater than 34m <u>without</u> increasing the overall hub height.</p> <p data-bbox="698 1185 1471 1217">The ExA would like clarification on a number of your points:</p> <ol style="list-style-type: none"> <li data-bbox="750 1220 1993 1383">In the Ornithological Mitigation Option Report [REP4-081] you state that the increased foundation sizes required for a 40m MSL air gap would lead to a corresponding increase in weight of approximately 35% for the largest monopile [REP4-081 paragraph 10 page 12]. Could you provide the overall height of the turbines in each of these scenarios i) with a 34 m air gap ii) with a 40 m air gap?

ExQ2	Question to:	Question
		<p>b) Could you submit the full technical options appraisal you have undertaken on engineering feasibility to come to the decision on a 34m to MSL as described in ISH5, and upon which your ornithological mitigation option report is based [REP4-081], into the examination?</p> <p>c) Did the full technical options appraisal you referred to during ISH5 regarding the size of the air gap, include an assessment of the change (reduction) to collision risk on birds, particularly kittiwake and the impact on embodied carbon and overall net change in carbon emissions for the proposed development over its lifetime if the air gap were larger than 34m to MSL with no change to the maximum permitted height? If so, the ExA expects it to be included in your submission. If these aspects were not included in the options appraisal on the size of the air gap, explain why not.</p> <p>d) Could you explain which of the technical feasibility reasons for not increasing the air gap given in the ornithological mitigation option report [REP4-081] are based on increasing the overall hub height rather than increasing the air gap without increasing the hub height?</p> <p>e) You stated in your responses to ISH5 [REP4-086] paragraph 201] that you have no intention of increasing the air gap as detailed in the application. Does it follow therefore, that the maximum height of any turbine would be 376.8m above MHWS? (32.8m above MHWS (the air gap) + 344m (maximum rotor blade diameter)). Why therefore have you specified 394m above MHWS as the maximum tip height in the draft DCO? Can you justify why the additional height is required in the draft DCO when it is not required to provide an increased air gap?</p> <p>f) In paragraph 17 of the ornithological mitigation report [REP4-081] you state, 'further increasing the minimum air gap does not meet the policy set out in paragraph 4.3.27 of NPS EN-1 - "alternative proposals which mean the necessary development could not proceed, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the Secretary of State's decision'. Could you clarify whether this statement refers to increasing the air gap through increasing the overall hub height of the turbines or without increasing the overall hub height of the turbines or both.</p>
OR.2.5	NE	<p>Ornithological mitigation</p> <p>a) In light of your position that the applicants should consider further ornithological mitigation, could you provide comment on the applicants' revision 3 of their ornithological mitigation report submitted at DL4 [REP4-081]. In particular, please provide comment on paragraphs 18 and 19 on page 14 which state:</p>

ExQ2	Question to:	Question
		<p>'18. The applicants have, in developing the design envelope, appropriately considered the air gap in relation to both mitigating impacts from bird collision risk and ensuring the technical and commercial viability of the Projects. This reflects a good compromise between bird collision mitigation, additional steel costs and carbon footprint, radar mitigation, piling noise and other environmental effects balanced with deliverability in terms of vessels that can install turbines of the size/air gap we are proposing and cost in terms of financial viability for forthcoming Contracts for Difference (CfD) auctions. The applicants do not expect to mitigate collision risk or any other risk to zero effect and do not believe they are required to do so. The applicants have applied a precautionary assessment in terms of collision risk and have proposed adequate compensation matters to account for this and do not propose to increase the air gap any further.</p> <p>19. The applicants have, in recognition of the potential ornithological impacts, proposed a blade clearance significantly in excess of most consented and operational offshore wind farms (typically 22m above LAT), and have demonstrated why further increases would not be suitable and potentially risk the viability of the project. The applicants consider that they have met the tests of both the NPS and the Habitats Regulations in respect of the consideration of alternatives'.</p> <p>b) Given the additional information the applicants have submitted regarding ornithological mitigation at ISH5 and at DL4, could you give your latest opinion on whether you believe the applicants have fully followed the mitigation hierarchy in relation to the size of the air gap for the proposed development.</p>
OR.2.6	The applicants	<p>Population viability analysis (PVA)</p> <p>During ISH5 [EV10-004] you stated during questioning that the PVA models had been rerun. Can you confirm the latest versions of the PVA model runs have been submitted into the examination?</p>
OR.2.7	NE	<p>PVA results for gannet, kittiwake, guillemot and razorbill - impacts of Highly Pathogenic Avian Influenza (HPAI) and population trends</p> <p>You confirmed that density-dependence did not need to be incorporated into PVAs, but that realistic future seabird population trends needed to be considered in the interpretation of the significance of the results of PVAs and you advised the applicants to take a similar approach to the Sheringham and Dudgeon Extension Projects. The applicants [REP3-027, OR.1.9] [REP3-028, G49] [REP4-086] considered your advice to consider density dependence [AS-159, G49] contradicts your standard advice. This was discussed at ISH5 [EV10-003] for which there was an action point for you to respond</p>

