



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Dogger Bank South Offshore Wind Farm

Appendix O7 to the Natural England Deadline 7 Submission
Natural England's comments on The Examining Authority's Schedule of
Recommended Amendments to the Applicant's draft Development Consent Order
[PD-028]

For:

The construction and operation of Dogger Bank South (East and West) Offshore Wind Farm,
located approximately 100-122km from the Northeast Coast in the Southern North Sea.

Planning Inspectorate Reference EN010125

26th June 2025

Appendix O7 – Natural England’s comments on The Examining Authority's Schedule of Recommended Amendments to the Applicant’s draft Development Consent Order

Natural England have reviewed the Examining Authority's Schedule of Recommended Amendments to the Applicant’s draft Development Consent Order [PD-028] for Dogger Bank South Offshore Windfarm. We provide comments pertaining to articles within Natural England’s remit in Table 1 below.

Table 1 - Natural England's Advice On: [PD-028] The Examining Authority's Schedule of Recommended Amendments to the Applicant's draft Development Consent Order

Reference	Text as set out in the draft DCO	ExA's recommended amendment/ insertion	Reasons and notes	Natural England's Response
ARTICLES				
Schedule 10 – DML 1; Schedule 11 – DML2: Part 2, 7(2)(g) Schedule 12 – DML3; Schedule 13 – DML4: Part 2, 5(2)(g) Schedule 14 – DML5: Part 2, 3(2)(d)	(g) Cable protection replenishment;	(g) Cable protection replenishment outside European marine designated sites with benthic habitats as qualifying features for a maximum period of ten years post construction; (h) Cable repairs and replacement; (i) Access ladder and boat landing replacement; (j) Wind turbine generator and offshore accommodation platform anode replacement; and (k) J-tube repair/replacement.	NE's standard advice is that cable protection should only be deployed for a maximum period of 10 years from the commencement of operations outside of designated sites. The ExA is currently persuaded that it is prudent at this stage to include this in line with previously made DCOs.	Natural England welcome the suggested amendments to cable protection replenishment outside of European marine designated sites. If implemented, we consider this would resolve this aspect of our concerns. [R&I, A15].
Schedule 10 – DML1; Schedule 11 – DML2:	n/a	7. —(7) No cable protection can be replenished within European marine designated sites with benthic habitats as	NE's Risk and issue log at deadline 6, point A15/A19 [REP6-077] continues to state a significant disagreement on the issue of cable protection replenishment within designated sites	Natural England welcome the suggested addition to cable protection replenishment within European marine designated sites. However, we advise that

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Part 2, 7(7)(8) Schedule 12 – DML3; Schedule 13 – DML4: Part 2, 5(7)(8) Schedule 14 – DML5: Part 2, 3(7)(8)		qualifying features unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body and the Maritime and Coastguard Agency. (8) The undertaker is not required to comply with sub-paragraph (7) in a case of emergency.”	for benthic features. Within any designated sites for benthic features, such as the Dogger Bank SAC, NE states the condition should stipulate that there should be no deployment of cable protection after the completion of construction. The ExA therefore considers the revised wording would allow the relevant statutory nature conservation body to have the necessary degree of oversight of any cable protection replenishment required within designated sites from a safety perspective and has therefore included the need for the Maritime and Coastguard Agency to be consulted.	rather than stipulating agreement with MMO, that this should be subject to a new Marine Licence for such replenishment [R&I, A15, A21].
Schedule 10 – DML1; Schedule 11 – DML2: Part 2, 15(1)(c)(i) Schedule 12 – DML3; Schedule 13 – DML4: Part 2, 13(1)(c)(i)	(bb) a detailed cable laying plan for the authorised scheme, incorporating a detailed burial risk assessment encompassing the identification of any cable protection that exceeds 5 percent of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5	(bb) a detailed cable laying plan for the authorised scheme, incorporating a detailed burial risk assessment encompassing the identification of any cable protection that exceeds 5 percent of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5 percent of navigable depth is identified, details of any steps (to be	The wording has been added in response to NE's deadline 6 response [REP6-072] advising that if cable protection would be required at greater heights, that this should also be agreed with the MMO in consultation with the SNBC.	Natural England welcome the suggested amendment; however we advise that additional consideration should be given to this being a requirement within the 10m depth contour only, and that reassessment of sediment transport processes would be required. Natural England have seen and are supportive of MMO's proposed amendments to this condition that will be submitted in their response to this document,

