

# Outer Dowsing Offshore Wind

## The Applicant's Comments on Natural England's Risk & Issues Log

### Deadline 4

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## Acronyms & Definitions

### Abbreviations / Acronyms

Abbreviation / Acronym	Description
<b>ADD</b>	Acoustic Deterrent Device
<b>AEol</b>	Adverse Effect on Integrity
<b>BE</b>	Benthic Ecology
<b>BT</b>	British Telecommunications PLC
<b>CI</b>	Confidence Interval
<b>CRM</b>	Collision Risk Modelling
<b>CSIP</b>	Cable Installation and Specification Plan
<b>DAS</b>	Digital Aerial Survey
<b>dDCO</b>	draft Development Consent Order
<b>DCO</b>	Development Consent Order
<b>Defra</b>	Department for Environment, Food and Rural Affairs
<b>DEP</b>	Dudgeon Extension Project
<b>DESNZ</b>	Department for Energy Security and Net Zero, formerly Department of Business, Energy and Industrial Strategy (BEIS), which was previously Department of Energy & Climate Change (DECC)
<b>dML</b>	deemed Marine License
<b>EA</b>	Environmental Agency
<b>ECC</b>	Export Cable Corridor
<b>EIA</b>	Environmental Impact Assessment
<b>EIFCA</b>	Eastern Inshore Fisheries and Conservation Authority
<b>ES</b>	Environmental Statement
<b>ExA</b>	Examining Authority
<b>FFC</b>	Flamborough and Filey Coast
<b>HDD</b>	Horizontal Directional Drilling
<b>HPAI</b>	Highly Pathogenic Avian Influenza
<b>HRA</b>	Habitats Regulations Assessment
<b>IDRBNR</b>	Inner Dowsing Race Bank North Ridge
<b>iPCoD</b>	interim Population Consequences of Disturbance
<b>JNCC</b>	Joint Nature Conservation Committee
<b>KJ</b>	KiloJoule
<b>LAT</b>	Lowest Astronomical Tide

Abbreviation / Acronym	Description
<b>LBBG</b>	Lesser Black-Backed Gull
<b>LGS</b>	Local Geological Site
<b>LPA</b>	Local Planning Authority
<b>MCA</b>	Maritime and Coastguard Agency
<b>mCRM</b>	Migratory Collision Risk Model
<b>MCZ</b>	Marine Conservation Zone
<b>MDS</b>	Maximum Design Scenario
<b>MLWS</b>	Mean Low Water Springs
<b>MM</b>	Marine Mammals
<b>MMO</b>	Marine Management Organisation
<b>MMOb</b>	Marine Mammal Observer
<b>MMMP</b>	Marine Mammal Mitigation Protocol
<b>MPA</b>	Marine Protected Area
<b>MRF</b>	Marine Recovery Fund
<b>NAF</b>	Nocturnal Activity Factor
<b>NAS</b>	Noise Abatement Systems
<b>NE</b>	Natural England
<b>NNC</b>	North Norfolk Coast
<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>NPS</b>	National Policy Statement
<b>OCoCP</b>	Outline Code of Construction Practice
<b>ODOW</b>	Outer Dowsing Offshore Wind (The Project)
<b>O&amp;M</b>	Operation and Maintenance
<b>ORBA</b>	Offshore Restricted Build Area
<b>ORCP</b>	Offshore Reactive Compensation Platform
<b>OSCMP</b>	Outline Scour and Cable Protection Management Plan
<b>OWF</b>	Offshore Wind Farm
<b>PAM</b>	Passive Acoustic Monitoring
<b>PINS</b>	Planning Inspectorate
<b>PTS</b>	Permanent Threshold Shift
<b>PVA</b>	Population Viability Analysis
<b>RAG</b>	Red, Amber and Green
<b>RIAA</b>	Report to Inform the Appropriate Assessment

Abbreviation / Acronym	Description
<b>RWCS</b>	Reasonable Worst Case Scenario
<b>SAC</b>	Special Areas of Conservation
<b>SADEP</b>	Sheringham and Dudgeon Extension Projects
<b>SEP</b>	Sheringham Extension Project
<b>SIP</b>	Site Integrity Plans
<b>SMP</b>	Soil Management Plan
<b>SNCB</b>	Statutory Nature Conservation Bodies
<b>SNS</b>	Southern North Sea
<b>SPA</b>	Special Protection Area
<b>SSC</b>	Suspended Sediment Concentration
<b>SSSI</b>	Site of Special Scientific Interest
<b>TCE</b>	The Crown Estate
<b>TORC</b>	The Oyster Restoration Company
<b>TTS</b>	Temporary Threshold Shift
<b>UK</b>	United Kingdom
<b>UXO</b>	Unexploded Ordnance
<b>WCS</b>	Worst Case Scenario
<b>WMS</b>	Written Ministerial Statement
<b>WNNC</b>	Wash and North Norfolk Coast
<b>WTG</b>	Wind Turbine Generator

## Terminology

Term	Definition
<b>The Applicant</b>	GTR4 Limited (a joint venture between Corio Generation (and its affiliates), TotalEnergies and Gulf Energy Development), trading as Outer Dowsing Offshore Wind.
<b>Array Area</b>	The area offshore within which the generating station (including wind turbine generators (WTG) and inter array cables), offshore accommodation platforms, offshore transformer substations and associated cabling will be positioned, including the ORBA.
<b>Baseline</b>	The status of the environment at the time of assessment without the development in place.
<b>Cumulative Effects</b>	The combined effect of the Project acting additively with the effects of other developments, on the same single receptor/resource.

Term		Definition
<b>Deemed Licence (dML)</b>	<b>Marine</b>	A marine licence set out in a Schedule to the Development Consent Order and deemed to have been granted under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009.
<b>Development Consent (DCO)</b>	<b>Order</b>	An order made under the Planning Act 2008 granting development consent for a Nationally Significant Infrastructure Project (NSIP).
<b>Effect</b>		Term used to express the consequence of an impact. The significance of an effect is determined by correlating the magnitude of the impact with the sensitivity of the receptor, in accordance with defined significance criteria.
<b>Environmental Impact Assessment (EIA)</b>	<b>Assessment</b>	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Regulations, including the publication of an Environmental Statement (ES).
<b>Environmental Statement (ES)</b>		The suite of documents that detail the processes and results of the EIA.
<b>Evidence Plan</b>		A voluntary process of stakeholder consultation with appropriate Expert Topic Groups (ETGs) that discusses and, where possible, agrees the detailed approach to the Environmental Impact Assessment (EIA) and information to support Habitats Regulations Assessment (HRA) for those relevant topics included in the process, undertaken during the pre-application period.
<b>Habitats Regulations Assessment (HRA)</b>		A process which helps determine likely significant effects and (where appropriate) assesses adverse impacts on the integrity of European conservation sites and Ramsar sites. The process consists of up to four stages of assessment: screening, appropriate assessment, assessment of alternative solutions and assessment of imperative reasons of over-riding public interest (IROPI) and compensatory measures.
<b>Impact</b>		An impact to the receiving environment is defined as any change to its baseline condition, either adverse or beneficial.
<b>Intertidal</b>		The area between Mean High Water Springs (MHWS) and Mean Low Water Springs (MLWS)
<b>Joint bays</b>		An excavation formed with a buried concrete slab at sufficient depth to enable the jointing of high voltage power cables.
<b>Landfall</b>		The location at the land-sea interface where the offshore export cables and fibre optic cables will come ashore.
<b>Maximum Scenario</b>	<b>Design</b>	The project design parameters, or a combination of project design parameters that are likely to result in the greatest potential for change in relation to each impact assessed
<b>Mitigation</b>		Mitigation measures are commitments made by the Project to reduce and/or eliminate the potential for significant effects to arise as a result of the Project.

Term	Definition
	Mitigation measures can be embedded (part of the project design) or secondarily added to reduce impacts in the case of potentially significant effects.
<b>National Policy Statement (NPS)</b>	A document setting out national policy against which proposals for Nationally Significant Infrastructure Projects (NSIPs) will be assessed and decided upon
<b>Offshore Export Cable Corridor (ECC)</b>	The Offshore Export Cable Corridor (Offshore ECC) is the area within the Order Limits within which the export cables running from the array to landfall will be situated.
<b>Offshore Reactive Compensation Platform (ORCP)</b>	A structure attached to the seabed by means of a foundation, with one or more decks and a helicopter platform (including bird deterrents) housing electrical reactors and switchgear for the purpose of the efficient transfer of power in the course of HVAC transmission by providing reactive compensation
<b>Onshore Infrastructure</b>	The combined name for all onshore infrastructure associated with the Project from landfall to grid connection.
<b>Offshore Restricted Build Area (ORBA)</b>	The area within the array area, where no wind turbine generator, offshore transformer substation or offshore accommodation platform shall be erected.
<b>Outer Dowsing Offshore Wind (ODOW)</b>	The Project.
<b>Order Limits</b>	The area subject to the application for development consent, The limits shown on the works plans within which the Project may be carried out.
<b>The Planning Inspectorate</b>	The agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs).
<b>Pre-construction and post-construction</b>	The phases of the Project before and after construction takes place.
<b>The Project</b>	Outer Dowsing Offshore Wind, an offshore wind generating station together with associated onshore and offshore infrastructure.
<b>Receptor</b>	A distinct part of the environment on which effects could occur and can be the subject of specific assessments. Examples of receptors include species (or groups) of animals or plants, people (often categorised further such as 'residential' or those using areas for amenity or recreation), watercourses etc.
<b>Statutory consultee</b>	Organisations that are required to be consulted by the Applicant, the Local Planning Authorities and/or The Planning Inspectorate during the pre-application and/or examination phases, and who also have a statutory responsibility in some form that may be relevant to the Project and the DCO application. This includes those bodies and interests prescribed under Section 42 of the Planning Act 2008.
<b>Strategic Compensation</b>	Collaborative approach by developers and/or government departments to secure compensation for adverse effects on the conservation objectives of a Marine Protected Area.
<b>Study Area</b>	Area(s) within which environmental impact may occur – to be defined on a receptor-by-receptor basis by the relevant technical specialist.



Term	Definition
<b>Wind Turbine Generator (WTG)</b>	A structure comprising a tower, rotor with three blades connected at the hub, nacelle and ancillary electrical and other equipment which may include J-tube(s), transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, helicopter landing facilities and other associated equipment, fixed to a foundation

## **1 Comments on Natural England's Risk and Issue Log**

1. The Applicant has prepared below in sections 1.1 -1.9, a response to Natural England's Appendix J3 - Risk and Issues Log submitted at Deadline 3 [REP3-074].

## 1.1 A DCO & dML

Table 1-1 Natural England's Risk and Issues Log Deadline 3 A DCO & dMLs and the Applicant's current position

Point	Ref	from 6.5 Appendix A [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
<b>DCO &amp; dML</b>				
1	A4	3.1 -Sched. 10, Pt 2, Cond. 13(1) (a), Pg. 124. The definition of maintain does not link to the limits of maintenance as described in the ES or to the outline Operations and Maintenance Plan. Linking to the limits of maintenance will provide clarity that only activities assessed within the ES are covered by the definition of maintenance.	D1 - No change. A DCO update will be provided at Deadline 2. D2 – No change D3 – No change	The Applicant's position remains as set out at A4 of Table 1.45.2.2 of the Applicant's Responses to Relevant Representations (PD1-071) that no change to the DCO is required. The definition of "maintain" in article 2 and condition 4(2), Part 2 of Schedules 10 and 11 and condition 2(2), Part 2 of Schedules 12-15 both restrict the maintenance works authorised to the extent assessed in the ES.
2	A5	3.1 - Sched 1 Part 3 Requirement 18 Code of Construction Practice. Consider inclusion of a plan to monitor the Sea Bank Clay SSSI in the event of dewater within requirement 18. And ensure that all environmental mitigation measures are appropriately secured.	D1 - No change. A DCO update will be provided at Deadline 2. D2 – No change D3 – No change	The Applicant's position remains as set out at A5 of Table 1.45.2.2 of the Applicant's Responses to Relevant Representations (PD1-071). The OCoCP (REP3-020) secures construction stage water monitoring through committing to a pre-construction 'Water Quality Monitoring and Mitigation Plan' that would describe the regime for pre-construction and construction monitoring of private water supplies and other locations (including Sea Bank Clay Pits SSSI).
3	A6	3.1 - Sched. 10, Pt 2, Cond. 13(1) (a), Pg. 124. Natural England notes that the relevant Statutory Nature Conservation Body (SNCB) is not listed as a body that will be consulted by the Marine Management Organisation (MMO) on this document. Consider amendment to make it explicit that the relevant SNCB will be consulted.	D1 - No change. A DCO update will be provided at Deadline 2. D2 - Condition has been appropriately updated, SNCB consultation has been secured. Resolved.	The Applicant welcomes Natural England's confirmation that this matter has been resolved.
4	A7	3.1 - Sched. 10, Pt. 2, Cond. 14(2) Pg. 127. A period of four months is insufficient to approve some documentation. The condition should be amended to a 6 month approval period. For the Sheringham and Dudgeon Extension Project, a 6-month period was agreed for some conditions.	D1 - No change. A DCO update will be provided at Deadline 2. D2 – No Change D3 – No Change	The Applicant's position remains as set out at A7 of Table 1.45.2.2 of the Applicant's Responses to Relevant Representations (PD1-071). Following consultation with Natural England and the MMO, the Applicant revised the draft DCO to increase the period for consideration of the plan from four to six months for those plans which may have particular complexities, as requested by Natural England. Of particular concern to Natural England, the MMMP (condition 13(1)(f) of Part 2 of Schedule 10 of the draft DCO) and the SIP (Condition 22(3) of Part 2 of Schedule 10 of the draft DCO) provide for a six month period (3.1).The Applicant met with the MMO on 20 <sup>th</sup> January 2025 to discuss the draft DCO and dMLs, the Applicant and the MMO agreed to continue to engage to seek agreement on which plans and documents have particular complexities that necessitate the need for a six month period for consideration. The Applicant will continue to engage with the MMO on this topic.
5	A8	3.1 - Sched. 10 and 11 Condition 19 Pg. 129. The Applicant should include and secure within the ODOW DCO/dML wording in accordance with the SADEP DCO which contains a clause requiring adaptive management /remediation measures to be implemented, and further consultation with relevant bodies is required to inform agreement/discharge.	D1 - No change. A DCO update will be provided at Deadline 2. D2 – No Change D3 – No Change	The Applicant maintains its position as set out in the Applicant's Responses to Relevant Representations at RR-042.024 and at A8 of Table 1.45.2.2 (PD1-071) and the Applicant's Comments on Deadline 1 Submissions at 1.11.1 on page 43 (REP2-053).  In summary, the Applicant considers that a further mechanism in the DCO for adaptive management is unnecessary for the following reasons:

Point	Ref	from	6.5	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
	Appendix A [RR-045]				
					<p>a) The Environmental Statement has assessed a worst case in terms of project parameters and therefore it is not anticipated that effects will be greater than those predicted.</p> <p>b) The effect of the proposed condition could be to require further monitoring and adaptive management of impacts which do not give rise to likely significant effects on the environment under EIA or an AEoI under the Habitats Regulations. An environmental effect is not significant and a project does not result in an AEoI simply because an effect is unanticipated.</p> <p>c) Condition 13(1)(c), Part 2, Schedules 10 and 11 of the DCO requires a monitoring plan to be submitted to the MMO for approval prior to the start of licensed activities (or any part). Condition 13(1)(c) is referred to in Conditions 17, 18 and 19. The monitoring plan must accord with the Offshore In-Principle Monitoring Plan (APP-276). The Offshore In-Principle Monitoring Plan (APP-276) states, at section 2.1 that an adaptive approach to monitoring is a key principle of the monitoring proposed by the Applicant. Condition 14(5), Part 2, Schedules 10 and 11 of the DCO requires the licensed activities to be carried out in accordance with the approved plans.</p> <p>d) In any event, the MMO has the power to vary a deemed marine licence under section 72 of the Marine and Coastal Access Act 2009 in such circumstances.</p>
6	A9	3.1 - Sched. 10 Part 2 Condition 21. This condition prohibits the deployment of cable protection 10 years after the completion of construction. This condition should be amended to secure that no cable protection will be deployed within the designated site after the construction works within the designated site have completed. Please see agreement drawn to this effect for SADEP in regards to inside and outside of Cromer Shoal Chalk Beds MCZ.		D1 - No change. A DCO update will be provided at Deadline 2. D2 – No Change D3 – No Change	<p>The Applicant maintains its position as set out in the Applicant's Responses to Relevant Representations at A9 of Table 1.45.2.2 (PD1-071).</p> <p>The proposed amendment to the condition is unnecessary as the effect of installing cable protection has been assessed as a long-term or permanent habitat loss or alteration in both Chapter 9, Benthic and Intertidal Ecology (APP-064) and the RIAA (document reference 7.1) and the assessments concluded no likely significant effects and no AEoI respectively.</p>
7	A10	All comments raised on Schedule 10 apply to Schedule 11, 12, 13, 14, 15 and 16 where similar provisions exist. For brevity Natural England will not repeat these comments.		D1 - No change. A DCO update will be provided at Deadline 2. D2 – Closed.	The Applicant refers to its comments in A6 to A9 above.
8	A11	3.1 Schedule 16. Until further evidence is provided to refine down the 17 areas of search to 1 or maybe 2 locations the potential impacts on Annex I features within the SAC and/or the conservation objectives for the site can't be assessed. Therefore, at this time we are unable to support the inclusion of Schedule 16.		D1 - No change. A DCO update will be provided at Deadline 2. D2 – No Change D3 – No Change	The Applicant maintains its position as set out in the Applicant's Responses to Relevant Representations at A11 of Table 1.45.2.2 (PD1-071).
9	A12	3.1 -Sched. 16, Pg. 202 Some of the 17 potential Annex I compensation areas of search are located where The Crown Estate has recently issued seabed lease areas to the Aggregates Industry. We acknowledge that		D1 - No change. A DCO update will be provided at Deadline 2. D2 – No Change	The Applicant maintains its position as set out in the Applicant's Responses to Relevant Representations at A12 of Table 1.45.2.2 (PD1-071).