ExQ2	Question to:	Question
		to the applicants' comments. Can you confirm what actions you require are necessary to close this matter?
OR.2.8	NE	Habitats Regulations Derogation: Provision of Evidence Guillemot [and Razorbill] Compensation Plan <ul style="list-style-type: none"> a) The ExA notes that the applicants' updated Guillemot and Razorbill Compensation Plan (Revision 4) [REP4-024] presents updated data in Table 4. Can you respond to state if this now fulfils your request? b) Do you have any further comments on the applicant's updated Guillemot and Razorbill Compensation Plan (Revision 4) [REP4-024]?
OR.2.9	The applicants	Ornithological compensation advice from NE for auks How do you respond to NE's statements in Appendix H4 at DL4 [REP4-125] that: <ul style="list-style-type: none"> a) The potential numbers of breeding pairs of razorbill you have estimated are likely to be unrealistically high and that estimation of compensation potential for razorbills should be based on an assessment of the availability of suitable razorbill nesting habitat and realistic razorbill nesting densities? b) That the nesting densities used to estimate the potential number of breeding pairs that could be accommodated are very high? c) Results using lower nesting densities should be included when assessing the habitat potential for the preferred sites presented in Tables 3-2 and 4-1? d) The outputs from the Isles of Scilly Seabird Recovery Partnership and the Defra Task and Finish group to quantify the benefits of a rat eradication on the Isles of Scilly to seabirds are not expected until Spring 2027 so it is unlikely that significant further progress can be made with this measure within the examination timeframe?
OR.2.10	The applicants Natural Resources Wales (NRW)	Survey results for Worms Head The applicants: <ul style="list-style-type: none"> a) NE advises [REP4-125] that in addition to the additional surveys the applicants have committed to make during May/June 2025 at Worms Head, that consideration should also be made as to whether: <ul style="list-style-type: none"> i) rats can access the identified areas of suitable guillemot and razorbill nesting habitat and are therefore having a negative impact on auk populations and ii) prevention of re-incursions at this site is feasible given its connectivity with the mainland and high visitor use. <p>Could the applicants consider these points and submit the results into the examination along with the survey results?</p>

ExQ2	Question to:	Question
		<p>b) Could the applicants confirm whether NRW have been and are being consulted regarding auk compensation proposals at Worms Head?</p> <p>NRW: The ExA would welcome your position on questions a) and b) above and any general points you wish to make on the applicants' proposals for auk compensation at Worms Head.</p>
OR.2.11	The applicants	<p>Middle Mouse</p> <p>Could you update the examination on whether you intend to pursue project level compensation proposals at Middle Mouse any further?</p>
OR.2.12	The applicants	<p>Redaction of habitat suitability for Middle Mouse and Worms Head</p> <p>If you plan to continue with project level proposals for compensation at Middle Mouse and Worms Head, could you submit the unredacted information from the habitat suitability surveys into the examination in order that the proposals can be fully examined? The ExA notes the RSPB's comment on this matter at DL4 [REP4-113].</p>
OR.2.13	NE	<p>Habitats Regulations Derogation: Provision of Evidence Guillemot [and Razorbill] Compensation Plan</p> <p>The ExA notes that the applicants' updated Guillemot and Razorbill Compensation Plan (Revision 4) [REP4-024] states in section 5.3.1.3.1 that, 'In March 2025 Defra confirmed that a task and finish group, comprising Defra, DESNZ, Natural England, The Wildlife Trusts, OWIC, The Crown Estate and the RSPB has been formed "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". The statement went on to say "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 to use it as strategic compensation for unavoidable impacts to protected species likely to be impacted by their projects". In order to avoid delays while the MRF is developed, OWIC confirmed in March 2025 that they have "procured legal services to explore the establishment of a functioning developer-led delivery mechanism which would provide the offshore wind industry with a route to collaborative compensation whilst the Government-led MRF is in development". Therefore, the applicants consider that a strategic approach will be available to them in late 2025, either via the MRF in line with the guidance discussed in section 1.3, or an interim fund established by OWIC. To avoid delay in the event that an agreement cannot be reached regarding a strategic approach on the Isles of Scilly, the applicants will also continue to engage with the National Trust regarding Worms Head and the private landowner for Middle Mouse (project led) with the aim of progressing these locations as project-led compensation if necessary.'</p>