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Schedule 14 – DML5; Part 2, 11(1)(c)(i)	percent of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection; and	determined following consultation with the MCA, and Trinity House and the MMO in consultation with the statutory nature conservation body) to be taken to ensure existing and future safe navigation is not compromised or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection; and		which include these aspects. [R&I, B23].
Schedule 10 – DML1; Schedule 11 – DML2: Part 2, 15(1)(g) Schedule 12 – DML3; Schedule	(g) 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	(g) 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	The ExA is currently persuaded by the preferred condition wording as advised by the MMO [REP6-069] and NE [REP6-075] which is to replace ' <i>consideration of</i> ' with ' <i>the use of</i> '. MMO and NE consider that the phrasing ' <i>consideration of</i> ' leaves ambiguity at the post consent stage that could mean no mitigation is	Natural England are satisfied that were this amendment to be made, it would be sufficient to address our concerns with respect to securing additional mitigation for underwater noise impacts and enable us to rule out AEoI on marine mammal features of concern. However, we note that the Applicant has given us sight of

Reference	Text as set out in the draft DCO	ExA's recommended amendment/ insertion	Reasons and notes	Natural England's Response
13 – DML4: Part 2, 13(1)(g)	prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies and which must include consideration of noise reduction methods and/or, deployment of noise mitigation systems or noise abatement systems that will be utilised to manage sounds from those piling activities and such protocol must include full details and justification for the mitigation chosen or excluded for deployment;	best practice as advised by the relevant statutory nature conservation bodies and which must include consideration the use of noise reduction methods and/or, deployment of noise mitigation systems or noise abatement systems that will be utilised to manage sounds from those piling activities and such protocol must include full details and justification for the mitigation chosen or excluded for deployment; the noise reduction methods employed must achieve at least a 10dB reduction in underwater noise at a frequency band approved by the MMO in consultation with the relevant statutory nature conservation body and verified by the monitoring set out in the final MMMP informed by the outline MMMP;	applied post consent when this will be required. Due to the outstanding concerns by NE at deadline 6 of AEol for marine mammal species at the North Norfolk Coast and Wash SAC, Southern North Sea SAC and Humber Estuary SAC, but confirmation by NE that AEol would be ruled out if the applicants confirmed the use of noise reduction methods to deliver at least a 10dB reduction in underwater noise [REP6-075], the ExA currently considers it appropriate and reasonable to add further to the condition that at least a 10dB reduction must be achieved by the use of noise reduction systems, verified by the monitoring set out in the final MMMP informed by the outline MMMP.	an updated condition to be submitted at DL7 which we consider is also sufficient to resolve our concerns. Natural England would therefore be content for either of these amendments to be consented in the final DCO, though we consider the additional inclusion of monitoring in the ExA's condition is welcome.

Reference	Text as set out in the draft DCO	ExA's recommended amendment/ insertion	Reasons and notes	Natural England's Response
Schedule 10 – DML1; Schedule 11 – DML2: Part 2,15(1)(k) Schedule 12 – DML3; Schedule 13 – DML4: Part 2,13(1)(k) Schedule 14 – DML5: Part 2,11(1)(j)	n/a	(k) Impacts of unexploded ordnance (UXO) clearance with and without additional mitigation measures will be presented in the final UXO clearance MMMP and UXO clearance Marine Licence Application;	The ExA is currently persuaded by NE's advice is that the impacts of UXO clearance with and without additional mitigation measures should be presented in the final UXO clearance MMMP and UXO clearance Marine Licence Application.	Natural England welcome this amendment. [R&I F7, F22]
Schedule 10 – DML1; Schedule 11 – DML2: Part 2, 15(1)(l) Schedule 12 – DML3; Schedule 13 – DML4:	n/a	No construction activities that interact with the seabed associated with the authorised development may be undertaken between 1 August to 31 October inclusive between Kilometre Point 20 to Kilometre Point 60, unless otherwise agreed in writing by the MMO in consultation	The ExA is currently persuaded by advice from the MMO [REP6-069] that a three month seasonal restriction is required during the Banks herring season to construction activities that interact with the seabed through the spawning ground between 1 August to 31 October inclusive so that the risk of disturbance to gravid herring engaged in spawning is negated [REP5-049] . The MMO has advised [REP6-069] this restriction should apply between	Natural England are supportive of this amendment; however we understand that updated conditions have also been developed by the Applicant and MMO related to this restriction which are to be submitted by the Applicant at DL7. We will provide further comment on these at DL8. [R&I, E16]