Point Ref from 6.5 Appendix A [RR-045]			Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
		the issue of marine spatial prioritisation is a wider seabed issue than for just this project, and we will continue to work with relevant interested parties to address this and update the Examination accordingly.	D3 – No Change	The Applicant understands that in relation to the aggregate areas noted by the Natural England, The Crown Estate has set out its intention to award an Exploration and Option Agreement for the area concerned but that neither entry into the Exploration and Option Agreement, nor the final spatial extent of the area has been confirmed by The Crown Estate. The Applicant also notes that the award of such an Exploration and Option Agreement would not provide exclusivity for that area of seabed. It is only once a Production Agreement is entered into and a marine licence application submitted would the spatial extent of such aggregate areas be known. As such, at this stage the Applicant considers it to be entirely appropriate to include these areas identified for the creation and re-creation of biogenic reef. The Applicant will continue to liaise with The Crown Estate in relation to this matter.
10	A13	3.1 -Sched. 11, Pt. 2, Cond .22, Pg 130. The condition should require the Site Integrity Plan (SIP) no sooner than 9 months and no later than 6 months prior to commencement of piling	D1 - No change. A DCO update will be provided at Deadline 2. D2 – No Change D3 – No Change	The Applicant maintains its position as set out in the Applicant's Responses to Relevant Representations at A13 of Table 1.45.2.2 (PD1-071).
11	A14 & A1	3.1 -Sched. 22 Pt. 1 Cond. 4(b), Pt. 2 Cond. 4(d), Pt. 3 Cond. 4(d), Pt. 4 Cond. 4(h), Pt. 5 Cond 4(e) Marine Recovery Fund compensation conditions should be amended to make it clear what will be required when opting for a third-party option, making sure to address the need for monitoring and adaptive management measures to appropriately secure compensation. Natural England has some preferred wording to cover requirements for use of the Marine Recovery Fund.	D1 - No change. A DCO update will be provided at Deadline 2. D2 – No Change D3 – No Change	The legislation, guidance and policy around the MRF and strategic compensation continue to evolve. The drafting of the compensation provisions in Schedule 22 of the draft DCO (3.1) is intended to retain flexibility to account for future evolutions in the strategic compensation framework. If more precise detail relating to monitoring and adaptive management was included in the draft DCO, this could unintentionally restrict the Applicant's ability to rely on the MRF if the proposals as drafted conflicted with the operation of the broader strategic plan. The inclusion of additional detail relating to monitoring and adaptive management in the draft DCO is unnecessary given the involvement that Natural England will have in the evolution of the measures funded by the MRF.
12	A15 & A3	3.1. -Sched. 22 Pt. 1 Cond. 4(c) & (d), Pt. 2 Cond. 4(e) & (f),Pt. 3 Cond. 4(e) & (f), Pt. 4 Cond. 4(i) & (j), Pt. 5 Cond. 4(f) & (g). Conditions enabling third party delivery do not include provisions for monitoring or for adaptive management should the compensatory measures not be effective. Natural England suggests these sections require review and amendment to make it clear exactly what will occur should the developer decide to use third party compensation.	D1 - No change. A DCO update will be provided at Deadline 2. D2 – No Change D3 – No Change	In the most recent version of the draft DCO, the Applicant has proposed drafting to clarify that where the Applicant proposes to elect to pay a financial contribution towards the establishment of compensation measures by another party or to collaborate with another party to deliver compensation, the requirement to establish monitoring, reporting, success criteria and the trigger for alternative compensation or adaptive management would apply (paragraphs 4 (c) and (d) of Part 1, paragraphs 4(e) and (f) of Part 2, paragraphs 4(e) and (f) of Part 3, paragraphs 4(i) and (j) of Part 4 and paragraphs 4(f) and (g) of Part 5 of Schedule 22).
13	A16 & A2	3.1 – Sched. 22 Pt. 1 Cond. 5. Amend the condition to reflect four full breeding seasons for kittiwake in line with compensation requirements for other projects and check the parts securing compensatory measures for other designated features (Sched. 22, Pts.2-5). The amendment should be made to ensure compensation is delivered and is sufficiently functioning prior to impact occurring. However, the wording of compensation requirements may change as discussions on the measures progress.	D1 - No change. A DCO update will be provided at Deadline 2. D2 – No Change D3 - No change. Natural England is aware of the Applicant's change request for kittiwake breeding seasons.	The Applicant has submitted a Change Request reduce the length of time the proposed artificial nesting structure(s) needs to be in place before operation of the project from three full kittiwake breeding seasons to two full kittiwake breeding seasons. The Applicant considers that there is sufficient evidence to justify the reduction. That evidence is set out in Lead-in periods for kittiwake on artificial nesting structures (REP2-060).
14	A17	3.1 –12. A requirement should be included within the DCO to secure a commitment for an Outline Annex I bird species mitigation plan with the level of detail required securing provisions relating to the geographical definition of the mitigation scheme; a timeframe for the	D1 - No change. A DCO update will be provided at Deadline 2. D2 – No Change D3 – No Change	The Applicant maintains its position as set out in the Applicant's Responses to Relevant Representations at A13 of Table 1.45.2.2 (PD1-071).

Point	Ref	from 6.5 Appendix A [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
		approval process; details of pre-construction surveys and mitigation. The outline mitigation should be agreed with Natural England as part of the consenting process.		
25	New Issue D3	Schedule 1 Part 3 Requirement 31. A new requirement has been added that states the submission of a Soil Management Plan (SMP) must accord with the outline SMP. However, the requirement does not stipulate the condition for relevant the Local Planning Authority (LPA) to consult the relevant Statutory Nature Conservation Body (SNCB) on the draft document prior to its approval. Cross reference to Item 45 in Appendix H.	D3 - New issue identified at Deadline 3, refer to Deadline 3 Cover Letter.	In the most recent version of the draft DCO (3.1), the Applicant has incorporated Natural England's requested amendment.
PADS				
Ref	The brief concern held by Natural England reported on in full in Written Representations and What needs to change, or be included or amended to overcome the disagreement?		Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
NE19	Natural England has concerned the compensation conditions related to the use of the Marine Recovery Fund or other third-party compensation options, are not sufficient to appropriately secure compensation and revision is needed. Natural England advises the DCO compensation conditions are amended to make it clear what will be required when opting for a third-party option, making sure to address the need for monitoring and adaptive management measures.		D1 – No Change D2 – No Change D3 – No Change	<p>The legislation, guidance and policy around the MRF and strategic compensation continue to evolve. The drafting of the compensation provisions in Schedule 22 of the draft DCO (3.1) is intended to retain flexibility to account for future evolutions in the strategic compensation framework. If more precise detail relating to monitoring and adaptive management was included in the draft DCO, this could unintentionally restrict the Applicant's ability to rely on the MRF if the proposals as drafted conflicted with the operation of the broader strategic plan. The inclusion of additional detail relating to monitoring and adaptive management in the draft DCO is unnecessary given the involvement that Natural England will have in the evolution of the measures funded by the MRF.</p> <p>In the most recent version of the draft DCO, the Applicant has proposed drafting to clarify that where the Applicant proposes to elect to pay a financial contribution towards the establishment of compensation measures by another party or to collaborate with another party to deliver compensation, the requirement to establish monitoring, reporting, success criteria and the trigger for alternative compensation or adaptive management would apply (paragraphs 4 (c) and (d) of Part 1, paragraphs 4(e) and (f) of Part 2, paragraphs 4(e) and (f) of Part 3, paragraphs 4(i) and (j) of Part 4 and paragraphs 4(f) and (g) of Part 5 of Schedule 22).</p>
NE20	The compensation schedules timing requirements are not sufficient. For Kittiwake they include three full breeding seasons and not four. For all other compensation plans they do not secure that the compensation will be in place and functioning prior to impact. Natural England advises the DCO is amended to make it clear that compensation must be in place and functioning prior to operation.		D1 – No change D2 – No change D3 - No change. Natural England is aware of the Applicant's change request for kittiwake breeding seasons.	The Applicant has submitted a Change Request reduce the length of time the proposed artificial nesting structure(s) needs to be in place before operation of the project from three full kittiwake breeding seasons to two full kittiwake breeding seasons. The Applicant considers that there is sufficient evidence to justify the reduction. That evidence is set out in Lead-in periods for kittiwake on artificial nesting structures (19.11).

## 1.2 B Marine & Coastal Processes

Table 1-2 Natural England's Risk and Issues Log Deadline 3 B Marine & Coastal Processes Risk and Issues and the Applicant's current position

Point	Ref from Appendix B [RR-045]	Taken from Natural England's Relevant Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
<b>Marine &amp; Coastal Processes</b>				
1	B7	O&M activity in relation to project cable repair and reburial is not well defined. Details of O&M activity should be further considered within [APP-058] 6.1.3 Chapter 3 Project Description.	D1 - No change. The realistic WCS presented in [APP-275] for cable remedial burial and repairs do not appear to have been assessed for impacts to affected marine physical process/environment receptors. D2 – No Change D3 – No Change	The Applicant has provided a response in Row B19, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) as well as Q1 BE 2.4 in Table 1.2 of The Applicant's comments on ExQ1 Responses (REP3-054).  The Applicant considers that based on the spatial and temporal scale, as well as potential frequency of repair/reburial events, O&M activities will not be of greater scale than the MDS assessed and are not considered likely to compound existing pressures (beyond that already assessed). The Applicant therefore considers the assessment presented in Chapter 7 Marine Physical Processes (APP-062) to be appropriate.
2	B8	There is uncertainty regarding the Maximum Design Scenario (MDS) scour volumes presented. The Applicant should clarify the results of the scour assessment presented for the WTG foundations. The WCS should also be revisited.	D1 - Issue resolved. See our advice in Appendix B1.	
3	B9	Further clarification is required from the Applicant on the WCS parameters for spoil mounds due to sandwave clearance and seabed levelling and where appropriate update the impact assessment.	D1 - Issue Resolved. The Applicant has confirmed that an updated assessment of spoil mounds was carried out based on the revised Maximum Design Scenario (MDS) parameters and used to inform the assessment presented in the ES [APP-062].	
4	B10 & B1	The MDS for increases in Suspended Sediment Concentration (SSC) and consequential changes to seabed level does not consider boulder clearance, pre-lay grapnel run or Unexploded Ordnance (UXO) clearance. The Applicant should consider and assess the MDS for all construction-related activities that may alter SSCs and seabed level.	D1 – No Change D2 - No change. Clarification needed on the MDS seabed disturbance parameters for boulder clearance, pre-lay grapnel run and UXO clearance. D3 – No Change	The Applicant has provided a response in Row B10, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071). The impacts associated with boulder clearance, UXO clearance and/or pre-lay grapnel run activities are all implicitly considered within the envelope of cable installation activities presented within Section 7.12.1 of Chapter 7 Marine Physical Processes (APP-062), as none of these activities have the potential to cause greater impacts than those activities already assessed (such as sandwave clearance and cable trenching). The Applicant would also note that there are no marine physical processes receptors that are sensitive to elevated levels of SSC, or subsequent deposition.
5	B11 & B6	Natural England advises that the MDS parameters for cable protection measures within shallow nearshore waters should be more clearly defined and assessed accordingly.	D1 - Issue Progressed. Please see our Deadline 1 Appendix B1 response. D2 - Our advice remains unchanged since Deadline 1. D3 - No change. Further clarification needed, see Natural England's response to ExA Q1 HRA 1.7 [REP2-074]	The Applicant has provided a response in Row B6 and B11, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) as well as in Table 1, The Applicant's Comments on Deadline 1 Submissions (REP2-053), and has provided further clarification in Q1 HRA 1.7, Table 1.10, The Applicant's comments on ExQ1 Responses (REP3-054).  Since Deadline 3, the Applicant has committed to the following "If cable protection is required in the nearshore (defined as the inner depth of closure out to 7.1m water depth), concrete mattresses will be utilised, a description of concrete mattresses is set out in Section 6.11.5.2 of ES Chapter 3 Project Description (APP-058)." This commitment is secured in the Outline Scour and Cable Protection Management Plan

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				<p>V2 (document reference 8.21) and the Outline Cable Specification and Installation Plan (document reference 8.5) updated at Deadline 4.</p> <p>The height of the cable protection in this area is controlled through condition 13 (1) (d) (ii), Part 2, Schedule 11 of the DCO (3.1) which requires the submission of a construction method statement for approval, including the CSIP. The condition requires consultation with MCA and Trinity House where cable protection is likely to exceed 5% of navigable depth. Cable protection measures within the inner depth of closure, corresponding to the seaward limit of the upper shoreface and calculated as approximately 7.1m (with details presented in APP-150), are therefore unlikely to exceed 0.35m in height (0.35m being 5% of 7.1m).</p> <p>It should be noted that the use of remedial protection is a final technical mitigation measure following engineering and installation good practice with a competent contractor. The Applicant wishes to use as little remedial protection as practicable and would only deploy cable protection when target burial depth could not be achieved. However, for safety and operational reasons, the cable must be protected. The Applicant has proposed a range of cable protection measures, including rock placements (berms), concrete mattresses, rock bags and seabed spacers. The final choice of protection type, if this is required, will be made post consent and informed by detailed engineering design.</p> <p>Condition 13 (1) (d) (ii) and Condition 13 (1) (d) (iii), Part 2 of the deemed marine licence at Schedule 11 includes for a Cable Specification and Installation Plan and a Scour Protection and Cable Protection Plan, in line with the outline plans, to be submitted and approved in writing by the MMO, and for which Natural England are a statutory consultee. The Applicant notes that the appropriate stage of a Project to deliver confidence in final engineering design is at the preconstruction phase, once final methodologies and techniques are confirmed.</p> <p>Given the above, the Applicant consider that the assessment presented in Chapter 7 Marine and Physical Processes (APP-062) to be appropriate.</p>
6	B12 & B5	Clarify within the OSCMP [APP-295] the MDS as fully detailed in Table 6.18 of [APP-058] for cable protection within the IDRBNR SAC in terms of specific locations, length, seabed footprint, and volume both during construction and over the lifetime of the project. The Applicant should include reference to other projects within their WCS justification.	<p>D1 – No Change</p> <p>D2 - No Change</p> <p>D3 - No Change</p>	<p>The Applicant has provided a response in Row B12, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071).</p> <p>The MDS for cable protection has been informed by engineering work including a consideration of site-specific geophysical and geotechnical data in order to identify the likely success of cable burial and potential required volumes of cable protection. Full details of the cable protection measures required are not currently available and will be informed by detailed engineering design work developed post-consent in consultation with relevant stakeholders.</p> <p>Condition 13(1)(d)(iii), Part 2 of the deemed marine licence at Schedule 11 of the dDCO V7 (document reference 3.1, updated at Deadline 4) requires details of scour protection and cable protection management in accordance with the outline Scour</p>