ExQ2	Question to:	Question
		Could you provide comment as to whether you, as the SNCB, believe this approach to be sufficiently adequate to compensate for AEol of razorbill and guillemot from the FFC SPA and maintain the integrity of the national site network, if the ExA recommends and the Secretary of State agrees with NE that there is potential for AEol to the designated site?
OR.2.14	NE	<p>Habitats Regulations Derogation: Provision of Evidence Guillemot [and Razorbill] Compensation Plan</p> <p>a) Provide your position on the applicants' updated Guillemot and Razorbill Compensation Plan (Revision 4) [REP4-024] which states in section 5.3.1.6 that, 'According to the statement provided by Defra, detailed plans for a strategic eradication are expected in spring 2027, with an eradication to follow within an unspecified timescale. This means that an eradication on the Isles of Scilly may not be implemented two years in advance of turbine installation. However, in line with EC guidance (2019), an eradication on the Isles of Scilly would provide significant over compensation to account for any delay in implementation. Delay to the eradication programme and the knock on requirements for the applicants to over compensate, would however reduce the ecological headroom available for other projects to utilise as compensation in the future. In addition, the Defra consultation on the operation of the Marine Recovery Fund (MRF) suggests that the applicants' responsibilities with regards to compensation will be considered to be met upon payment of the agreed fee.'</p> <p>b) Could you quantify the additional compensation that would be required for every year of delay to the implementation of the proposed compensation scheme?</p>
OR.2.15	The applicants NE The RSPB	<p>Kittiwake Compensation Plan</p> <p>The applicants: The potential location of a kittiwake artificial nesting structure (ANS) was discussed at ISH5 [EV10-003]. Have you considered the potential implications of siting an ANS close to array areas of the proposed development or array areas of other operational OWFs? Could the arrays pose a threat to the ANS derived kittiwakes? If so, might this reduce the predicted recruitment back into the population such that it might not be as effective or rapid as might otherwise be the case if the ANS was remote from any risk factor? How have the applicants considered this when siting their proposed ANS, and if or how is the matter is accounted for in the modelling in the document 'Reduction in Kittiwake Breeding Seasons Prior to Artificial Nesting Structure Installation' [REP4-083]?</p> <p>NE and the RSPB: Could you provide comment on this matter?</p>
OR.2.16	The applicants	<p>Reduction in kittiwake breeding seasons prior to artificial nesting structure installation</p> <p>In the document labelled 'Reduction in Kittiwake Breeding Seasons Prior to Artificial Nesting Structure Installation', submitted at DL4 [REP4-083], you refer to the onshore ANS which has already been delivered which the ExA understands to be located at Gateshead, constructed in February 2023. The</p>

ExQ2	Question to:	Question
		ExA understands this structure is used by other OWF developers. Can you confirm how many nesting sites would be available exclusively to the proposed development from this onshore structure?
OR.2.17	NE The RSPB TWT	Anticipated timescales to achieve full kittiwake compensation At ISH5 [EV10-003] and in the document labelled 'Reduction in Kittiwake Breeding Seasons Prior to Artificial Nesting Structure Installation', submitted at DL4 [REP4-083] , the applicants refer to anticipated timescales to achieve full kittiwake compensation as being between 13 years to 50 years following first generation (paragraph 23). Could NE, the RSPB and TWT provide their respective positions on this?
OR.2.18	The applicants NE	Securing kittiwake compensation beyond the operational lifetime of the proposed development The applicants: In paragraph 25 of the 'Reduction in Kittiwake Breeding Seasons Prior to Artificial Nesting Structure Installation', submitted at DL4 [REP4-083] , and in the 'Project-Level Kittiwake Compensation Plan' [REP4-020] paragraph 210], you state possibilities for the scenario where there could be remaining compensation debt after 30 years of operation. You suggest you could retain the option to maintain and monitor the ANS beyond the proposed development's operational duration, implemented as adaptive management. Can you state where in the DCO secures your commitment to continue kittiwake compensation beyond the operational lifetime of the proposed development if this is required? If not, could you suggest appropriate draft wording? NE: Could you provide your position on whether a Requirement is needed in the DCO to secure the commitment to continue kittiwake compensation beyond the operational lifetime of the proposed development if this is required, in addition to what is stated in the Project-Level Kittiwake Compensation Plan [REP4-020] .
OR.2.19	NE	Farne Islands SPA What is NE's latest position on the applicants' assessment of guillemot at the Farne Islands SPA since the assessment was updated? Can NE confirm whether or not it considers an AEoI on guillemot and the seabird assemblage from the Farne Islands SPA can be excluded from the project alone? If the response to this is clear from your response to HRA.2.4 then there is no need to repeat the response.
OR.2.20	The applicants	Farne Islands SPA Given the stage of the examination, and the remaining outstanding concerns from NE the ExA believes it necessary to ask what compensation proposals you have for the situation in which NE, as the SNCB, were to state it cannot rule out AEoI for the Farne Island SAC in relation to for ornithological receptors and the Secretary of States agrees with this position? Can you provide a without prejudice derogations case for this possibility and submit this into the examination at DL5?