Reference	Text as set out in the draft DCO	ExA's recommended amendment/ insertion	Reasons and notes	Natural England's Response
Part 2,13(1)(l) Schedule 14 – DML5: Part 2, 11(1)(k)		with the relevant statutory nature conservation body.	Kilometre Point 20 to Kilometre Point 60.	
Schedule 10 – DML1; Schedule 11 – DML2: Part 2,15(1)(m) Schedule 12 – DML3; Schedule 13 – DML4: Part 2,13(1)(m) Schedule 14 – DML5 Part 2,11(1)(l)	n/a	(m) No piling or construction activity interacting with the seabed associated with the proposed development can commence until a spawning herring construction restriction plan has been submitted to and approved by the MMO. The spawning herring construction restriction plan must include details of verified noise mitigation measures to be employed to achieve a 10dB reduction at a frequency band approved by the MMO in consultation with the relevant statutory nature conservation body and any necessary details to ensure adherence to the seasonal restriction of	The ExA considers it pragmatic to follow the example of the Rampion 2 made DCO for which a condition was made for an outline spawning herring piling restriction plan upon which a final spawning herring piling restriction plan should be based. For this proposed development there are two potential aspects to potential seasonal restrictions i) related to construction activities that interact with the seabed and ii) related to underwater noise associated with piling construction activities. Therefore, the ExA considers it sensible for there to be a condition within the DMLs for an outline spawning herring construction restriction plan to address the potential effects from both these pathways.	Natural England are supportive of this amendment; however, we understand that updated conditions have also been developed by the Applicant and MMO related to this restriction which are to be submitted by the Applicant at DL7. We will provide further comment on these at DL8. [R&I, E16]

Reference	Text as set out in the draft DCO	ExA's recommended amendment/ insertion	Reasons and notes	Natural England's Response
		construction activities that interact with the seabed specified in condition 2,15(1)(l).		
Schedule 10 – DML1; Schedule 11 – DML2: Part 2,16(2)(3) Schedule 12 – DML3; Schedule 13 – DML4: Part 2,14(2)(3)	<p>(2) The SIP submitted for approval must contain a description of the conservation objectives for the Southern North Sea Special Area of Conservation (“SNS SAC”) as well as any relevant management measures and it must set out the key statutory nature conservation body advice on activities within the SNS SAC relating to piling as set out within the JNCC Guidance and how this has been considered in the context of the authorised scheme.</p> <p>(3) The SIP must be submitted in writing to the MMO no later than six months prior to the</p>	<p>(2) The SIP submitted for approval must contain a description of the conservation objectives for the Southern North Sea Special Area of Conservation (“SNS SAC”), North Norfolk Coast and Wash Special Area of Conservation (“NNCW SAC”) and the Humber Estuary SAC as well as any relevant management measures and it must set out the key statutory nature conservation body advice on activities within the SNS SAC, NNCW SAC and the Humber Estuary SAC relating to piling as set out within the JNCC Guidance and how this has been considered in the context of the authorised scheme.</p> <p>(3) The SIP must be submitted in writing to the</p>	<p>Given the outstanding concerns from NE at this stage of the examination, specifically that NE cannot at this stage rule out AEol for harbour seal at the NNCW SAC or for grey seal at the Humber Estuary SAC, the ExA considers it prudent to expand the coverage of the SIP to include these designated areas.</p> <p>The ExA is currently persuaded by suggested amendments to sub-paragraph (3) to the timing of the submission for the SIP based on continued advice from NE [REP6-077].</p>	<p>As detailed above, Natural England are satisfied that conditions related to noise mitigation for piling works, to be submitted by the Applicant at DL7 or amended by the ExA, are sufficient to enable us to rule out AEol for impacts to grey seal (Humber Estuary SAC & Berwickshire and North Northumberland Coast (BNNC) SAC). Whilst we cannot currently rule out adverse effects for harbour seal in the Wash and North Norfolk Coast (WNNC) SAC, we anticipate this may be resolved at Deadline 8. [R&I, F18, F19, F23].</p> <p>In addition, the SIP process was created to manage in-combination noise in the SNS SAC with respect to the specific disturbance thresholds for that site. The equivalent thresholds do not exist for the seal SACs. Natural</p>