Point	Ref from Appendix B [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				Protection and Cable Protection Management Plan V2 (document reference 8.21, updated at Deadline 4) to be submitted as part of the construction method statement for the approval of the MMO. As Natural England has identified the WCS areas and volumes of cable protection are set out in the outline Scour Protection and Cable Protection Management Plan V2 (document reference 8.21, updated at Deadline 4), with specific reference to the limits set out for the Annex I sandbanks detailed in section 3.6 of that document. Any increase from those volumes would require further approval from the MMO and therefore all parties can have confidence that the volumes presented are appropriately secured.
7	B13	The Applicant should commit to collecting full bathymetric survey data prior to construction to inform the assessment of bedform migration directions to inform scour potential assessment (and thus detailed engineering and project design), to ensure that the ES predictions remain fit for purpose and where they are not adopt the mitigation hierarchy to reduce impacts.	D1 – No Change D2 - No Change D3 - No Change	<p>The Applicant has provided a response in Row B13, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071). Paragraph 70 of Chapter 7 Marine Physical Processes (APP-062) confirms that the availability of robust data relevant for the characterisation and assessment of Marine Physical Processes is such that, despite some data limitations, the available evidence base is sufficiently robust to underpin the assessment presented and a high confidence level is placed on its results. Additional information regarding the Holocene/mobile beds across the study area and further bathymetric survey data prior to determination of the Application are therefore unnecessary.</p> <p>In line with best practice, geophysical surveys will be undertaken both pre- and post-construction. The Applicant has committed to carrying out a full sea floor coverage swath bathymetry survey that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which construction works were carried out to assess any changes in bedform topography. This is set out at table 3.1 of the In Principle Monitoring Plan (APP-276) and Condition 17(2)(b), Part 2, Schedules 10 and 11 of the DCO. DCO Schedules 10 and 11, Part 2 - Condition 13(c) requires the preparation of a monitoring plan, which accords with the In Principle Monitoring Plan (APP-276), to be submitted and approved in writing by the MMO. Condition 14(5) requires the licensed activities to be carried out in accordance with the approved plans, unless otherwise agreed in writing by the MMO.</p>
8	B14	The Applicant should provide more detailed information regarding the thickness of Holocene/mobile beds across the study area. Further bathymetric survey data should be acquired to refine modelling results and assessment of bedform migration directions and rates.	D1 – No Change D2 - No Change D3 - No Change	<p>The Applicant has provided a response in Row B14, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071). Paragraph 70 of Chapter 7 Marine Physical Processes (APP-062) confirms that the availability of robust data relevant for the characterisation and assessment of Marine Physical Processes is such that, despite some data limitations, the available evidence base is sufficiently robust to underpin the assessment presented and a high confidence level is placed on its results. Additional information regarding the Holocene/mobile beds across the study area and further bathymetric survey data prior to determination of the Application are therefore unnecessary.</p> <p>In line with best practice, geophysical surveys will be undertaken both pre- and post-construction. The Applicant has committed to carrying out a full sea floor coverage swath bathymetry survey that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which construction works were carried out to assess any changes in bedform topography. This is set out at table 3.1 of the In Principle Monitoring Plan (APP-276) and Condition 17(2)(b), Part 2,</p>

Point	Ref from Appendix B [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				Schedules 10 and 11 of the DCO. DCO Schedule 10 and 11, Part 2 - Condition 13(c) requires the preparation of a monitoring plan, which accords with the In Principle Monitoring Plan (APP-276), to be submitted and approved in writing by the MMO. Condition 14(5) requires the licensed activities to be carried out in accordance with the approved plans, unless otherwise agreed in writing by the MMO.
9	B15 & B2	There is discrepancy between information provided within [APP-062] 6.1.7 and evidence within [APP-152] 6.3.7.3 Seabed Mobility Report [CONFIDENTIAL]. Information is required to demonstrate how potential changes to the wave regime (due to the presence of the array) have been considered in the assessment of changes to sediment transport processes and bedform migration within the array, over the lifetime of the Project and the impact assessment updated, if required.	D1 - No change. Please also refer to our Deadline 1 Appendix B1 response. D2 - Our advice remains unchanged since Deadline 1. D3 – No Change	The Applicant has provided a response in Row B15, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071). The Seabed Mobility Report (APP-152) was prepared as a preliminary study to inform engineering and design requirements, and it was not intended either as a comprehensive baseline characterisation of the physical environment, or as an assessment of the environmental effects. The baseline understanding of the marine physical processes within the study area has been developed through consideration of a range of project-specific and existing data sources including Chapter 7 Appendix 3 Seabed Mobility Report (APP-152), as outlined in Section 7.4.2 of Chapter 7 Marine Physical Processes (APP-062) and Appendix 6.3.7.1 Physical Processes Technical Baseline (APP-150).  The effect of modifications to the wave regime (due to the presence of the array) on sediment transport processes and bedform migration has been assessed at section 7.12.2 of Chapter 7 Marine Physical Processes (APP-062). This assessment was supported by a combination of analytical methods including project-specific numerical modelling and evidence from other OWF developments. As outlined in Appendix 6.3.7.1 Physical Processes Technical Baseline (APP-150), tidal currents have been identified as the dominant mechanism of bedload sediment transport across the wider area (van der Molen, 2002; Kenyon and Cooper, 2005), with some areas showing evidence of surge current dominance, which also have the ability to temporarily reverse or reinforce tidally driven sediment transport pathways (TKOWFL, 2011). The Applicant consider the points raised in Natural England's Representation to have been taken into account within the impact assessment, and therefore there is no change to the conclusions of the assessment.
10	B16	Inner Silver Pit glacial tunnel valley has not been included as a receptor in [APP-062]. Natural England advises that further consideration of the potential impacts of the Project on Inner Silver Pit is required.	D1 - Issue resolved. The applicant has confirmed in their response this has been assessed in APP-062 and APP-065.	
11	B17 & B2	Is the scheme layout modelled presented in Figures 7.24 to 7.26 actually the realistic WCS, or whether, based on the engineering assessment [APP-152], the realistic WCS is more likely to be a scheme layout where foundations are located away from mobile sandbanks and the larger sandwaves. Further clarification/evidence from the Applicant on hydrodynamic and wave modelling of RWCS inline with the Seabed Mobility Report.	D1 - No change. Please see our Deadline 1 Appendix B1 and comments made in response to the additional modelling carried out due to the changes to the array (and introduction of the ORBA). D2 - Our advice remains unchanged since Deadline 1. D3 – No Change	The Applicant has provided a response in Row B17 and B2, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071), and has provided further clarification in B1.2, Table 2, The Applicant's Comments on Deadline 1 Submissions (REP2-053).  In accordance with paragraph 2.6.2 of NPS EN-3, the potential windfarm layout as presented in the numerical modelling represents the most realistic Worst-Case Scenario (WCS) based on the currently available information. A figure showing the assessed layout has been provided as part of the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore ECC (PD1-081). The Applicant considers the modelled layout to appropriately represent a realistic WCS for the purposes of assessment for Marine Physical Processes receptors.

Point	Ref from Appendix B [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				<p>The Seabed Mobility Report (APP-152) was prepared as a preliminary study to inform engineering and design requirements, and it was not intended either as a comprehensive baseline characterisation of the physical environment, or as an assessment of the environmental effects. The ground models developed for the site to inform final engineering works will continue to be updated as further site data, including deep geotechnical data, is collected prior to construction.</p>
12	B18, B33 & B3	Provide evidence to support the impact assessment conclusions for changes to seabed morphology and modifications to the wave, tide, and sediment transport regime due to the presence of the Offshore Reactive Compensation Platforms (ORCPs). Further consideration should be given to moving the platform north away from Inner Dowsing Sandbank and the SAC. A balance will need to be sought between SAC impacts and those of the Greater Wash SPA.	<p>D1 - Not resolved. Please see our Deadline 1 Appendix B1 response.</p> <p>D2 - Our advice remains unchanged since Deadline 1.</p> <p>D3 – No Change</p>	<p>The Applicant has provided a response in Row B3, B18, and B33 Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071), and has provided further clarification in B1.4, Table 2, The Applicant's Comments on Deadline 1 Submissions (REP2-053).</p> <p>Following the proposed removal of the northern ORCP area, updated numerical modelling was undertaken for this change, in addition to revision to the proposed WTG layout due to the introduction of the Offshore Restricted Build Area (ORBA). The results and conclusions of this assessment are presented in the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore ECC (PD1-081) and associated Appendix B Blockage Modelling Results (PD1-084). An updated version of Chapter 7 Marine Physical Processes will be submitted at Deadline 5 reflecting these changes.</p> <p>Modification to the wave and tidal regime and associated potential impacts to seabed morphology resulting from the presence of the ORCPs was assessed as of minor adverse significance (at worst), which is not significant in EIA terms. This assessment was made with due consideration of the proximity of the proposed ORCP area to the Inner Dowsing sandbank.</p> <p>The Inner Dowsing sandbank is understood to be a relict feature with a veneer of sand bedforms maintained by tidal currents (JNCC, 2010). Tidal flows here are generally oriented north to south, meaning that potentially hydrodynamic blockage impacts resulting from the ORCPs are unlikely to propagate towards the east. This conclusion is supported by the sediment mobility results presented in Table 6.1 of 15.9B Procedural Deadline 19 September Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor Appendix B Blockage Modelling Results (PD1-084) (with the locations of extraction points shown in Figure 1.4 (PD1-082)). The installation of Project infrastructure is predicted to result in an increase of 1% (of total time that sediment is mobile) for very fine sand during neap tides at Point 4 (located at the north of the Inner Dowsing sandbank), with no changes in sediment mobility estimated at Point 3 (located to the south of the Inner Dowsing sandbank). The scale of this change is considered to be well within the natural variability of the site and given that it affects fine-grained sediment is unlikely to represent a controlling influence on sandbank form.</p> <p>The Maximum Design Scenario (MDS) considered for Marine Physical Processes was updated at the Procedural Deadline to include two ORCPs to be located within the southern ORCP area. The southern ORCP location abuts but does not overlap with the IDRB NR SAC (see Figure 7.9, Chapter 7 Marine Physical Processes Figures Part 1</p>

Point	Ref from Appendix B [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				<p>of 2 (APP-093). Updated numerical modelling has been undertaken for this change, in addition to other revisions to the proposed WTG layout. The results and conclusions of this assessment are presented in the 15.9 Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor (PD1-081). The effects arising from modification to the wave and tidal regime and associated potential impacts to seabed morphology resulting from the presence of the ORCPs have been assessed as of minor adverse significance (at worst), which is not significant in EIA terms. This assessment has been made with due consideration of the proximity of the proposed ORCP area to the Inner Dowsing sandbank.</p> <p>The Applicant considers the above to appropriately consider the potential impacts to the Inner Dowsing sandbank from the presence of the ORCPs with regard to potential disturbance to tidal flows and changes to sediment transport pathways.</p>
13	B19 & B4	Impacts from proposed O&M activities detailed in [APP-058 & APP-062] need to be taken account of in relevant environmental assessments as per other stages of the development. O&M related environmental impacts should be reduced through the avoid, reduce, mitigate hierarchy and inform both Project alone and in-combination/cumulative assessments.	<p>D1 – No Change</p> <p>D2 – No Change</p> <p>D3 – No Change</p>	<p>The Applicant has provided a response in Row B19, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) as well as Q1 BE 2.4 in Table 1.2 of The Applicant's comments on ExQ1 Responses (REP3-054).</p> <p>The Applicant consider that based on the spatial and temporal scale, as well as potential frequency of repair/reburial events, O&amp;M activities will not be of greater scale than the MDS assessed and are not considered likely to compound existing pressures (beyond that already assessed). The Applicant therefore considers the assessment presented in APP-062 to be appropriate.</p>
14	B20	The Applicant should follow Natural England and Joint Nature Conservation Committee (JNCC) best practice for determining which projects should be included in cumulative assessments and the level of data that is available at each stage.	<p>D1 – No Change</p> <p>D2 - No change. Further clarification has been provided by NE in response to Examiners Questions Q1 BE 2.6 [REP2-074].</p> <p>D3 – No Change</p>	<p>The Applicant has provided a response to Natural England in Row B20, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) as well as further clarification in Q1 BE 2.6, Table 1.2, The Applicant's Responses to The ExA's First Written Questions (REP2-051) and Q1 BE 2.6, Table 1.2, The Applicant's comments on ExQ1 Responses (REP3-054).</p> <p>The tiering approach identified in Table 7.11 of Chapter 7 Marine Physical Processes (APP062) follows the criteria provided in PINS Advice Note 17 – Cumulative Effects Assessment, which was the most current guidance at the point of DCO application and is therefore considered best practice. This advice was updated in September 2024 and replaced by Nationally Significant Infrastructure Projects (NSIPs): Advice on Cumulative Effects Assessment (Planning Inspectorate, 2024), which also suggests a three-tier approach. The Applicant maintains that the three-tier approach is appropriate. The Applicant wishes to highlight that neither the recently consented Sheringham and Dudgeon Extension project (Equinor 2022) nor Hornsea Project Four (Orsted, 2021) used the seven-tiered approach recommended by Natural England for their Marine Physical Processes assessments. The Applicant is clear that Planning Inspectorate guidance more appropriately identifies best practice in this case.</p> <p>The Applicant has undertaken a robust cumulative assessment which takes into account the level of certainty of each third-party project and level of detail available to allow an assessment to be undertaken. The Applicant notes that, as shown in Table 7.12 and 7.13 (APP-062), built and operational Projects have been considered as appropriate within Tier 1 for Marine Physical Processes.</p>



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15	B21 & B2	Natural England advises that the seabed mobility assessment for the initial operational period of the wind farm should be revisited to reflect the predicted OWF lifespan of 35 years. And any necessary changes made to the impacts assessments.	D1 - No change. However, the Applicant has stated that further evidence will be provided as part of a separate Project-specific Sandwave Levelling Assessment that will be submitted into the Examination. D2 - Our advice remains unchanged since Deadline 1. D3 – No Change	<p>The Applicant has provided a response in Row B21, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071), and has provided further clarification in Table 2 of the Sandwave Levelling Assessment (REP3-047).</p> <p>The reference to a 25-year initial operational period in Appendix 7.3: Seabed Mobility Report (APP-152) is made in relation to estimated changes in bed elevation. APP-152 was prepared as a preliminary study to inform engineering and design requirements, not to inform environmental assessment. The baseline understanding of the Marine Physical Processes within the study area has been developed through consideration of a range of project-specific and existing data sources including APP-152, as outlined in Section 7.4.2 of Chapter 7 Marine Physical Processes (APP-062) and Appendix 6.3.7.1 Chapter 7 Appendix 1 Physical Processes Technical Baseline (APP-150). The assessment of environmental effects, drawing on the suite of information used to characterise the baseline, has been carried out on the basis of an estimated 35-year operational period.</p> <p>Detailed characterisation of the Project area is presented throughout Section 4 of REP3-047 with reference to current speeds, water depths, surficial sediment type, and bedforms identified from Project-specific geophysical survey data (GEOxyz, 2022c). This evidence is separate from the bed elevation estimates provided in APP-152 and does not rely on the assumption of a 25-year operational life. The conclusions presented in Section 6 of REP3-047 are based on the application of the evidence base to the environmental setting and are applicable regardless of the operational life of the windfarm (i.e. the conclusions presented are valid for an operational period of 35 years or more).</p> <p>The Applicant therefore consider that the estimated predicted OWF operational lifespan of 35 years has been appropriately considered both within the assessment (APP-062) as well as within REP3-047.</p>
16	B22	Impacts to the Lincolnshire Coast Submerged Forest LGS should be avoided through careful selection of cable routing or installation techniques, unless it can be clearly demonstrated that the potential impacts will not affect their extent or distribution.	D1 - Issue progressed. The Applicant has confirmed that use of HDD at landfall will avoid interaction with exposures or near-surface layers of submerged forest within the intertidal and out to 500m seaward of MLWS. However, uncertainty remains as to how impacts to other areas of the submerged forest will be avoided. To resolve this issue this commitment to avoid the submerged forest must be secured in a named document or plan such as the CSIP. D2 - No change. Please see our response to Q1 BE 2.2 [REP2-074] for further clarification. D3 – No Change	<p>The Applicant has provided a response in Row B22, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071), and has provided further clarification Q1 BE 2.2, Table 1.2, The Applicant's Comments on ExQ1 Responses (REP3-054).</p> <p>The Lincolnshire Coast Submerged Forest LGS has been considered within Chapter 23 Geology and Ground Conditions (6.1.23) (APP-078). The use of Horizontal Directional Drilling (HDD) for landfall installation will avoid interaction with any surface features located between the entry and exit points of the drill, therefore interaction with any exposures or near-surface layers of submerged forest within the intertidal zone and within 500m of Mean Low Water Springs (MLWS) will be avoided. Detailed targeted site investigation will inform the final detailed design.</p>
17	B23	Natural England advises liaison with the EA to gain a better understanding of the proposed changes to beach nourishment and implementation of coastal defence measures at landfall. Potential impacts to asset integrity should be assessed for the lifetime of the	D1 - Issue Progressed. The Applicant has confirmed that they have liaised with the EA, and will continue to do so, post-application and prior to construction. However, uncertainty	The Applicant has provided a response in Row B23, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) as well as Q1 BE 2.2 in Table 1.2 of The Applicant's comments on ExQ1 Responses (REP3-054).