ExQ2	Question to:	Question
OR.2.21	NE	<p>Greater Wash SPA</p> <ul style="list-style-type: none"> a) Have the applicants responded adequately [REP4-086] to the clarification you requested regarding how the move from intertidal to subtidal exit pits alters vessel and construction activity within and in the vicinity of Greater Wash SPA, and how this would impact red throated diver populations? b) Do you still advise restricting cable installation within 2km of the Greater Wash SPA during the over-wintering period (1st November to 31st March) to avoid adverse effects as stated in its Risk and Issue log at DL4 points G50/G64 [REP4-129]? If so, can you confirm whether this measure is required to avoid AEoI of the red-throated diver and common scoter qualifying features?
OR.2.22	The applicants	<p>Greater Wash SPA</p> <ul style="list-style-type: none"> a) In relation to potential displacement of red-throated diver of the Greater Wash SPA, you stated [REP3-028] that offshore cable installation activities 'would be restricted to a maximum of one non-breeding season'. Can you confirm how this is secured through the draft DCO? b) Given the stage of the examination, and the remaining outstanding concerns from NE the ExA believes it necessary to ask what potential impacts to construction timescales a restriction on cable installation within 2km of the Greater Wash SPA during the over-wintering period (1st Nov to 31st March) might have. How might this impact technical feasibility and commercial viability of the project?
OR.2.23	RSPB	<p>In-combination assessments</p> <p>In your written representation (WR) [REP1-087] you highlighted concerns with the applicants 'de minimis' approach to assessing in combination effects. The applicants have since provided in-combination assessments of guillemot and puffins for the Farne Islands SPA and red-throated diver for the Greater Wash SPA [AS-085]. Do your concerns remain, and if so, can you confirm what further assessment(s) you advise are required?</p>
OR.2.24	RSPB	<p>Flamborough and Filey Coast SPA</p> <p>You have stated [RR-049] [REP1-087] you cannot rule out AEoI on the seabird assemblage of the FFC SPA, however the applicants [REP3-027], OR.1.11) noted you had not explained why you have reached this conclusion. Can you explain how you reached this conclusion and what your latest position is?</p>
OR.2.25	NE	<p>Flamborough and Filey Coast SPA</p> <ul style="list-style-type: none"> a) What is your latest position on the applicants' assessment of potential effects on gannet and the wider sea bird assemblage at the FFC SPA? If the response to this is clear from your response to HRA.2.4 then there is no need to repeat the response.