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	commencement of piling activities.	MMO no later than six months prior and no sooner than 9 months prior to the commencement of piling activities.		England therefore recommend that BNNC SAC, WNNC SAC and Humber Estuary are not included in this condition. Natural England welcome the suggested amendments to sub-paragraph (3) to the timing of the submission for the SIP [R&I, A10].
Schedule 10 – DML1; Schedule 11 – DML2: Part 2, 20(4)(a) Schedule 12 – DML3; Schedule 13 – DML4: Part 2, 18(4)(a) Schedule 14 – DML5: Part 2, 14(4)(a)	(4) The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed in writing with the MMO, include, but not be limited to, the need to undertake— (a) a survey to determine the location, extent and composition of any habitats of principal importance, Annex 1 subtidal habitat, habitat with suitability for sandeel or surficial deposits of glacial till in the parts of the Order limits in which it is	(4) The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed in writing with the MMO, include, but not be limited to, the need to undertake— (a) a survey to determine the location, extent and composition of any habitats of principal importance, Annex 1 subtidal habitat, habitat with suitability for sandeel or surficial deposits of glacial till in the parts of the Order limits in which it is proposed to carry out construction works; where cable protection	The ExA is currently persuaded by responses in NE's deadline 6 recommendation in section ii) page 2 of Appendix C6 advice on benthic and intertidal ecology [REP6-073] and has therefore added the suggested wording to sub-paragraph (a)	Natural England welcome the requirement of a survey report where cable protection is proposed within such habitats. [R&I, C3, E9, E22, E14]

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	proposed to carry out construction works;	is proposed within habitats of principal importance, Annex 1 subtidal habitat, habitat with suitability for sandeel or superficial deposits of glacial till, a survey report must be submitted to the MMO following completion of the relevant survey to justify with evidence the need for the proposed locations and extent of any cable protection in those locations, demonstrating how the extent of cable protection has been kept to a minimum for each;		
Schedule 10 – DML1; Schedule 11 – DML2: Part 2, 20(4)(e) Schedule 12 – DML3;	n/a	(e) a survey of seabird densities and distributions in the study area to identify areas where impacts are likely to be particularly high. The report must include an explanation of how this additional post-	The ExA currently considers that the further surveys of seabird densities and distributions in the study area advocated by NE may help to identify areas where impacts are particularly high, and that might be suitable for changes to array size or layout to mitigate impacts.	We welcome the ExA's recognition that a seabird density hot-spot analysis could deliver significant mitigation benefits and the proposal of a condition to secure this. Whilst it would have been preferable for such an analysis to be discussed during the

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Schedule 13 – DML4: Part 2, 18(4)(e)		consent ornithological mapping has influenced the array, size or layout to mitigate impacts as much as possible.		<p>Examination, such a condition might afford a post-consent reduction in the high predicted impacts from these two projects and so is worthy of careful consideration. We invite the ExA to consider i) how it might operate in practice in the post-consent period, given that SoS will need to have assessed whether there are no alternative solutions with lesser impacts before allowing a derogation under the Habitats Regulations; ii) given the appropriate assessment will be based on a specific set of impacts, how a lower level of impact arising from the proposed analysis might be secured post-decision and iii) whether it would be more appropriate for the DCO rather than the dML to contain such a condition, with SoS needing to approve the plan, and in turn how practicable it will be for SoS (or MMO if it remains solely in the dML) to discharge the condition.</p> <p>Whilst such an exercise would potentially be strengthened by the addition of further survey data,</p>