Point	Ref from Appendix B [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
		project, taking into account vertical changes to beach elevation, coastal retreat, and sea level rise. Consideration should also be given to potential sink holes appearing due to unconsolidated sediment layers.	remains concerning changes to beach management strategy at landfall, future coastal/beach change, and buried asset integrity over the lifetime of the project. D2 - No change. Please see our response to Q1 BE 2.2 [REP2-074] for further clarification. D3 – No Change	The Applicant does not consider that coastal change rates in the complete absence of beach nourishment provides a realistic worst-case scenario (WCS) for the purposes of assessment. If beach management were to be stopped in the area (an unrealistic worst case), the scale of potential changes in the shoreline are such that any effects attributable to the project would be unobservable. The Applicant notes that the concern raised by the Environmental Agency as far as the consideration of the ongoing beach replenishment works was primarily associated with positioning of the cable joint bays (i.e. onshore infrastructure, rather than coastal processes implications) and as such the Applicant considers this matter resolved with that organisation (point 4.3 of the Environmental Agency Written Representation REP1-048).
18	B24	The use of (Horizontal Directional Drilling) HDD at landfall has not been explicitly stated in the Schedule of Mitigation. The Applicant should include HDD at landfall in the Schedule of Mitigation.	D1 - This issue is resolved. this is secured in the DCO in Part 1 of Schedule 1 of the dDCO (3.1) and the Schedule of Mitigation [PD1-059].	
19	B25, B26 & B1	Impact 1: Increase in SSC resulting in elevated turbidity and consequential changes to seabed levels. We do not agree with the conclusion of low magnitude impact, or that all marine process receptors are insensitive to this impact (construction-related increases in SSC, elevated turbidity, and changes to seabed levels). Review the EIA conclusions and the conservation objectives for the IDRBNR SAC and the Greater Wash SPA.	D1 – No Change D2 – No Change D3 – No Change	The Applicant has provided a response in Row B1, B25 and B26 of Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) as well as further clarification in Q1 BE 2.3, Table 1.2, The Applicant's comments on ExQ1 Responses (REP3-054).  As outlined, all Marine Physical Processes receptors (as identified in Section 7.10 of APP-062) are insensitive to increases in SSC resulting in elevated turbidity and consequential changes to seabed levels. This approach is outlined in Section 7.12.1 of APP-062 and is in line with industry best practice for Marine Physical Processes. The potential for these changes to impact other EIA receptor groups (i.e. non-Marine Physical Processes receptors) is considered elsewhere within the ES, where appropriate.
20	B27	Impact 2: Potential Impacts to Seabed Morphology. Features of the IDRBNR SAC and other Annex I sandbanks within the array and ECC may be impacted by modifications to seabed morphology due to construction-related activities within the offshore ECC and array area. The conclusions should be revisited with an assessment of impacts to the different marine physical process receptors. See our updated conservation advice (May 2023) for IDRBNR SAC.	D1 – No Change D2 – No Change D3 – No Change	The Applicant has provided a response in Row B27, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071). The Applicant consider that the assumptions and assessment conclusions presented in Chapter 7 Marine and Physical Processes (APP-062) are appropriate. The conservation advice package published in May 2023 was taken into account within the assessment, specifically within Paragraph 123 and Paragraph 131 (APP-062).  Further detail and clarification to support the conclusions made within APP-06 with regard to sandwave clearance and recovery have been provided within the Sandwave Levelling Assessment (REP3-047), submitted at Deadline 3.
21	B28, B33 & B5	Impact 2 Potential Impacts to Seabed Morphology – Use of Cable Protection Measures. We disagree with the impact assessment conclusions owing to the potentially long-lasting change to and/or loss of Annex I sandbank features, and potential change to sediment composition. The Applicant should make all efforts to avoid, reduce and mitigate impacts to IDRBNR SAC. Removable cable protection should be the only type permitted within the SAC. This mitigation measure is not committed to within several of the cable installation documents which still reference rock protection.	D1 – No Change D2 – No change. Please see our Deadline 2 response on ExQ1 HRA 1.5 in Appendix K D3 – No Change	The Applicant has provided a response in Row B5, B28, and B33, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071), and has provided further clarification Q1 HRA 1.5, Table 1.10, The Applicant's Comments on ExQ1 Responses (REP3-054).  The commitment to the use of removable cable protection over Annex I sandbank features in the SAC has been made in response to the conservation advice provided by Natural England on the IDRBNR SAC. As outlined in Peritus International Ltd. (2022), removable protection methods such as rock bags and concrete mattresses

Point	Ref from Appendix B [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				<p>are able to be removed with only short-term disturbance to the seabed. Winnowing around scour protection measures may occur in areas of high sediment mobility, however due to the dynamic nature of the sedimentary system this is likely to be subject to a feed/removal cycle over the lifetime of the Project, with bedforms recovering to a new equilibrium state over time. The Applicant does not consider that this process, which would take place within the context of the larger scale hydrodynamic and sedimentary conditions acting on the site, would negatively affect the conservation objectives of the SAC. The potential impact with regard to the conservation objectives has been assessed in full in Report to Inform Appropriate Assessment V3 (document reference 7.1), Deadline 4 submission.</p> <p>The Applicant notes that the use of removeable cable protection on the sandbank feature of the SAC is secured through the Outline CSIP (paragraph 22 of REP2-033) and Outline Scour and Cable Protection Management Plan (paragraph 8 of document reference 8.21).</p>
22	B29 & B6	Impact 3. Cable protection within the shallow nearshore could interfere with wave energy transmission could affect nearshore sediment pathways and coastal morphology. We disagree with the assessment conclusion as disruption of these processes would have a likely significant effect to coastal SACs and SPAs. Owing to uncertainty regarding MDS for nearshore cable protection and beach management plans, the impact assessment conclusions should be revisited.	<p>D1 - Issue Progressed. See Comments Points 5 &amp; 17.</p> <p>D2 - No change, further clarification is required, please refer to Q1 HRA 1.7 [REP2-074]</p> <p>D3 – No Change</p>	<p>The Applicant has provided a response in Row B6 and B29, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) as well as in Table 1, The Applicant's Comments on Deadline 1 Submissions (REP2-053), and has provided further clarification in Q1 HRA 1.7, Table 1.10, The Applicant's comments on ExQ1 Responses (REP3-054).</p> <p>With regard to cable protection within the shallow nearshore area, the Applicant has now committed to the following <i>"If cable protection is required in the nearshore (defined as the inner depth of closure out to 7.1m water depth), concrete mattresses will be utilised, a description of concrete mattresses is set out in Section 6.11.5.2 of ES Chapter 3 Project Description (APP-058)"</i>, this is secured in the updated Outline Cable Specification and Installation Plan (submitted at Deadline 4, Document Reference 8.5) and Outline Scour and Cable Protection Management Plan (submitted at Deadline 4, Document Reference 8.21). The Applicant would refer the ExA to Point 5. The Applicant has provided a response in Row B6 and B11, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) as well as in Table 1, The Applicant's Comments on Deadline 1 Submissions (REP2-053), and has provided further clarification in Q1 HRA 1.7, Table 1.10, The Applicant's comments on ExQ1 Responses (REP3-054).</p> <p>With regard to uncertainty regarding beach management plans, the Applicant would refer the ExA to Point 17. The Applicant has provided a response in Row B23, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) as well as Q1 BE 2.2 in Table 1.2 of The Applicant's comments on ExQ1 Responses (REP3-054).</p> <p>Given the above, the Applicant consider that the assessment conclusions presented in Section 7.12 of Chapter 7 Marine and Physical Processes (APP-062) and the RIAA (AS1- 095) remain valid.</p>
23	B30 & B6	Impact 4: Modifications to the Wave and Tidal Regime and Associated Potential Impacts to Morphological Features (O&M). We advise that	D1 - Issue Progressed. See Point 5.	With regard to cable protection within the shallow nearshore area, the Applicant has now committed to the following <i>"If cable protection is required in the nearshore</i>

Point	Ref from Appendix B [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
		there is a pathway of effect for this impact on coastal receptors if cable protection is used in the nearshore. Natural England advises that the Applicant should revisit their assessment of receptor sensitivity for coastal receptors. Please also refer to our advice above.	D2 - Our advice remains unchanged since Deadline 1. D3 – No Change	<i>(defined as the inner depth of closure out to 7.1m water depth), concrete mattresses will be utilised, a description of concrete mattresses is set out in Section 6.11.5.2 of ES Chapter 3 Project Description (APP-0580)" this is secured in the updated Outline Cable Specification and Installation Plan (V4 submitted at Deadline 4, Document Reference 8.5) and Outline Scour and Cable Protection Management Plan (submitted at Deadline 4, Document Reference 8.21).</i>  The Applicant would refer the ExA to Point 5. The Applicant has provided a response in Row B6, B11 and B30, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) as well as in Table 1, The Applicant's Comments on Deadline 1 Submissions (REP2-053), and has provided further clarification in Q1 HRA 1.7, Table 1.10, The Applicant's comments on ExQ1 Responses (REP3-054).  The use of cable protection measures in the nearshore zone has been assessed within Impact 2 as a pathway of effect on coastal receptors (Paragraph 152 – 154, and 156; Section 7.12.1; (APP-062)). This explicitly includes the potential impact on littoral sediment transport and beach morphology. Given the above, the Applicant consider that the assessment conclusions presented in Section 12.7 of Chapter 7 Marine and Physical Processes (APP-062) remain valid.
24	B31	Impact 5: Seabed Scouring. within the array and ECC. There is the potential for scour (or secondary scour) and removal of seabed sediments due to the presence of cable/scour protection measures and/or cable exposures. The Applicant should consider and assess the potential for secondary scour impacts to marine processes receptors (e.g. IDRBNR SAC, Annex I sandbanks etc).	D1 – No Change D2 - No change. Please refer to Q1 BE 2.8 [REP2-074]. D3 – No Change	The Applicant has provided a response in Row B31, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) as well as Q1 BE 2.8 in Table 1.2 of The Applicant's comments on ExQ1 Responses (REP3-054).  Secondary scour has been considered within Section 7.12.2.2 of APP-062 with evidence provided from Hornsea One Offshore Wind Farm (OWF) in the absence of empirical assessment methodologies. Given the lack of evidence regarding secondary scour, the Applicant maintains that Hornsea One is an appropriate analogue due to similar hydrodynamic forcing and ground conditions. The Applicant would note that Natural England have not suggested any other evidence that may be used for the consideration of secondary scour.

PADS				
Ref	The brief concern held by Natural England reported on in full in Written Representations and What needs to change, or be included or amended to overcome the disagreement?		Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
NE2	Natural England is unable to rule out impacts to The Wash and North Norfolk Coast SAC, The Wash SPA, The Wash Ramsar and The Wash SSSI. This is due to potential disruption of wave energy transmission, nearshore sediment pathways, and coastal morphology, due to the presence of cable protection within the shallow nearshore zone perpendicular to longshore sediment transport.  Natural England advises that cable protection should be avoided in shallow nearshore areas. We advise the Applicant should clarify the Maximum Design Scenario (MDS) for cable protection within shallow nearshore water and revisit their impact assessment conclusions.		D1 - Progressed. Please see our Deadline 1 Appendix B1 and R&I Log Tab B. Concerns remain in relation to feasibility of Applicant's proposal to address our concern D2 - Progressed. But further information required re proposed mitigation measures D3 - Progressed, but still need further clarification on the Maximum Design Scenario (MDS) for cable protection in the shallow nearshore. Please refer to Q1 HRA 1.7 (DOC ref).	The Applicant has provided a response in Row B6 and B11, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) as well as in Table 1, The Applicant's Comments on Deadline 1 Submissions (REP2-053), and has provided further clarification in Q1 HRA 1.7, Table 1.10, The Applicant's comments on ExQ1 Responses (REP3-054).  The height of the cable protection in this area is effectively controlled through condition 13 (1) (d) (ii) which requires the submission of a construction method statement for approval, including the CSIP. The condition requires for consultation with MCA and Trinity House where cable protection is likely to exceed 5% of navigable depth. Cable protection measures within the inner depth of closure, corresponding



Ref	The brief concern held by Natural England reported on in full in Written Representations and What needs to change, or be included or amended to overcome the disagreement?	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
			<p>to the seaward limit of the upper shoreface and calculated as approximately 7.1m (with details presented in APP-150), are therefore unlikely to exceed 0.35m in height (0.35m being 5% of 7.1m). The Applicant has now committed to if cable protection is required in the nearshore (defined as the inner depth of closure out to 7.1m water depth), concrete mattresses will be utilised, a description of concrete mattresses is set out in Section 6.11.5.2 of ES Chapter 3 Project Description (APP-058), secured in the updated Outline Cable Specification and Installation Plan (V4 submitted at Deadline 4, Document Reference 8.5) and Outline Scour and Cable Protection Management Plan (V4 submitted at Deadline 4, Document Reference 8.21).</p> <p>It should be noted that the use of remedial protection is a final technical mitigation measure following engineering and installation good practice with a competent contractor. The Applicant wishes to use as little remedial protection as practicable and would only deploy cable protection when target burial depth could not be achieved. However, for operational and safety reasons, the cable must be protected. The Applicant has proposed a range of cable protection measures, including rock placements (berms), concrete mattresses, rock bags and seabed spacers. The final choice of protection type, if this is required, will be made post consent and informed by detailed engineering design.</p> <p>Condition 13 (1) (d) (ii) and Condition 13 (1) (d) (iii), Part 2 of the deemed marine licence at Schedule 11 includes for a Cable Specification and Installation Plan and a Scour Protection and Cable Protection Plan, in line with the outline plans, to be submitted and approved in writing by the MMO, and for which Natural England are a statutory consultee. The Applicant notes that the appropriate stage of a Project to deliver confidence in final engineering design is at the preconstruction phase, once final methodologies and techniques are confirmed.</p> <p>The use of cable protection measures in the nearshore zone has been assessed within Impact 2 as a pathway of effect on coastal receptors (Paragraph 152 – 154, and 156; Section 7.12.1; (APP-062)). This explicitly includes the potential impact on littoral sediment transport and beach morphology. Given the above, the Applicant consider that the assessment conclusions presented in Section 12.7 of Chapter 7 Marine and Physical Processes (APP-062) remain valid.</p> <p>The Applicant fully assessed the likely significant effects to disruptions to wave energy transmission, sediment transport and coastal morphology within Chapter 7: Marine Physical Processes (APP-062), and concluded no significant effects were likely to occur. This was consequently considered within the Report to Inform Appropriate Assessment V3 (document reference 7.1, updated at Deadline 4) which concluded no potential for an AEoI to the Wash and North Norfolk Coast SAC, Wash SPA and Wash Ramsar.</p>

### 1.3 C Benthic & Intertidal Ecology

Table 1-3 Natural England's Risk and Issues Log Deadline 3 C Benthic & Intertidal Ecology Risk and Issues and the Applicant's current position