ExQ2	Question to:	Question
		b) In your Relevant Representation, you advised that the proposed development was the highest impacting project on the FFC SPA kittiwake to date and would likely result in an AEol alone [RR-039] . Further to the assessment updates provided by the applicants, can NE confirm whether it considers there to be an AEol on kittiwake from the project alone?
OR.2.26	The applicants	Flamborough and Filey Coast SPA Given the stage of the examination, and the remaining outstanding concerns from NE, the ExA believes it necessary to ask what compensation proposals you have for the situation in which NE, as the SNCB, were to state it cannot rule out AEol for gannet and the wider sea bird assemblage at the FFC SPA and the Secretary of States agrees with this position? Can you provide a without prejudice derogations case for this possibility and submit this into the examination at DL5?
OR.2.27	The applicants	HRA screening For the FFC SPA, Table 4-10 of the HRA screening [APP-049] identified the 'potential for disturbance to breeding cormorant, shag and herring gull from operation & maintenance vessels'. Table 9-10 of the RIAA Part 4 [REP4-016] refers to these features, however no further mention is given to them. Can you confirm if you consider there to be a LSE on these features, and if so direct the ExA to where potential effects on integrity are assessed?
OR.2.28	The applicants	HRA screening Paragraph 225 of [APP-045] states that the following were screened out: <ul style="list-style-type: none"> • breeding guillemot of St Abbs Head to the Fast Castle SPA • breeding guillemot, razorbill and puffin of the Forth Islands SPA • breeding herring gull of Forth Islands SPA However, a LSE for these feature is identified in Tables 1 and 4-7 and subsequently assessed in the RIAA Part 4 [REP4-016] . Can you confirm that paragraph 225 is therefore incorrect?
OR.2.29	The applicants	Highly pathogenic avian influenza (HPAI) The SoCG with RSPB [REP4-071] identifies two points regarding HPAI which the RSPB states the applicants have not addressed. Can the applicants explain how the following consequences of the HPAI outbreak have been considered in the assessment: <ol style="list-style-type: none"> Alterations of the extent of interactions with wind farms, potentially related to physiological changes, and in the lethal and sub-lethal consequences of those interactions; and Consequences in changes in the robustness of protected population to additional mortality arising through the presence of wind farms.
OR.2.30	The Royal Society for the Protection of Birds (RSPB)	Forth Islands SPA The RSPB: Your SoCG with the applicants [REP4-071] reiterates your DL1 position [REP1-087] that you cannot reach a conclusion as to the significance of impacts on the gannet component of the Forth

ExQ2	Question to:	Question
	NatureScot	Islands SPA. The applicants calculated an annual impact on four individuals in [REP2-057] . Can you comment as to whether you are able to exclude an AEol further to this information? NatureScot: Can you comment as to whether you are able to exclude an AEol of the gannet component of the Forth Islands SPA?
OR.2.31	The RSPB	Statement of Common Ground with the RSPB Your SoCG with the applicants [REP4-071] refers to your DL1 response in respect of sites with puffin as a qualifying feature for which you are unable to reach conclusions as to the significance of effect. Can you confirm whether this position has changed for any of the sites and features listed, further to the information submitted by the applicants in the examination to date? If not, can you provide reasoning and identify any additional information you require from the applicants?
OR.2.32	The JNCC The RSPB NE	Gannets – macro-avoidance The ExA is aware of an outstanding issue in that the RSPB and NE do not agree on the macro-avoidance correction factor to be applied to the gannet collision assessment. The applicants revised their assessment in line with NE advice [RR-049] , G16] and have also presented the collision risk modelling without the application of the macro-avoidance correction factor. However, the RSPB disagreed with NE's advice [RR-049] , [REP1-087] , [REP4-071] stating that the JNCC also do not accept NE's advised approach and considered this would have a material impact on resulting impact assessments. The JNCC: Could the JNCC submit its latest position on this matter along with justification and evidence into the examination at DL5? NE: Could NE submit the evidence upon which its advice to use an avoidance rate of 99.3% along with a macro-correction factor between 65-85% is based, into the examination at DL5? The RSPB: Could the RSPB submit justification and evidence for its position into the examination at DL5?
Planning and policy context		
		No further questions at this time.
Seascape and visual resources		
		No further questions at this time.
Shipping and navigation		
SN.2.1	The applicants	Navigation communication systems The MCA Relevant Representation [RR-031] states, 'due consideration for appropriate mitigation such as radar, Automatic Identification System (AIS) receivers and in-field, Marine Band Very High Frequency (VHF) radio communications aerial(s) (VHF voice with Digital Selective Calling (DSC)) that