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				Natural England would be content should the suggested analysis set out in our representations be undertaken with the Applicant's existing baseline survey data, rather than the Applicant undertaking new surveys.
Schedule 10 – DML1; Schedule 11 – DML2: Part 2, 21(2) Schedule 12 – DML3; Schedule 13 – DML4: Part 2, 19(2)	(2) In the event that driven or part-driven pile foundations are proposed, such monitoring must include measurements of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed unless the MMO otherwise agrees in writing.	(2) In the event that driven or part-driven pile foundations are proposed, such monitoring must include measurements of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed unless the MMO otherwise agrees in writing. As part of the piling monitoring planned and undertaken, if the worst-case piles are not included in the first four piles to be monitored, then two of the worst-case piles must be monitored in addition to the first four piles and results analysed and shared with the MMO and statutory nature	The ExA is currently persuaded by the MMO's current position [REP5-049] that there should be a commitment that two of the worst-case piles would be monitored, which may be after the first four piles, which would allow the predictions to be validated.	Natural England welcome the suggested amendment to this condition.

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		conservation body for validation purposes.		
<p>Schedule 10 – DML1;</p> <p>Schedule 11 – DML2: Part 2, 22(3)(e)</p> <p>Schedule 12 – DML3;</p> <p>Schedule 13 – DML4: Part 2, 20(3)(e)</p>	<p>(d) undertake post-construction vessel traffic monitoring in accordance with the outline vessel traffic monitoring plan by automatic identification system for a duration of three consecutive years following the completion of construction of the authorised project, unless otherwise agreed in writing by the MMO, with provision for a report to be submitted annually to the MMO, Trinity House and the MCA; and</p> <p>(e) undertake any marine mammal monitoring referred to in the marine mammal mitigation protocol</p>	<p>(d) undertake post-construction vessel traffic monitoring in accordance with the outline vessel traffic monitoring plan by automatic identification system for a duration of three consecutive years following the completion of construction of the authorised project, unless otherwise agreed in writing by the MMO, with provision for a report to be submitted annually to the MMO, Trinity House and the MCA; and</p> <p>(e) undertake any marine mammal monitoring referred to in the marine mammal mitigation protocol submitted in accordance with condition 15(1)(g), including monitoring of operational underwater noise levels along with a verification process to check they</p>	<p>The ExA understands there is a significant gap in knowledge of the operational underwater noise levels of wind turbine generators of size proposed by the proposed development and that that the turbine sizes used to inform operational noise modelling are considerably smaller Appendix F5 [REP5-057].</p> <p>As NE raised a concern around the adequacy of the proposed monitoring of marine mammals and validation of the effectiveness of mitigation which continues to be unresolved [REP6-077]. The ExA considers the additional wording may assist to resolve this issue.</p>	<p>Natural England welcome the inclusion of this amendment, however we consider it would sit better within the provision of a specific Marine Mammal Monitoring Plan, rather than within the Marine Mammal Mitigation Protocol.</p> <p>Monitoring in the Mitigation Protocol is to ensure that the mitigation applied to reduce construction impacts is working as intended, rather than to provide post-consent monitoring to validate impacts.</p> <p>We consider the requested plan and monitoring could be secured explicitly within the dML in a standalone monitoring condition and included within updates to the Applicant's In-Principle Monitoring Plan.</p>