Point	Ref from Appendix C [RR-045]	Taken from Natural England's Relevant Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
<b>Benthic &amp; Intertidal Ecology</b>				
1	C11, C46, C60 & C5	Clarification is required on the cable protection design within and outwith the IDRBNR SAC and whether additional protection over the project lifetime, or secondary scour has been included for the maximum design scenario (MDS)/ worst case scenario (WCS). Update the Scour and Cable Protection Management Plan [APP-295] and RIAA [APP-235] with the WCS. DCO/DML restrictions may be required to ensure the WCS within the SAC hasn't been exceeded during construction.	D1 – No Change D2 – No Change D3 – No Change	<p>No change. The Applicant has provided a response in Row C11, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071). The effect of installing cable protection on the IDRBNR has also been assessed as a long-term or permanent habitat loss or alteration at Section 9.1.5.1 of the RIAA (AS1-095). Paragraph 148 confirms that the effect is assessed as an impact of the operational phase of the Project and therefore encompasses the addition of further cable protection due to exposures and/or secondary scour within the maximum quantities stated. The maximum quantity of cable protection which may be deposited across the offshore ECC is secured in Requirement 6 of Part 3 of Schedule 1 of the dDCO, and condition 3, Part 2 of the dML at Schedule 11 of the dDCO (3.1).</p> <p>The total volume of scour protection for wind turbine generators, offshore accommodation platform, offshore electrical installations and offshore artificial nesting structures must not exceed 3,149,850m<sup>3</sup> as secured in Requirement 5 of Part 3 of Schedule 1 of the DCO.</p> <p>Sub-paragraphs (13), (14) and (15) of Requirement 5, Part 3 of Schedule provide further details of scour protection volumes for specific components of the Project including; offshore accommodation platform foundations, offshore electrical installation foundations and offshore artificial nesting structure foundations.</p> <p>In relation to the IDRBNR, Condition 13(1)(d)(iii), Part 2 of the deemed marine licence at Schedule 11 of the dDCO (3.1) requires details of scour protection and cable protection management in accordance within Outline Scour Protection and Cable Protection Management Plan (SPCPMP) (updated at Deadline 4, document reference 8.21) to be submitted as part of the construction method statement for the approval of the MMO.</p> <p>The Applicant considers that the information is presented as clearly and fully as possible at this stage. The final SPCPMP produced prior to construction would set out the final proposed volumes and areas of protection required, which will be validated against the permitted amounts under the DCO. The WCS areas and volumes of cable protection are set out in the outline SPCPMP (updated at Deadline 4, document reference 8.21) and RIAA (updated at Deadline 4, document reference 7.1) and as such no updates are required. Any increase from those volumes would require further approval from the MMO and therefore all parties can have confidence that the volumes presented are appropriately secured.</p>
2	C14	More detail is required on permitted Operations and Maintenance (O&M) activities over the lifetime of the project within the ECC, especially within IDRBNR SAC. new marine licence will be required for any further protection during the project lifetime.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Row B19, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071). The Applicant consider that based on the spatial and temporal scale, as well as potential frequency of repair/reburial events, O&M activities will not be of greater scale than the MDS

Point	Ref from Appendix C [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				assessed and are not considered likely to compound existing pressures (beyond that already assessed). The Applicant therefore considers the assessment presented in APP-062 to be appropriate.
3	C12 & C10	Without an outline decommissioning plan a realistic WCS can't be determined especially in relation to impacts from cable protection. Natural England advises that an outline decommissioning plan in provided.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Row C12, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071).
4	C13 & C10	It is unclear what the process will be for boulder clearance and repositioning within the IDRBNR SAC and how the project will minimise the impacts of this activity on sensitive features within the site. Mitigation measures should be adopted to minimise the impacts of this activity to Annex I feature within IDRBNR SAC. The project should present a plan for review.	D1 – Issue progressed. Please see our Deadline 1 Appendix C1 D2 – No Change D3 – No Change	No change. The Applicant has committed within the Outline Cable Specification and Installation Plan (document 8.5) that "During boulder clearance activities, where boulders are grabbed and moved, boulders will be placed nearby in an area of similar habitat and all areas of known <i>S. spinulosa</i> reef within the Inner Dowsing, Race Bank and North Ridge SAC will be avoided; outside of the SAC, boulder placement will avoid any biogenic reef, where practicable". The Applicant considers that this mitigation sufficiently secures the avoidance of any impacts to the Annex I features of the IDRBNR SAC.
5	C15	We are unable to ascertain from an ecological perspective that cables can be optimally buried. We advise that the Cable Burial Risk Assessment (CBRA) [APP-0142] is updated from an ecological perspective using geophysical and geotechnical data and this should be cross referenced with the CSIP [APP-278]	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Row C15, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071).  The Outline Biogenic Reef Mitigation Plan (document 8.22) and the Outline Cable Specification and Installation Plan (document 8.5) will be developed and refined on the basis of the additional pre-construction data geotechnical and geophysical information. Relevant information from these plans will be shared with Natural England, with the final Plans to be submitted to and approved in writing by the MMO, including the CSIP (as set out within the Outline CSIP (document 8.5), in accordance with condition 13, Part 2 of the DMLs at Schedules 10 and 11 of the dDCO.
6	C16, C17, C18, C19, C20, C21 & C1	Applicant to re-examine the existing data, analytical approach and methods which have been used to provide a baseline [APP-155] of the extent and distribution of Annex I <i>S. spinulosa</i> reef. Evidence is required to provide the necessary confidence that pre-construction surveys, project mitigation and, where necessary, compensation requirements will be effectively targeted and implemented at the appropriate scale.	D1 - Issue progressed. Please see our Deadline 1 Appendix C1 response. D2 – No Change D3 – No Change	The Applicant confirms that the responses provided to address Natural England's concerns, as outlined in Row C16, C17, C18, C19, C20, C21 & C1, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071) regarding the transparency of the methods and analytical techniques used to determine the extent and distribution of <i>Sabellaria spinulosa</i> Annex I reef, have been incorporated into ES Chapter 9 Appendix 2 Benthic Ecology Technical Report (ECC) v2 (ASI-004) and the Offshore Export Cable Corridor <i>S. spinulosa</i> Reanalysis and Report (PD1-095)). Natural England confirmed within Appendix C1 Natural England's Advice on Benthic Ecology (REP1-059) that these clarifications address their concerns regarding the analytical approach to the determination of Annex I <i>S. spinulosa</i> reef.  As detailed at Table 3.2 of the Offshore In-Principle Monitoring Plan (APP-276), a detailed preconstruction survey will be completed post-consent to determine the location, extent and composition of any habitats of principal importance constituting Annex 1 habitat. Condition 13(1)(c) and 17 of Part 2 of the dMLs set out at Schedules 10 and 11 require details of the proposed preconstruction surveys, including methodologies, timings and format, and which accord with the monitoring plan(s), to be submitted to the MMO for approval prior to commencement of licensed activities, in consultation with the SNCB. Natural England will therefore have the opportunity to provide comments on the survey proposals and the Applicant is confident the surveys

Point	Ref from Appendix C [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				will be appropriately designed and targeted to provide the data to effectively implement mitigation measures relevant to Annex I reef and supporting habitats.
7	C22, C23, C24, C25, C26, C27 & C1	Envision Data Analysis [APP-158] does not address concerns relating to the adequacy of methods and interpretation for determining the presence of Annex I <i>S. spinulosa</i> reef. Our comments to the EBS [APP-155] and Envision report [APP-158] should be considered in a review of the available data. Further information and evidence are required to demonstrate that the extent and distribution of Annex I <i>S. spinulosa</i> reef, particularly within the IDRBNR SAC, has been robustly determined and the precautionary principal applied.	D1 - Issue progressed but not resolved. Please see our Deadline 1 Appendix C1 response. D2 – No Change D3 – No Change	<p>Natural England have confirmed within Appendix C1 Natural England's Advice on Benthic Ecology (REP1-059) that "While these clarifications (once included within the technical documents) address the majority of our concerns regarding the analytical approach to the determination of Annex I <i>S. spinulosa</i> reef, the Applicants' response does not address our concerns regarding supporting reef habitat. Natural England intends to provide further detailed advice on this matter at Deadline 2."</p> <p>The Applicant consequently considers that the specific issue raised in the Natural England Relevant Representation is closed as it related to the referenced submission documents which the Applicant updated at Deadline 3 in Benthic and Intertidal Ecology Benthic and Intertidal Ecology Volume 3 Appendices Appendix 3.2 and Offshore Export Cable Corridor <i>S. spinulosa</i> Reanalysis and Report (REP3-018 and REP3-035 subsequently).</p> <p>The Applicant is processing the recent advice in relation to defining supporting habitat for <i>S. spinulosa</i>, as presented within Natural England Appendix C2 (Document 21.3) and will seek to discuss this further with Natural England with a view to providing a more detailed response at Deadline 5.</p>
		In response to Natural England S42 comments, the Applicant states that <i>S. spinulosa</i> was only found 'intermittently along a single camera transect'. This statement is incorrect and requires removal. <i>Sabellaria spinulosa</i> was observed along multiple video transects as per the ECC EBS [APP-155].	D1 - The Applicant confirms this error has not been carried through the assessments and therefore no further action is required.	Issue resolved.
9	C29, C42, C1 & C2	The Applicant's conclusion of 'no significant impacts in EIA terms' on <i>S. spinulosa</i> Reef are not scientifically robust and require revisiting following a more appropriate review of the data available as per our accompanying comments.	D1 - Progressed: Please see our Deadline 1 Appendix C1 response. D2 – No Change D3 – No Change	The Applicant refers the ExA to the previous responses and confidence in the survey data and assessments.
10	C30, C43 & C3	The sandbank communities have not been attributed EUNIS/Biotope classifications and therefore it is not possible to determine the significance of impacts on Sandbank receptors and thus the conservation objectives for the IDRBNR SAC. The assumptions made by the Applicant to draw the conclusion of 'no significant impacts in EIA terms' relating to lasting loss/change of habitat of Sandbank habitat, especially within the SAC are not scientifically robust. The EIA methods require revisiting.	D1 – No Change D2 – No Change D3 – No Change	<p>No change. The Applicant has provided a response in Row C30, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071).</p> <p>The Applicant attributed biotopes across the offshore ECC in response to detailed characterisation of the sediments and fauna associated with the stations surveyed, these biotopes were then taken through the EIA assessment process in line with methodologies detailed within Section 9.7 of ES Chapter 9: Benthic and Intertidal Ecology (APP-064). The biotope 'Infralittoral muddy sand' (MB5) habitat was dominated by homogeneous fine sands and associated with the presence of sandbank features. Whilst the ecology did not distinguish these features or raise significances in relation to sensitivity the physical form of the sandbank features was given due consideration in both ES Chapter 9: Benthic and Intertidal Ecology (APP-064) and ES Chapter 7: Marine Physical Processes (APP-062), the results of which informed the RIAA (AS1-095). The assessments presented are considered robust and accurate and will not be updated.</p>
11	C31 & C5	Scour Protection: Natural England notes that the mitigation listed is from an engineering perspective rather than an ecological one.	D1 – No Change D2 – No Change	No change. The Applicant has provided a response in Row C31, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071).



Point	Ref from Appendix C [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
		Schedule of Mitigation [APP-297] should be amended and it reflect commitments made to avoid rock protection in the IDRBNR SAC. We further advise the Applicant must demonstrate due regard to <i>S. spinulosa</i> reef within 12nm under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.	D3 – No Change	The ecological benefit of additional mitigation measures is set out in the assessment in Section 9.8, Chapter 9, Benthic and Intertidal Ecology (APP-096). There is no requirement to update this table to sign post the ecological benefit in greater detail.
12	C32 & C5	All cable protection should be removed from IDRBNR SAC at the time of decommissioning. The use of rock protection should be excluded within the SAC. The schedule of mitigation [APP-287] should be updated to reflect commitments made to avoid rock protection in the IDRBNR SAC.	D1 - Progressed. Please see our Deadline 1 Appendix C1 response. D2 – No Change D3 – No Change	<p>No change. The Applicant has provided a response in Row C32, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071). The Applicant is confident that its existing commitments (Row 3 of the Schedule of Mitigation V4 (document reference 8.13)) to removable cable protection over the Annex I sandbank features of the SAC, and avoidance of known Annex I <i>S. spinulosa</i> reef, that the conclusion of no AEoI is robust.</p> <p>The recent submissions by Natural England relate specifically to supporting habitat and the Applicant does not agree that the proposed scale of rock protection within the SAC would adversely affect the conservation objectives relating to supporting habitat for <i>S. spinulosa</i> reef, given the relatively small impact from the Project and the availability of reef forming habitats within the SAC and wider National Site Network (as specified within the advice on operations for this site).</p> <p>As set out in response to comment C12 in the Applicant's Response to Relevant Representations (PD1-071), the Applicant considers that it would be inappropriate to commit to total removal at decommissioning without an analysis of the relevant environmental baseline at the time, as total removal may give rise to greater environmental effects compared to leaving the material in situ.</p>
13	C34 & C10	The production of a PEMP in itself cannot be considered mitigation. We have concerns with level of detail of measures included in the Outline documents and their effectiveness. Natural England requests that further details are provided on specific mitigation measures within the Outline PEMP.	D1 – No Change D2 – No Change D3 – No Change	<p>No Change. The Applicant has provided a response in Row C34, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071). The Applicant notes that the final PEMP will be prepared post-consent, therefore securing the various mitigation measures within it, including the requirement for MMO approval prior to commencement of any licensed activities.</p> <p>The Applicant considers that an appropriate level of detail is included in the Outline PEMP, similar to that provided for other offshore wind farms at this stage of development.</p> <p>The final PEMP, which must be in accordance with the Outline PEMP, (with MMO approval and consultation with NE) will detail all appropriate mitigation measures at the time, following the project design and latest mitigation technologies at the time.</p>
14	C35 & C10	Disposals sites for dredged material should be agreed as part of the consenting process. Disposal sites within the IDRBNR SAC should be upstream of the sandbank to help facilitate recovery. Natural England advises that further commitments to disposal locations should be made prior to consent being granted.	D1 - Progressed. Natural England welcomes review of the Disposal Site characterisation report [PD1-097]. We advise the commitments within the Schedule of mitigation [PD1-059] should reflect that disposal sites should be upstream of the sandbank feature within the IDRBNR SAC and a fallpipe for deposition should be used. D2 – No Change	The Applicant has proposed and assessed that the whole of the order limits be used for disposal activities, to ensure that material can be deposited close to the area from which it was taken. Section 5.2 of the outline Cable Specification and Installation Plan (updated at Deadline 4, document reference 8.5) confirms that any material dredged from within the Inner Dowsing, Race Bank and North Ridge Special Area of Conservation (SAC) will be deposited back within the Inner Dowsing, Race Bank and North Ridge SAC. Section 7 of the outline PEMP (APP-277) confirms that, in the event that disposal of dredged sediment (associated with seabed preparation works or cable installation) is required, material will be deposited within an area of similar



Point	Ref from Appendix C [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
			D3 – No Change	sediment characteristics, in close proximity to the dredge location in order to retain sediment within the sediment transport system and upstream. No material will be deposited outside the agreed disposal sites. The Applicant has submitted a Disposal Site Characterisation Report (PD1-097) to the MMO alongside a request for the designation of the proposed disposal sites. No further alterations to the mitigation proposed are required.
15	C36 & C10	There is no distinction in the Scour and Cable Protection Management Plan [APP-295] between the amount of cable protection deployed inside and outside of the IDRBNR SAC, the focus is on reducing cable protection to 5% within sandbank features only. Natural England queries if further reductions in cable protection within IDRBNR SAC can be made.	D1 – No Change D2 – No Change D3 – No Change	No Change. The Applicant has provided a response in Row C36, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071). The Applicant is confident that given the conclusions of the assessment detailed there is no requirement for any further mitigation within the IDRBNR SAC.
16	C37, C4 & C10	The Outline Biogenic Reef Mitigation Plan [APP-296], Section 2 'Consultation' appears to be incomplete. Each piece of Natural England's pre-application advice should be included, particularly to annex I reef should be included and discussed by the Applicant within this section of the mitigation plan.	D1 - Issue Addressed. Pre-application advice is included within the Biogenic Reef Mitigation Plan Rev2 [PD1-067].	Issue resolve. The updated document was submitted at Deadline 2: The Outline Biogenic Reef Mitigation Plan (REP2-043).
17	C38, C39, C57, C4 & C10	In the Outline Biogenic Reef mitigation Plan [APP-296] provide detail on how and when pre-construction surveys will be undertaken. Comments to the baseline characterisation must be considered and the Applicant should provide a robust and well-informed pre-construction survey strategy which will confidently and accurately identify the presence and extent of <i>S. spinulosa</i> reef within the ECC, or areas with suitable conditions for reef formation, to appropriately facilitate and inform mitigation and compensation requirements where relevant.	D1 - No change. Please see our Deadline 1 Appendix C1 response. D2 – No Change D3 – No Change	No change. See the Applicants response to point 6, above.
18	C40	Applicant to provide information on how they plan to define 'known' reef and supporting reef as per the micro-siting mitigation proposed in the Scour and Cable Protection Management Plan [APP-295] . Noting the importance of potentially supporting habitat, and areas of 'potential reef' in maintaining the total feature extent.	D1 - No change. Please see our Deadline 1 Appendix C1 response. Our position regarding supporting reef habitat will be provided at Deadline 2. D2 - No change. We will be providing further advice at Deadline 3 in relation to impacts on suitable reef habitat D3 - No change. Please see our advice in Appendix C2 and Appendix C3 submitted at Deadline 3 regarding supporting habitat and processes for <i>S. spinulosa</i> reef.	The Applicant welcomes Natural England's advice on how conditions suitable for reef formation can be defined.  The Applicant is processing the recent advice in relation to defining supporting habitat for <i>S. spinulosa</i> , as presented within Natural England Appendix C2 and C3 and will seek to discuss this further with Natural England.  The Applicant does not agree that the proposed scale of rock protection within the SAC would adversely affect the conservation objectives relating to supporting habitat for <i>S. spinulosa</i> reef, given the relatively small impact from the Project and the availability of reef forming habitats within the SAC and wider National Site Network (as specified within the advice on operations for this site).
19	C41 & C4	The Applicants response to our previous advice relating to MMO fisheries byelaw closure areas is incorrect and requires revision. All documents eg [APP-296] outlining mitigation measures should be updated to include measures to avoid lasting/permanent pressures within MMO fisheries byelaw areas so that reef recovery is not hindered.	D1 - Progressed. Natural England welcomes the commitment in the Outline Benthic Mitigation Plan [PD1-067] to avoid cable installation within the MMO fisheries byelaw area, but advise all impacts within the byelaw areas are avoided . D2 – No Change	Issue resolved. The Applicant included the mitigation that no cable installation or ancillary works would be undertaken within MMO fisheries byelaw area as stated within Row 37 Schedule of Mitigation V4 (document reference 8.13).