ExQ2	Question to:	Question
		can cover the entire wind farm sites and their surrounding areas. It will be expected that the applicant will provide this AIS and VHF capability to the MCA with direct access to HM Coastguard systems'. Can the applicants confirm if these mitigations measures are deemed necessary, would this require the installation of communication equipment and has this been included in the DMLs? Further, can you signpost to the commitment for providing AIS and VHF capability to the MCA with direct access to HM Coastguard systems?
Socio-economic effects and tourism		
SET.2.1	The applicants	Clean Industry Bonus If there is no requirement for consultation on the Clean Industry Bonus, can you explain how the Clean Industry Bonus scheme as part of the CfD would ensure compliance with section 5.13.6 of NPS EN-1 in that it can demonstrate that local suppliers have been considered in any supply chain?
SET.2.2	The applicants ERYC	Local skills and employment The applicants and ERYC: The updated SoCG between the applicants and ERYC [REP4-059] continues to highlight concerns regarding the proposed wording of Requirement 26, Local Skills and Employment. Can you explain the concerns raised, confirm whether this has been resolved and provide the agreed wording? ERYC: In addition, confirm if you are satisfied with the information provided as part of the proposed outline Skills and Employment Strategy [APP-230] ? If not, explain any outstanding requirements.
SET.2.3	ERYC	Assessment of effects on tourism As previously raised in ExQ1 [PD-014] , your Local Impact Report (LIR) does not make reference to the appropriateness of the 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 comments in relation to the potential effects of the proposed development on tourism as detailed in ES Chapter 29 [APP-219] ?
Traffic and transportation including public rights of way		
TT.2.1	East Riding of Yorkshire and Kingston Upon Hull Joint Local Access Forum (JLAF)	Outline Public Rights of Way (PRoW) Management Plan The applicants provided a detailed response [REP2-057] to your DL1 submission [REP1-072] . Clarify if the response has addressed all your previous concerns raised. If not, explain any outstanding matters and how you would wish to see them addressed.

ExQ2	Question to:	Question
TT.2.2	The applicants	<p>PROW - community benefits package</p> <p>The applicants' response [REP2-057] to the East Riding of Yorkshire and Kingston Upon Hull JLAF states that, 'No enhancement of PROWs is proposed as the DCO application considered the National Policy Statement (NPS) requirements and has not identified any significant effects with the measures proposed in the Outline Public Rights of Way Management Plan. A Community benefits package was discussed with the JLAF during the ETG meetings, to confirm that the detail of any community benefit package offered, will be developed following engagement with the local community and remain separate from the planning process.'</p> <p>Provide further information on the proposed community benefits package. How and where is this secured? Explain how it would be ensured this is delivered successfully if the proposal would remain separate from the planning process. How much weight should the ExA and Secretary of State (SoS) give to this, if it is not secured as part of the DCO?</p>
TT.2.3	Hull City Council (HCC)	<p>Assessment methodology – driver delay (capacity)</p> <p>Following discussions at ISH2, and as requested at EXQ1 [PD-014], are you satisfied with the approach towards the identification and modelling of sensitive junctions in relation to driver delay effects? If not, explain any outstanding concerns and the work required by the applicants to address them.</p>
TT.2.4	ERYC	<p>Outline Travel Plan measures</p> <p>Your response [REP3-037] and the applicants' response [REP3-027] to question ExQ1, TT.1.13 [PD-014] in relation to outline travel plan measures are noted. On the basis of the applicants' response, do you consider the oCTMP [REP4-046] sufficiently captures the required elements of an outline Travel Plan? If not, can you clarify the information you consider is missing? Do you agree that further details could be agreed as part of the final CTMP? If not, explain why not?</p>
TT.2.5	ERYC	<p>Emergency beach access</p> <p>The proposed emergency beach access was discussed at ISH2, when 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). No response on this matter has been received from ERYC following ExQ1 [PD-014]. Have there been any updates on the discussions? What has been agreed with the applicants?</p> <p>In addition, as explained in the applicants' response to ExQ1, TT.1.15 [REP3-027], do you consider the proposed Drilling Fluid Management Plan, part of the oCoCP [REP4-040], appropriately captures the proposed way forward and requirement for consultation on the emergency beach access? If not, explain why not and any outstanding concerns.</p>

ExQ2: 13 May 2025

Responses due by Deadline 5: 23 May 2025

ExQ2	Question to:	Question
TT.2.6	The applicants ERYC	Cumulative effects assessment Following your response [REP3-027] to ExQ1, TT.1.16 [PD-014] , the ExA notes that the application for Peartree Hill Solar Farm was accepted for examination on 21 March 2025. Does the additional information now publicly available have any implications in relation to the assessment of traffic and transport cumulative effects? If not, explain why not.
TT.2.7	HCC	Requirement 14 - CTMP The SoCG between the applicants and HCC [REP4-062] suggests outstanding disagreement on the wording of Requirement 14 and queries on the appropriate consultation of the relevant highway authorities as part of the oCTMP [REP4-046] . The applicants have updated the oCTMP [REP4-046] in response to your concerns raised. Can you clarify if the updated document has addressed your concerns? If it has not, explain why not.