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	submitted in accordance with condition 15(1)(g).	remain within those predicted within the environmental statement; and		
Schedule 10 – DML1; Schedule 11 – DML2: Part 2, 22(3)(f) Schedule 12 – DML3; Schedule 13 – DML4 Part 2, 20(3)(f) Schedule 14 – DML5: Part 2, 16(3)(d)	n/a	undertake any monitoring necessary to validate the predictions made in the ES and HRA with respect to potential effects from indirect impacts on benthic Annex I habitats and linked receptor groups as relevant. Discussions should take place in advance with the MMO in consultation with the statutory nature conservation body on how potential indirect ecosystem impacts will be monitored and reported and written agreement on the approach to monitoring and evaluating indirect effects should be obtained from the MMO in consultation with the statutory nature	Indirect effects between different receptor groups has been a constant and significant issue throughout the examination and remains largely unresolved. NE state it is particularly important to further understand indirect effects in relation to the placement of infrastructure within Dogger Bank SAC and along the ECC where there is a potential impact pathway to Holderness Inshore MCZ. The ExA currently considers it reasonable and prudent to follow the SNCB's advice but also recognises that the approach to how this could be done needs to be discussed with the statutory nature conservation body .	Natural England welcome the suggested addition regarding monitoring of indirect impacts on benthic Annex 1 habitats and linked receptor groups. We direct the ExA to our response to RIES Question 52 in Appendix N7 of our Deadline 7 submission, where we have recommended that monitoring of this nature is undertaken. We defer to the MMO on the most appropriate way for this to be secured, but we consider the detail within the IPMP for sandeel monitoring could be expanded to include these aspects, with provision of a Sandeel and Indirect Effects Monitoring Plan to be secured in the dML.

Reference	Text as set out in the draft DCO	ExA's recommended amendment/ insertion	Reasons and notes	Natural England's Response
		conservation body before construction commences.		
Schedule 10 – DML1; Schedule 11 – DML2: Part 2, 22(5) Schedule 12 – DML3; Schedule 13 – DML4: Part 2, 20(5)	(5) In the event that the reports provided to the MMO under sub-paragraph (4) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed.	(5) In the event that the reports provided to the MMO under sub-paragraph (4) identify a need for additional monitoring or impacts which are unanticipated and/or in the view of the MMO in consultation with the relevant statutory nature conservation body are significantly beyond those predicted within the environmental statement, the Habitats Regulations Assessment, and the Marine Conservation Zone Assessment the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed and an adaptive management plan to reduce effects to within what was predicted within the environmental statement, the Habitats Regulations Assessment, and the Marine Conservation Zone	The MMO requests that a provision for adaptive management is included within construction monitoring and surveys and NE expressed a significant concern regarding the degree of adaptive management in the draft DCO in appendix J [REP3-056] . The ExA notes the additional wording on adaptive management to Revision 4 of the In Principle Monitoring Plan [REP5-027] does not commit the effects to be reduced to within what was predicted within the environmental statement, rather it suggests additional monitoring and further discussion with the MMO and statutory nature conservation bodies. The ExA also notes the dDCO applies adaptive management directly to aspects related to kittiwake and guillemot and razorbill implementation management plans and the ExA considers it appropriate this is extended to other receptors as has been done in other recent made DCOs for OWFs and has suggested the wording which has been accepted by the Secretary of State on	<p>Natural England welcome the inclusion of these amendments. We suggest the following additional amendment for the Examiner's consideration: "...<i>the requirement for any additional monitoring and/or remedial action will be agreed with the MMO in writing and implemented as agreed...</i>".</p> <p>Natural England defer to the MMO on this matter, but we question whether the final sentence of the amendment is necessary, as if the works require a consent our understanding is that it would not be possible to do them prior to this being granted.</p>

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		<p>Assessment, unless otherwise agreed by the MMO in writing in consultation with the relevant statutory nature conservation body, must be submitted alongside the monitoring reports submitted under sub-paragraph (4). This plan must be agreed by the MMO in consultation with the relevant statutory nature conservation bodies to reduce effects to an agreed suitable level for this project. Any such agreed and approved adaptive management or mitigation should be implemented and monitored in full to a timetable first agreed in writing with the MMO in consultation with the relevant statutory nature conservation body. In the event that this adaptive management or mitigation requires a separate consent, the undertaker</p>	<p>other made DCOs. This would be useful to address</p> <p>concerns related to potential impacts to any ecological receptor and also specific concerns including, but not limited to:</p> <ul style="list-style-type: none"> • monitoring and remedial action for potential sediment blockage and repair of any breach at Spurn point • potential impacts to Holderness Inshore MCZ and Humber Estuary SAC • to provide evidence to support the use of the assumption that the bottlenose dolphin baseline distribution along the northeast English coast is the same as in Scotland. <p>In the absence of a commitment by the applicants to commit to reduce effects to within what was predicted within the environmental statement in the relevant control document, the ExA currently sees no other option other than to add it to the face of the DCO.</p>	