Point	Ref from Appendix C [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
			D3 - Issue resolved. Natural England welcomes the addition of the commitment in the Outline Biogenic Reef Mitigation Plan [REP2-043] to "ensure that no infrastructure is installed, and no ancillary works are to be undertaken within the defined MMO Byelaw area within the SAC". We welcome this is secured in the Schedule of Mitigation [REP2-040].	
20	C45	As the project refines its MDS, Natural England requests further information in the RIAA [APP-235] on how the Applicant is committing to meeting the conclusions of the Plan Level HRA and the Export Cable Region Assessment. Natural England would welcome input from the Crown Estate to better understand how the proposals meet any seabed lease conditions.	D1 – No Change D2 – No Change D3 – No Change	<p>No Change. The Applicant has provided a response in Row C45, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071).</p> <p>The Applicant notes that paragraph 6.1.2 of The Crown Estate's Appropriate Assessment (TCE, 2022) concluded that it was not possible to undertake a reasonable and meaningful assessment of cable route impacts at plan-level. Paragraph 6.2.4 goes on to state that the Export Cable Region Assessment (ECRA) is a high-level risk-based analysis that does not replace or pre-judge project level assessments and conclusions. "The ECRA has been used to evaluate the overall risk of an AEOSI from each Export Cable Region (and the Export Cable Regions collectively), alone and in-combination with other plans and projects. The assessment does not replace the information requirements of project level HRAs and does not attempt to pre-empt their conclusions."</p> <p>The Applicant has undertaken a detailed and robust site selection process to select the Export Cable Corridor for the Project, as set out in ES Chapter 4 Site Selection and Consideration of Alternatives (APP-059). As set out within the assessments in ES Chapter 7: Marine Physical Processes (APP-062) and within ES Chapter 9: Benthic and Intertidal Ecology (APP-064), the effects from construction, operation and decommissioning will be temporary in nature, with full recovery of the sandbanks predicted.</p>
21	C47	The benthic and intertidal ecology sections of the RIAA [APP-235] should be updated to focus on IDRBNR SAC and potential hinderance of the conservation objectives to provide a true representation of the Habitat Regulation concerns	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Row C47, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071). The Applicant is confident that it's approach to assessment does include a specific focus on the IDRBNR SAC where appropriate.
22	C48, C60, C5 & C7	Even if the Applicant is able to fully microsite the cable to avoid known Annex I reef features there will still be a loss of Annex I reef supporting habitat which we consider would be adverse effect and would require compensation. Natural England advises that impacts to supporting habitat are considered within the RIAA. Until this is resolved we do not agree with the conclusions of the RIAA in regard to impacts to Annex I reef from the placement of cable protection.	<p>D1 - No change. Please see our Deadline 1 Appendix C1 response. Our position regarding supporting reef habitat will be provided at Deadline 2.</p> <p>D2 - No change. We will be providing further advice at Deadline 3 in relation to impacts on suitable reef habitat</p> <p>D3 - No change. Please see our Appendices C2 and C3 submitted at Deadline 3 regarding supporting processes and habitat suitable for <i>S. spinulosa</i> reef.</p>	The Applicant does not agree that the proposed scale of rock protection within the SAC would adversely affect the conservation objectives relating to supporting habitat for <i>S. spinulosa</i> reef, given the relatively small impact from the Project and the availability of reef forming habitats within the SAC and wider National Site Network (as specified within the advice on operations for this site).

Point	Ref from Appendix C [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
23	C49 & C7	There is disagreement with the Applicant on statements made on Annex I reef recovery. Natural England advises compensation measures do not take account of this impact. Natural England refers the ExA to the Norfolk Vanguard and Boreas Secretary of State Decisions where compensation was required due to the potential to disturb Annex I <i>S. spinulosa</i> Reef during cable installation	D1 - No change. Please see our Deadline 1 Appendix C1 response. Our position regarding supporting reef habitat will be provided at Deadline 2. D2 – No Change D3 – No Change	No change. The Applicant has provided evidence on <i>S. spinulosa</i> recovery within response in Row C49, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071).
24	C50 & C7	It is a condition of all Aggregates Dredging licences that impacts to Annex I reef are avoided. References with regard to 2007 and 2001 <i>S. spinulosa</i> reef recovery cannot be relied upon. Natural England's advice on likely recoverability of Annex I reef is consistent with previous examinations. There is a likelihood of there being an impasse between the professional judgement of the Applicant's consultants and Natural England specialists on this matter.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided evidence on <i>S. spinulosa</i> recovery within response in Row C50, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071).
25	C51 & C7	Natural England disagrees with the Applicant's conclusion that Annex I <i>S. spinulosa</i> reef will recover from cable installation activities and due to uncertainties with the impact assessment we do not believe that mitigation measures in the form of micro-siting has the necessary assurances in relation to avoiding impacts within the red line boundary. There is likelihood of there being an impasse between the Applicant and Natural England on this matter.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided evidence on <i>S. spinulosa</i> recovery within response in Row C51, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071).
26	C52	There are limitations with the evidence to support sandbank recovery following levelling. Natural England advises that monitoring sandbank recovery post construction should be incorporated within the In Principle Monitoring Plan.	D1 - No change. Though we note that Applicant disagrees with us on this point D2 – No Change D3 – No Change	In respect of pre-construction monitoring, condition 17(2)(b), Part 2, Schedules 10 and 11 of the DCO requires the carrying out of a swath-bathymetry survey to IHO Order 1a standard that meets the requirements MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works.  In relation to Post-construction monitoring, condition 19 (2)(b), Part 2, Schedules 10 and 11 of the DCO requires that, within twelve months of completion of the licensed activities, a full sea floor coverage swath-bathymetry survey that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which construction works were carried out to assess any changes in bedform topography and such further monitoring or assessment as may be agreed to ensure that cables have been buried or protected.  In each case, this will include monitoring of sandwaves and sandbanks in the locations where infrastructure has been installed.
27	C53, C60, C5 & C6	In APP-235, the assessment of physical habitat loss needs to be considered separately from physical disturbance in considering LSE/AEoI as the receptors have different levels of sensitivity to each of these pressures. Alternatively, the worst case sensitivity should be used and considered when determining LSE and or AEoI.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Row C53, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071). The Applicant is confident that both habitat loss and physical disturbance are considered in full within the relevant section of the RIAA (AS1-095). The correct sensitivities have been used for both pressures within the combined assessment.
28	C54	Several different TIER approaches for the in-combination assessment have been proposed and therefore the ongoing impacts from constructed windfarms have not been taken into account. We are unable to agree with the conclusions drawn within this report. Please refer to Natural England's Best Practice Guidance for the	D1 – No Change D2 – No Change D3 – No Change	No Change. The Applicant has provided a response in Row C54, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071). The Applicant notes that operational windfarms are taken into account within Tier 1 for all receptors (Tier 1a for ornithological receptors).

Point	Ref from Appendix C [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
		SNCBs advice on using Tiers for scoping project into in-combination assessments		
29	C55, C6	For Annex I Sandbanks within the RIAA [APP-235], every effort must be made to mitigate the project impacts to not only reduce the Project's alone effects but also ensure that it doesn't materially contribute to existing pressures/cumulatively and in-combination impacts. Natural England advises these pressures, including small-scale losses, should be fully considered in the in-combination impact assessment.	D1 – No Change D2 – No Change D3 – No Change	No Change. The Applicant has provided a response in Row C55, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071). The Applicant considers that in-combination impacts relating to Annex I Sandbanks have been assessed and appropriately considered in relation to existing and upcoming pressures. With respect to the updated Conservation Advice Package and Supplementary Advice on Conservation Objectives (last updated in September 2024), the Applicant has reviewed the advice package and noted that there are no changes to the outcomes of our assessments.
30	C58, C60, C5	Natural England considers that the impacts from cable protection are likely to result in lasting change and/or loss of Annex I Sandbank feature. The commitment to solely use removable cable protection over the Annex I Sandbank features of the IDRBNR SAC is missing from Table 6.1 [APP-235]. All mitigation of relevance to the assessment of impacts on IDRBNR SAC features should be made consistent both within, and across, the application documents. Further evidence is required to provide the necessary level of assurance that any mitigation (i.e. scour protection removal) will be fully successful.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Row C55, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071). The Applicant considers the mitigation secured through the Outline Scour and Cable Protection Management Plan (paragraph 8, APP-295) and presented within Table 6.1 of the RIAA (AS1-095) and is consistent across the documents.  Removable cable protection (e.g. mattresses) typically have a 50-year design life, thereby ensuring asset integrity at the end of the anticipated lifetime of the Project. The Applicant refers the ExA to the Peritus International Ltd (2022) study <sup>1</sup> undertaken on behalf of Natural England which confirmed multiple existing proven methods for cable protection removal and noted numerous studies and R&D activities ongoing to further improve the success of these methods.
31	C59, C60	Table 6.1 'Mitigation of Relevance to the RIAA' [APP-235] fails to mention the MMO fisheries byelaw areas which should be managed as reef. Natural England strongly advises that avoidance of MMO byelaw areas be included within proposed mitigation for Annex I reef within the IDRBNR SAC.	D1 - No change. See advice to point 19. The RIAA should be updated to reflect this commitment for the MMO Byelaw areas. D2 – No Change D3 – No Change	No Change. As noted in point 19, agreement has been reached on the consideration of the MMO fisheries byelaw areas within the Outline Biogenic Reef Mitigation Plan (REP2-043). Therefore, as the RIAA (AS1-095) considers the Outline Biogenic Reef Mitigation Plan within Table 6.1, this mitigation is therefore included within the assessments.
32	C63, C64 & C9	Comments to the approach and methods used to identify Annex I reef, also apply to <i>Sabellaria</i> Reef Priority Habitat (Section 41 of the NERC Act, 2006). Mitigation measures should be adopted via the Applicants Schedule of Mitigation [APP-0287] and ES [APP-154] in order that impacts (particularly permanent loss) on all Section 41 Habitats be avoided and/or reduced wherever feasible through mitigation measures such as micro-siting and considered within the Biogenic Reef Monitoring Plan [APP-296] and IPMP [APP-276].	D1 - Issue progressed but not resolved. See Appendix C1. Our position regarding supporting reef habitat will be provided at D2. D2 – No Change D3 – No Change	The mitigation measures as set out by the Application within Chapter 9 Benthic and Intertidal Ecology (APP-064) and secured within the Outline Biogenic Reef Mitigation Plan (APP-296) included consideration of "biogenic reef", which comprises any qualifying reef, whether protected under Annex I of the Habitats Regulations or Section 41 of the NERC Act 2006.  See response to Row 18 in relation to supporting habitat.
33	New Issue D2	Natural England believes there may be a risk of impacts to benthic/intertidal ecology receptors from nearshore cable protection amendments proposed by the Applicant. Further information is required on potential mitigation measures proposed by the Applicant to address our concerns in relation to potential disruption of sediment transport along the near shore from cable protection. NE Ref B6, B11 and B29.	D2 - Please see our Deadline 2 response to ExQ HRA 1.7 within Appendix K D3 – No Change	The Applicant has provided a response in Row B6 and B11, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) as well as in the response to Section 1, Paragraph 6 within Table 1 in The Applicant's Comments on Deadline 1 Submissions (REP2-053), and has provided further clarification in its comments on Natural England's response to Q1 HRA 1.7, in Table 1.10, of the Applicant's comments on ExQ1 Responses (REP3-054).

<sup>1</sup> Peritus International Ltd. 2022. Scour and Cable Protection Decommissioning Study. NECR403. Natural England. Available at: [REDACTED]



Point	Ref	from	Taken from Natural England's Relevant and Written	Natural England's Deadline Consultations, The Applicant's Current Position
	Appendix [RR-045]	C	Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Actions, Progressions and RAG
				<p>The height of the cable protection in this area is controlled through condition 13 (1) (d) (ii) of the DML at Schedule 11 of the dDCO, which requires the submission of a construction method statement for approval, including the CSIP. The condition requires for consultation with MCA and Trinity House where cable protection is likely to exceed 5% of navigable depth. Cable protection measures within the inner depth of closure (the water depth within which sediment transport is primarily driven by waves that could consequently be subject to blockage), corresponding to the seaward limit of the upper shoreface and calculated as approximately 7.1m (with details presented in APP-150), are therefore unlikely to exceed 0.35m in height (0.35m being 5% of 7.1m), which the Applicant has concluded to be unlikely to result in any significant changes to sediment transport.</p> <p>It should be noted that the use of remedial protection is a final technical mitigation measure following engineering and installation good practice with a competent contractor. The Applicant wishes to use as little remedial protection as practicable and would only deploy cable protection when target burial depth could not be achieved. However, for safety and operational reasons, the cable must be protected. The Applicant has proposed a range of cable protection measures, including rock placements (berms), concrete mattresses, rock bags and seabed spacers. The final choice of protection type, if this is required, will be made post consent and informed by detailed engineering design.</p> <p>Condition 13 (1) (d) (ii) and Condition 13 (1) (d) (iii), Part 2 of the deemed marine licence at Schedule 11 includes for a Cable Specification and Installation Plan and a Scour Protection and Cable Protection Plan, in line with the outline plans, to be submitted and approved in writing by the MMO, and for which Natural England are a statutory consultee. The Applicant notes that the appropriate stage of a Project to deliver confidence in final engineering design is at the preconstruction phase, once final methodologies and techniques are confirmed.</p> <p>Given the above, the Applicant consider that the assessment presented in Chapter 7 Marine and Physical Processes (APP-062) to be appropriate where there is no significant effect to marine and physical processes and therefore no risk of impacts to benthic/intertidal ecology, as detailed within ES Chapter 9: Benthic and Intertidal Ecology (APP-064).</p>



Point	Ref from Appendix C [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
PADS				
Ref	The brief concern held by Natural England reported on in full in Written Representations and What needs to change, or be included or amended to overcome the disagreement?		Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicants Current Position
NE1	<p>Natural England has concerns with the sufficiency of the data in order to draw conclusions, with any confidence, as to the presence, extent and quality of Annex I biogenic reef (<i>Sabellaria spinulosa</i>).</p> <p>Natural England advises the Applicant re-examines the existing data, analytical approach and methods which have been used to provide a baseline of the extent and distribution of Annex I <i>Sabellaria spinulosa</i> reef.</p>		<p>D1 - Progressed. Please see our Deadline 1 Appendix C1 and R&amp;I Log Tab C. The Applicant's clarifications should be incorporated within the technical report to ensure these can be relied upon post consent. Our position regarding supporting reef habitat will be provided at D2.</p> <p>D2 – No Change</p> <p>D3 – No Change</p>	<p>The Applicant can confirm that the responses (PD1-071) it presented to Natural England's concerns raised in the relevant representations (RR-045) in relation to the transparency in methods and analytical techniques used to determine the extent and distribution of <i>S. spinulosa</i> Annex I reef presented in the Chapter 9 Appendix 2 Benthic Ecology Technical Report (ECC) v2 (AS-004) and the Offshore Export Cable Corridor <i>S. spinulosa</i> Reanalysis and Report (PD1-095), has been added to the documents (REP3-018) and (REP3-035). Natural England confirmed within Appendix C1 Natural England's Advice on Benthic Ecology (REP1-059) that these clarifications (once included within the technical documents) address the majority of their concerns regarding the analytical approach to the determination of Annex I <i>S. spinulosa</i> reef. As such, with the submission of the updated documents, the Applicant considers this matter resolved.</p>
NE3	<p>There will likely be an AEoI to the IDRBNR Annex I 'Sandbanks which are slightly covered by sea water all the time' feature from the lasting habitat loss/change due to the placement of cable protection within IDRBR.</p> <p>Natural England advises the Applicant revisits the assumptions and assessment conclusions made. The Applicant must demonstrate the mitigation hierarchy has been fully explored to demonstrate that impacts are minimised.</p>		<p>D1 - Progressed. Please see our Deadline 1 Appendix B1 and R&amp;I Log Tab B. Concerns remain in relation to feasibility of Applicant's proposal to address our concern</p> <p>D2 - Progressed. But further information required re proposed mitigation measures</p> <p>D3 - Progressed, but still need further clarification on the Maximum Design Scenario (MDS) for cable protection in the shallow nearshore. Please refer to Q1 HRA 1.7 (DOC ref).</p>	<p>With regard to cable protection within the shallow nearshore area, the Applicant would refer the ExA to Point 5. The Applicant has provided a response in Row B6 and B11, Table 1.45.3.2 of the Applicant's Response to Relevant Representations (PD1-071) as well as in Table 1, The Applicant's Comments on Deadline 1 Submissions (REP2-053), and has provided further clarification in its comments on Natural England's response to Q1 HRA 1.7, in Table 1.10 of The Applicant's comments on ExQ1 Responses (REP3-054).</p>
NE4	<p>Natural England is unable to advise that an AEoI for Annex I <i>Sabellaria spinulosa</i> reef interest feature can be ruled out due to habitat (and supporting habitat) loss/change from any placement of cable protection and disturbance during installation. There is an insufficient level of confidence in the baseline data to inform our advice.</p> <p>Natural England advises the assumptions made by the Applicant to draw the conclusion of no AEoI on Annex I <i>Sabellaria spinulosa</i> reef features within IDRBNR are not scientifically robust and require revisiting in order that inconsistencies and contradictions between the evidence and conclusions presented are resolved.</p>		<p>D1 - No change. See Appendix C1 and R&amp;I Tab C. Our position regarding supporting reef habitat will be provided at D2.</p> <p>D2 – No Change</p> <p>D3 - No change. Please see our Appendices C2 and C3 submitted at Deadline 3 regarding supporting processes and habitat suitable for <i>Sabellaria spinulosa</i> reef.</p>	<p>The Applicant welcomes Natural England's advice on how conditions suitable for reef formation can be defined.</p> <p>The Applicant is processing the recent advice in relation to defining supporting habitat for <i>S. spinulosa</i>, as presented within Natural England Appendix C2 and C3 and will seek to discuss this further with Natural England with a view to providing a more detailed response at Deadline 5.</p> <p>The recent submissions by Natural England relate specifically to supporting habitat and the Applicant does not agree that the proposed scale of rock protection within the SAC would adversely affect the conservation objectives relating to supporting habitat for <i>S. spinulosa</i> reef, given the relatively small impact from the Project and the availability of reef forming habitats within the SAC and wider National Site Network (as specified within the advice on operations for this site). However, the Applicant is processing the recent advice in relation to defining supporting habitat for <i>Sabellaria spinulosa</i>, as presented within Natural England Appendix C2 (Document 21.3) and will seek to discuss this further with Natural England with a view to providing a more detailed response at Deadline 5.</p>

Ref	The brief concern held by Natural England reported on in full in Written Representations and What needs to change, or be included or amended to overcome the disagreement?	Natural Consultations, RAG	England's Actions, Progressions and	Deadline	The Applicants Current Position
NE5	<p>Natural England queries how the project will comply with the Export Cable Region Assessments that inform their seabed lease with The Crown Estate, given the identified AEoI.</p> <p>We suggest that feedback is sought through the examination process from The Crown Estate who are obligated to ensure the outcomes of the Round 4 plan level HRA are upheld.</p>	D1 – No Change D2 – No Change D3 – No Change			<p>No Change. The Applicant has provided a response in Row C45, Table 1.45.4.2 of the Applicant's Response to Relevant Representations (PD1-071).</p> <p>The Applicant notes that paragraph 6.1.2 of The Crown Estate's Appropriate Assessment (The Crown Estate, 2022) concluded that it was not possible to undertake a reasonable and meaningful assessment of cable route impacts at plan-level. Paragraph 6.2.4 goes on to state that the Export Cable Region Assessment (ECRA) is a high-level risk-based analysis that does not replace or pre-judge project level assessments and conclusions. "The ECRA has been used to evaluate the overall risk of an AEOSI from each Export Cable Region (and the Export Cable Regions collectively), alone and in-combination with other plans and projects. The assessment does not replace the information requirements of project level HRAs and does not attempt to pre-empt their conclusions."</p> <p>The Applicant has undertaken a detailed and robust site selection process to select the Export Cable Corridor for the Project, as set out in ES Chapter 4 Site Selection and Consideration of Alternatives (APP-059). As set out within the assessments in ES Chapter 7: Marine Physical Processes (APP-062) and within ES Chapter 9: Benthic and Intertidal Ecology (APP-064), the effects from construction, operation and decommissioning will be temporary in nature, with full recovery of the sandbanks predicted.</p>
NE6	<p>Natural England cannot support the following proposed "Without Prejudice" Compensation Measures:</p> <ul style="list-style-type: none"> <li>• Alternative measures for Annex I sandbanks and Reef</li> <li>• Creation of Annex I reef as compensation for Annex I Sandbank Habitat</li> <li>• Anthropogenic Pressure Removal: Marine Debris and Awareness Campaign</li> </ul> <p>Natural England believes that these approaches would not offset the predicted impacts on an interest feature and/or there is currently no delivery mechanism</p>	D1 – No Change D2 – No Change D3 – No Change			<p>The strategic delivery of a new site designation or extension is the Applicant's preferred mechanism. Defra has committed in a Written Ministerial Statement (WMS) published on the 29<sup>th</sup> January 2025 to the delivery of sufficient Marine Protected Area designations and/or extensions to provide strategic compensation for likely benthic environmental impacts resulting from offshore wind developments. The WMS provides further detail on the anticipated scope of any new designations and extensions to existing MPAs. The Project is one of the projects identified as being able to come forward to use MPA designation and/or extensions as a strategic compensation.</p>
NE7	<p>For all remaining "Without Prejudice" benthic compensation proposals not mentioned above, Natural England can see merit in their objectives. However, further progress is required on each measure to have confidence that they are achievable and would deliver effective compensation for project impacts.</p> <p>Natural England advises that further work on each measure will be required during examination before we can advise on the suitability.</p>	D1 – No Change D2 – No Change D3 – No Change			<p>The Applicant has provided feedback to benthic compensation risk and issues within The Applicant's Comments on Natural England's Risk and Issues Log (Document Reference 21.8)The following updates on specific measures include the following:</p> <p>The Applicant has progressed conversations with telecommunication owners and has received a letter of comfort from British Telecommunications PLC (BT), the main asset owner (submitted at Deadline 2 (REP2-063). The purpose of this letter is to confirm that BT is supportive of the proposal to remove redundant telecommunications cable systems within designated sites that are within its ownership if this is required. This demonstrates that BT would therefore be willing to enter into an Out of Service Cable Recovery Agreement with the Project for such removal should such compensation be deemed necessary. Any such future agreement will, among other things, identify which section/s of cable are to be removed. The Applicant will continue to update the ExA as further progress is made on this measure.</p> <p>The Applicant has met with aggregate licence holders and is still in conversations with licence holders. The Applicant will update the ExA as further updates are available on this measure.</p>

Ref	The brief concern held by Natural England reported on in full in Written Representations and What needs to change, or be included or amended to overcome the disagreement?	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicants Current Position
			<p>The Applicant has submitted a Letter of Comfort into the examination process at Deadline 4 (Document Reference 21.17) from The Oyster Restoration Company (TORC), which states they are able to provide the necessary services that would be required for this compensation measure, should it be required. This letter serves to provide confidence that adequate oyster seed and cultch can be provided to create a self-sustaining native oyster reef to the scale that might be required on a worst-case assumption.</p> <p>The Applicant is also in conversations with a blue mussel supplier, but this option is more complex due to the availability of seed mussels.</p> <p>The Applicant also refers to the letter of Comfort from The Crown Estate (REP2-062) which confirms their ability to grant the rights which the Applicant would anticipate being required in respect of the construction of the biogenic reef within territorial waters, assuming the conditions set out in the letter can be met.</p> <p>The strategic delivery of a new site designation or extension is the Applicant's preferred mechanism at this stage. Defra has committed in a WMS to the delivery of sufficient MPA designations and/or extensions to provide strategic compensation for likely benthic environmental impacts resulting from offshore wind developments. The WMS provides further detail on the anticipated scope of any new designations and extensions to existing MPAs. The Applicant is one of the Projects identified as being able to come forward to use MPA designation and/or extensions as a strategic compensation and it is anticipated that the Applicant will review the other measures provided in the strategy. However, as the WMS was received on the 29th January 2025, these strategic updates could not be progressed in time for this deadline.</p>

1.4 D Benthic Compensation

Table 1-4 Natural England's Risk and Issues Log Deadline 3 DBenthic Compensation Risk and Issues and the Applicant's current position

Point	Ref from Appendix D [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
Benthic Compensation				
1	Agreed compensation level & Scale/extent - all measures	Outcomes of the impact assessment and evidence to support the conclusions and the Worse Case Scenario (WCS) of lasting habitat loss/change of Annex I Sandbanks and Reef features from the placement of cable protection within Inner Dowsing Race Bank and North Ridge (IDRBNR) SAC and habitat disturbance of Annex I Sabellaria spinulosa reef from cable installation within IDRBNR SAC is not agreed. This is relevant to all compensation measures.	D1 – No Change D2 – No Change D3 – No Change	The Applicant has provided a response in Row D3, Table 1.45.5.1 of the Applicant's Response to Relevant Representations (PD1-071). The Applicant believes a reasonable worse case for cable protection has been considered and assessed as part of the assessments and is presented in detail within Section 4.3 of ES Without Prejudice Sandbank Compensation Plan [APP-244]. It is anticipated that, if cable protection is required, the worst-case area of impact within the IDRBNR SAC would be 2,880m2 (0.288 hectares) over each sandbank (North Ridge sandbank and the Inner Dowsing sandbank). The total worst-case maximum impact on sandbank features within the SAC is 5,760 m2 (0.576 hectares), which equates to 1.84% of the

Point	Ref from Appendix D [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				sandbanks feature within the SAC. Full details of the proposed works through the SAC are detailed within ES Chapter 3: Project Description (APP-058).
Strategic Compensation - New site designation or Extension for Annex I Sandbanks and Reef				
2	Agreed compensation level	Due to potential uncertainties with the delivery mechanisms and timeframes for successful delivery of the measure, further discussions (outside of individual project contributions) are required to determine individual project contributions and compensatory ratios.	D1 – No Change D2 – No Change D3 – No Change	<p>The Applicant received the Written Ministerial Statement (WMS) on the 29<sup>th</sup> Jan 2025, which outlines the government's commitment to the delivery of sufficient MPA designations and/or extensions to provide strategic compensation for likely benthic environmental impacts resulting from offshore wind developments.</p> <p>The WMS and policy states specifically that <i>'In all cases, MPA designations will be delivered by Defra. Those designations and associated management will be funded by the offshore wind developers that successfully apply to use this measure through the Marine Recovery Fund'.</i></p> <p>The WMS notes that some projects may be delayed if they are required to wait for MPA designations and associated management to be functioning. Where this is the case, the WMS states <i>'the DESNZ Secretary of State and the Marine Management Organisation may consider circumstances where the adverse effect can occur before compensation is in place, however this would need to be considered against other factors. Where this is permitted, a greater amount of environmental compensation is likely to be needed to make up for the time delay and developers will be required to pay into the Marine Recovery Fund before any adverse effect can occur. Defra will also be producing high-level implementation and monitoring plans in advance of final MPA designations to assist developers in providing the necessary information at this stage, with final updated plans being provided once designation has taken place.'</i></p> <p>The Applicant is one of the Projects identified as being able to come forward to use MPA designation and/or extensions as a strategic compensation, if required.</p>
3	Delivery mechanism	As set out in the R4 plan level compensation document, the designation of a new site or existing site extension will be led on by a team in DEFRA in collaboration with interested parties therefore delivery mechanisms, costs and timeframes presented by the Applicant cannot and should not be relied upon.	D1 – No Change D2 – No Change D3 – No Change	<p>See the Applicants response in Row 2, above.</p> <p>The WMS and the 'Strategic Compensation Measures for Offshore Wind Activities: Marine Recovery Fund Interim Guidance' (GOV.UK, 2025) provide essential guidance on the delivery mechanisms for strategic compensation and therefore any project assumptions on delivery mechanisms, costs and timeframes are now outdated and the Applicant will follow the guidance released by the Government on strategic compensation.</p>
4	Timing	There are likely to be time lags between impact occurring and strategic compensation achieving the desired outcomes. In this scenario, the project contribution to the measure to be such that it ensures an overall environmental net positive outcome for the impacted feature over the lifetime of the project.	D1 – No Change D2 – No Change D3 – No Change	<p>The Applicant has provided a response in Row D5, Table 1.45.5.1 of the Applicant's Response to Relevant Representations (PD1-071).</p> <p>The Applicant states in this response that ambitious extension areas also add additional compensation for uncertainty around delivering this proposal and any possible time lag between the impact occurring and the implementation of compensation. This will also ensure that the Project would provide an overall ecological benefit over the lifetime of the development.</p> <p>The recently published WMS (29<sup>th</sup> January, 2025) and the 'Strategic Compensation Measures for Offshore Wind Activities: Marine Recovery Fund Interim Guidance'</p>



Point	Ref from Appendix D [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				(DESNZ, January 2025) provide essential guidance on the timing for strategic compensation. Which states that ' <i>the DESNZ Secretary of State and the Marine Management Organisation may consider circumstances where the adverse effect can occur before compensation is in place, however this would need to be considered against other factors. Where this is permitted, a greater amount of environmental compensation is likely to be needed to make up for the time delay and developers will be required to pay into the Marine Recovery Fund before any adverse effect can occur. Defra will also be producing high-level implementation and monitoring plans in advance of final MPA designations to assist developers in providing the necessary information at this stage, with final updated plans being provided once designation has taken place.</i> '
5	Location, Implementation and Additionality	For strategic compensation, the location, long term implementation and success criteria/ability to prove additionality will be determined by DEFRA, in consultation with Natural England and JNCC. This is still under consideration and as yet nothing has been agreed and/or secured.	D1 – No Change D2 – No Change D3 – No Change	Defra has committed in a WMS to the delivery of sufficient MPA designations and/or extensions to provide strategic compensation for likely benthic environmental impacts resulting from offshore wind developments. The WMS provides further detail on the anticipated scope of any new designations and extensions to existing MPAs, based on available information'. Furthermore, it notes: 'A further statement may be laid as new information becomes available.'
6	Impacts to supporting habitats	Lasting loss/change of supporting habitat for Annex I Sabellaria spinulosa reef from the placement of cable protection will further hinder the restore conservation objective for this feature as the seabed will no longer be available for Annex I <i>S. spinulosa</i> reef restoration. The scale and significance of the impact and required compensation for this feature is likely to be considerably greater than presented.	D1 – No Change D2 – No Change D3 – No Change	The Applicant is processing the recent advice in relation to defining supporting habitat for <i>Sabellaria spinulosa</i> , as presented within Natural England Appendix C2 and C3 to Deadline 3 Submission (REP3-067, REP3-068).
7	Further limitations	Limited geotechnical and geophysical survey data has been presented with the Cable Burial Risk Assessment [APP-142] and the Cable Specification and Installation plan [APP- 278] to have confidence that the cables can be buried to optimum cable burial depth. In addition, there is limited consideration of the highly dynamic sediment transport/marine processes within IDRBNR SAC which may have implications for cable burial over the lifetime of the project. Therefore, we are concerned that the WCS presented for cable protection within IDRBNR SAC may not be realistic.	D1 – No Change D2 – No Change D3 – No Change	<p>The Applicant has provided a response in Row D11, Table 1.45.5.1 of the Applicant's Response to Relevant Representations (PD1-071). Consideration of the sediment transport regime within the IDRBNR SAC is presented within Section 7.4.3 of Appendix 7.1: Marine Processes Technical Baseline (App-150).</p> <p>The Applicant has undertaken extensive baseline characterisation survey effort, beyond those typically undertaken for this early stage of an OWF. The Applicant collected a high sampling strategy for geotechnical data along the offshore ECC which has been used to inform Appendix 1: Cable Burial Risk Assessment of ES Chapter 3: Project Description (APP-142) undertaken to date and the project design, including confidence in the MDS for cable burial. Appendix 1: Cable Burial Risk Assessment of ES Chapter 3: Project Description (APP142) and the ES Outline Cable Specification and Installation Plan (REP2-033) will be developed and refined on the basis of the additional pre-construction data. Geotechnical and geophysical information gathered during the pre-construction surveys will inform Outline Cable Specification and Installation Plan V4 (document reference 8.2, updated at Deadline 4).</p>
Alternative measures for Annex I Sandbanks and Reef				
8	Theoretical merit	This option is not considered viable within the Project's timeframe. If the Applicant wishes to pursue this there will need to be agreement from The Crown Estate for a seabed lease and management measures put into place. It currently remains unclear how this measure will ensure the coherence	D1 – No Change D2 – No Change D3 – No Change	<p>The Applicant has provided a response in Row D12, Table 1.45.5.2 of the Applicant's Response to Relevant Representations (PD1-071).</p> <p>Defra has committed in a WMS to the delivery of sufficient MPA designations and/or extensions to provide strategic compensation for likely benthic environmental</p>