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		must apply for such consent. Where a separate consent is required to undertake the agreed adaptive management or mitigation, the undertaker shall only be required to undertake the adaptive management or mitigation once the consent is granted.		
Schedule 10 – DML1; Schedule 11 – DML2: Part 2, 29(4)	n/a	(4) The ornithological monitoring plan must provide details of proposed post-construction and operational surveys, including methodologies and timings, and a proposed format, content and timings for providing post-construction and operational monitoring reports. The plan must— (a) specify each bird species survey objectives and explain how it will assist in informing a useful and valid comparison with the pre-construction	The ExA considers it prudent to insert the following conditions based on other recently made DCOs, particularly in light of NE's extensive comments on the proposed ornithological monitoring in Table 1 of Appendix J [REP3-056] for which NE's Risk and Issue log [REP6-077] point A12/A15 continues to indicate that these concerns are not fully resolved.	Natural England welcome the inclusion of this amendment and the acknowledgement of Natural England's advice. To fully resolve [R&I A12/A15] , we consider that a monitoring plan for each thematic area should be named and secured by condition in the dML. For DBS this should include monitoring plans for ornithology, benthic, marine processes, marine mammals, and sandeel (indirect effects). We have provided comments that relate to monitoring plans for some of these thematic areas in the comments above, however this condition is considerably more in

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		<p>position for each bird species and how it will enable the validation or otherwise of key predictions in the environmental statement;</p> <p>(b) have due regard to the need to undertake monitoring to determine the distribution and behaviour of each bird species within the array areas of the proposed developments and the rates of collision and avoidance of each bird species with wind turbine generators within the array areas; and</p> <p>(c) ensure that the outcome of the agreed surveys together with existing data and reports are drawn together to present a valid statement of the post-construction and operational position, with any limitations, and must make clear what pre-construction comparison is</p>		<p>depth. We will therefore provide further comment on recommendations for conditions with respect to monitoring plans at DL8, to allow for further consideration of alignment across topics.</p>

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		<p>intended and the justification for this.</p> <p>(5) The undertaker must carry out the surveys for each bird species as agreed under sub-paragraph (4) and provide the post-construction and operational monitoring reports to the MMO and Natural England in the agreed format and in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO, in consultation with Natural England.</p> <p>(6) Any monitoring report compiled in accordance with the monitoring schemes required under sub-paragraph (4) must be provided to the MMO and Natural England no later than four months following completion of the monitoring to which it relates, unless otherwise agreed in writing by the</p>		

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		<p>MMO, in consultation with Natural England.</p> <p>(7) All monitoring reports must be made publicly available and submitted to relevant evidence databases no later than six months following completion of the monitoring required by the ornithological monitoring plan unless otherwise agreed in writing by the MMO, in consultation with Natural England.</p> <p>(8) In the event that the reports provided to the MMO and Natural England under sub-paragraph (4) identify impacts which are unanticipated and/or in the view of the MMO in consultation with the relevant statutory nature conservation body are significantly beyond those predicted within the environmental statement, either an adaptive management plan to reduce</p>		

Reference	Text as set out in the draft DCO	ExA's recommended amendment/ insertion	Reasons and notes	Natural England's Response
		<p>effects to within what was predicted within the Environment Statement or a plan to deliver additional compensation must be submitted alongside the monitoring reports submitted under sub-paragraph (4) unless otherwise agreed by the MMO in writing in consultation with the relevant statutory nature conservation body. These plans must be agreed by the MMO in consultation with the relevant statutory nature conservation bodies. Any such agreed and approved adaptive management, mitigation or compensation should be implemented and monitored in full to a timetable agreed in writing with the MMO, in consultation with the relevant statutory nature conservation body. In the event that this adaptive</p>		

Reference	Text as set out in the draft DCO	ExA's recommended amendment/ insertion	Reasons and notes	Natural England's Response
		management, mitigation or compensation requires a separate consent, the undertaker must apply for such consent. Where a separate consent is required to undertake the agreed adaptive management, mitigation or compensation the undertaker shall only be required to undertake the adaptive management, mitigation or compensation once the consent is granted.		