Point	Ref from Appendix D [RR-045]	Taken from Natural England's Relevant and Written Representations ODO Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
		of the National Site Network. This measure is outside of NE remit therefore the Applicant will need to liaise with TCE, DEFRA, MMO (and EIFCA depending on location).		impacts resulting from offshore wind developments. The WMS provides further detail on the anticipated scope of any new designations and extensions to existing MPAs. The Applicant is one of the Projects identified as being able to come forward to use MPA designation and/or extensions as a strategic compensation.  However, the Applicant will continue to progress this option through discussions with relevant parties. The strategic delivery of a new site designation or extension is the Applicant's preferred mechanism at this stage.
Anthropogenic Pressure Removal – Redundant Infrastructure for Annex I Sandbanks				
9	Theoretical merit to deliver compensation	There is no evidence that redundant telecoms cables are causing a significant impact on the Annex I Sandbank feature of the IDRBNR SAC or other benthic designated sites. Unless further supportive detailed evidence is provided, Natural England does not consider their removal to constitute suitable compensation as a primary measure.	D1 – No Change D2 – No Change D3 – No Change	No update since the Applicant's response in Row D21, Table 1.45.5.3 of the Applicant's Response to Relevant Representations (PD1-071).
10	Technical feasibility	There is limited evidence that the cables are sufficiently present on the surface of Annex I Sandbanks at both a spatial and temporal scale to be hindering the conservation objectives of the designated sites and the attributes of Annex I sandbanks. Once this can be demonstrated then commitments with the cable owners will need to be secured.	D1 – No Change D2 – No Change D3 – No Change	The Applicant has progressed conversations with telecommunication owners and has received a letter of comfort from British Telecommunications PLC (BT), the main asset owner (submitted at Deadline 2 (19.14). The purpose of this letter is to confirm that BT is supportive of the proposal to remove redundant telecommunications cable systems within designated sites that are within its ownership if this is required. This demonstrates that BT would therefore be willing to enter into an Out of Service Cable Recovery Agreement with the Project for such removal should such compensation be deemed necessary. Any such future agreement will, among other things, identify which section/s of cable are to be removed. The Applicant will continue to update the ExA as further progress is made on this measure.
11	Location of measure	The location of the measure has not been presented in detail and/or agreed with the SNCBs.	D1 – No Change D2 – No Change D3 – No Change	See the Applicants update on location/technical feasibility in Row 10 above. If this measure was to be take forward further conversations will be required within the SNCB's on location.
12	Long term implementation	In order to provide the Secretary of State with the necessary comfort that the removal of redundant infrastructure can be sufficiently progressed during the consenting phase, the intention for monitoring and adaptive management [APP-245] should be set out in more detail. It is anticipated as the examination progresses this measure is either more thoroughly progressed or removed as an option if not.	D1 – No Change D2 – No Change D3 – No Change	No update since the Applicant's response in Row D27, Table 1.45.5.3 of the Applicant's Response to Relevant Representations (PD1-071).
13	Success criteria/Ability to prove additionality	Please see comments regarding the technical feasibility of this proposed measure. Until this is resolved, success criteria and additionality would be hard to determine.	D1 – No Change D2 – No Change D3 – No Change	See the Applicants update on technical feasibility in Row 10 above.
14	Suitable as sole measure for target species	While Natural England considers that the removal of redundant infrastructure could be progressed as a sole measure it remains unclear if there are sufficient surface laid/exposed telecom cables on Annex I sandbanks to fully mitigated the potential project impacts. We would be supportive of this proposal being progressed as part of package if not.	D1 – No Change D2 – No Change D3 – No Change	No update since the Applicant's response in Row D29, Table 1.45.5.3 of the Applicant's Response to Relevant Representations (PD1-071).

Point	Ref from Appendix D [RR-045]	Taken from Natural England's Relevant and Written Representations ODOA Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
15	Impacts of telecoms within the National Site Network	Information on amount and location of surface laid/exposed cables and the spatial and temporal extent of those are required.	D1 – No Change D2 – No Change D3 – No Change	No update since the Applicant's response in Row D30, Table 1.45.5.3 of the Applicant's Response to Relevant Representations (PD1-071).
Anthropogenic Pressure Removal - Aggregates Industry Pressures for Annex I Sandbanks				
16	Theoretical merit	Natural England is supportive of the option for a percentage buyout of aggregate licence(s) as a compensation measure for Annex I Sandbank. Reduction of existing pressure on Annex I sandbanks would help restore Annex I sandbanks, prior to any licence renewal. We therefore encourage further detail to be included within the Application of any agreements with Aggregates industry that this measure has potential for.	D1 – No Change D2 – No Change D3 – No Change	The Applicant has met with aggregate licence holders and is still in conversations with licence holders. The Applicant will update the ExA as further updates are available on this measure.
17	Technical feasibility	Natural England believes this is technically feasible as there are active Aggregate licences within the National Site Network which interact with Annex I sandbanks. However, there is currently no certainty that this measure can be secured.	D1 – No Change D2 – No Change D3 – No Change	No update since the Applicant's response in Row D32, Table 1.45.5.4 of the Applicant's Response to Relevant Representations (PD1-071).
18	Timing	It is unclear if this measure can be delivered prior to the impacts occurring.	D1 – No Change D2 – No Change D3 – No Change	No update since the Applicant's response in Row D36, Table 1.45.5.3 of the Applicant's Response to Relevant Representations (PD1-071).
19	Location of measure	The location of the measure has not been presented in detail and/or agreed with the SNCBs.	D1 – No Change D2 – No Change D3 – No Change	No update since the Applicant's response in Row D37, Table 1.45.5.3 of the Applicant's Response to Relevant Representations (PD1-071).
20	Long term implementation	In order to provide the Secretary of State with the necessary comfort that the removal of aggregate pressures can be sufficiently progressed during the consenting phase, the intention for monitoring and adaptive management [APP-245] should be set out in more detail. It is anticipated as the examination progresses this measure is either more thoroughly progressed or removed as an option if not.	D1 – No Change D2 – No Change D3 – No Change	No update since the Applicant's response in Row D38, Table 1.45.5.3 of the Applicant's Response to Relevant Representations (PD1-071).
21	Success criteria/Ability to prove additionality	The success criteria/ability to prove additionality is yet to be considered in detail and agreed with the SNCBs.	D1 – No Change D2 – No Change D3 – No Change	No update since the Applicant's response in Row D38, Table 1.45.5.3 of the Applicant's Response to Relevant Representations (PD1-071).
22	Suitable as a sole measure for target species	While Natural England considers that the buyout of Aggregate licences could be progressed, it remains unclear if there are any options open to the Applicant to deliver this measure either as a sole measure or as part of a package.	D1 – No Change D2 – No Change D3 – No Change	No update since the Applicant's response in Row D40, Table 1.45.5.3 of the Applicant's Response to Relevant Representations (PD1-071).
23	Active licence areas willing to be bought out	Information on amount and location of available active licence locations open to being bought is required.	D1 – No Change D2 – No Change D3 – No Change	No update since the Applicant's response in Row D41, Table 1.45.5.3 of the Applicant's Response to Relevant Representations (PD1-071).
Anthropogenic Pressure Removal - Marine Debris and Awareness campaign for Annex I Sandbanks and Reef				
24	General	The SNCBs are not supportive of the measure for marine debris awareness campaign. Marine Debris Removal is not included in DEFRA's Strategic Compensation Library of Measures nor the R4 Plan Level Strategic compensation measure. This measure must be removed from the list of proposed compensation measures.	D1 – No Change D2 – No change. Please see our response to Q1 HRA 2.14 for further clarification. D3 – No Change	The strategic delivery of a new site designation or extension is the Applicant's preferred mechanism at this stage. Defra has committed in a WMS to the delivery of sufficient MPA designations and/or extensions to provide strategic compensation for likely benthic environmental impacts resulting from offshore wind developments. The WMS provides further detail on the anticipated scope of any new designations and extensions to existing MPAs. The Applicant is one of the Projects identified as being able to come forward to use MPA designation and/or extensions as a strategic

Point	Ref from Appendix D [RR-045]	Taken from Natural England's Relevant and Written Representations ODO Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				compensation and it is anticipated that the Applicant will remove marine debris removal and awareness campaign from the Project alone library of measures.
Creation of Biogenic Reef				
25	Annex I Sandbanks	Natural England refers the ExA to the published 'Offshore Wind Leasing Round 4 Dogger Bank Strategic Compensation Plan' (April 2024). The Round 4 Plan Level Benthic Compensation Steering Group considered that Reef creation/enhancement is not of comparable ecological function to Annex I sandbank and is therefore not an appropriate measure for sandbank compensation. We consider the same to be true for sandbank systems within IDRBNR SAC and provide no further comment on this measure.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Row D43, Table 1.45.5.6 of the Applicant's Response to Relevant Representations (PD1-071).
26	Theoretical Annex I Reef merit	The creation/restoration of other reef features should not be at the detriment of existing Annex I habitats within IDRBNR SAC and/or hinder Annex I <i>Sabellaria spinulosa</i> reef restoration. If reef creation was to be progressed we would be more inclined towards Blue Mussel ( <i>Mytilus edulis</i> ) reef than Oyster reef which is not proven to have been historically found within the site. Natural England advises that this proposal to compensation for Annex I reef requires further development to provide the necessary confidence in it as a measure.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Row D43, Table 1.45.5.6 of the Applicant's Response to Relevant Representations (PD1-071).
27	Technical feasibility – Annex I Reef	There is limited evidence to suggest why Oyster and Blue Mussel reef are not/no longer present with IDRBNR SAC and there are no guarantees of success. In particular, the recreation of Oyster beds is proving to be challenging. Natural England advises that this proposal to compensation for Annex I reef requires further development to provide the necessary confidence in it as a measure.	D1 – No Change D2 – No Change D3 – No Change	<p>The Applicant has submitted a Letter of Comfort into the examination process at Deadline 4 (Document Reference 21.17) from The Oyster Restoration Company (TORC), which states they are able to provide the necessary services that would be required for this compensation measure, should it be required. This letter serves to provide confidence that adequate oyster seed and cultch can be provided to create a self-sustaining native oyster reef to the scale that might be required on a worst-case assumption.</p> <p>The Applicant is also in conversations with a blue mussel supplier, but this option is more complex due to the availability of seed mussels.</p> <p>The Applicant also refers to the letter of Comfort from The Crown Estate (REP2-062) which confirms their ability to grant the rights which we would anticipate being required in respect of the construction of the biogenic reef within territorial waters, assuming the conditions set out in the letter can be met.</p> <p>The Applicant will continue to update the ExA accordingly with progress. However, the strategic delivery of a new site designation or extension is the Applicant's preferred mechanism at this stage and Defra has committed in a Written Ministerial Statement (WMS) to the delivery of sufficient MPA designations and/or extensions to provide strategic compensation for likely benthic environmental impacts resulting from offshore wind developments. The WMS provides further detail on the anticipated scope of any new designations and extensions to existing MPAs. The</p>

Point	Ref from Appendix D [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				Applicant is one of the Projects identified as being able to come forward to use MPA designation and/or extensions as a strategic compensation measure.
28	Agreed compensation level Annex I Reef	Due to potential uncertainties with the delivery mechanisms and timeframes for successful delivery of the measure , further discussions are required in relation to compensatory ratios which may be required. The Applicants' assessments should be undertaken in line with SNCB advice to aid in informing compensation measures.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Row D45, Table 1.45.5.6 of the Applicant's Response to Relevant Representations (PD1-071).
29	Scale/extent of measure – Annex I Reef	The scale/extent of the measure has not been presented in detail and/or agreed with Natural England, JNCC or DEFRA.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Row D46, Table 1.45.5.6 of the Applicant's Response to Relevant Representations (PD1-071).
30	Timing Annex I Reef	We do not believe that this measure will be available in the project timeframes. The proposal for compensation for Annex I reef requires further development to provide the necessary confidence in it as a measure	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Row D47, Table 1.45.5.6 of the Applicant's Response to Relevant Representations (PD1-071).
31	Location of measure Annex I Reef	The location of the measure has not been presented in detail and/or agreed with Natural England, JNCC or DEFRA. Until further evidence is provided to refine down the 17 areas of search to 1 or maybe 2 locations the potential impacts on Annex I features within the SAC and/or the conservation objectives for the site, can't be assessed. Therefore, at this time we are unable to support the inclusion of Schedule 16 and/or the 17-location s proposed.	D1 – No Change D2 – No Change D3 – No Change	The Applicant notes that it is expected that detail on the location of the measure would be included in the Biogenic reef post consent as per the DCO Schedule 22, Part 5, 4. The Applicant again notes the letter of Comfort from The Crown Estate (REP2-062) which confirms their ability to grant the rights which we would anticipate being required in respect of the construction of the biogenic reef within territorial waters, assuming the conditions set out in the letter can be met.
32	Long term implementation Annex I Reef	In order to provide the Secretary of State with the necessary comfort that the removal of redundant infrastructure can be sufficiently progressed during the consenting phase, the intention for monitoring and adaptive management [APP-245] should be set out in more detail. It is anticipated as the examination progresses this measure is either more thoroughly progressed or removed as an option if not.	D1 – No Change D2 – No Change D3 – No Change	The Applicant is not sure why the removal of infrastructure is relevant to the long-term implementation of biogenic reef. Assume this was an error in the text provided by Natural England.
33	Success criteria/Ability to prove additionality Annex Reef	Please see comments regarding the technical feasibility of this proposed measure. Until this is resolved, success criteria and additionality would be hard to determine.	D1 – No Change D2 – No Change D3 – No Change	See response to technical feasibility in Row 27, above.
Seagrass Habitat Creation/Restoration for Annex I Sandbanks				
34	Theoretical merit to deliver compensation	Seagrass restoration is a lower preference measure compared to those supporting the same ecological function of the habitat being compensated for. Subtidal seagrass has not been found within IDRBNR SAC, .	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Table 1.45.5.7 of the Applicant's Response to Relevant Representations (PD1-071).
35	Technical feasibility	The published 'Offshore Wind Leasing Round 4 Dogger Bank Strategic Compensation Plan' (April 2024), section 3.4.3 sets out "concerns about the deliverability of seagrass restoration, even on a small scale as there have been no long term successes with seagrass restoration in the UK. Seagrass restoration is included as a potential measure only where it would be a minor part of a wider package in terms of the required compensation....". This is also applicable to ODOW	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Table 1.45.5.7 of the Applicant's Response to Relevant Representations (PD1-071).



Point	Ref from Appendix D [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
		compensation. NE will provide further comment on the technical feasibility during examination .		
36	Timing: Deliverable before impact	It is unclear if this measure can be delivered prior to the impacts occurring.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Table 1.45.5.7 of the Applicant's Response to Relevant Representations (PD1-071).
37	Location of measure	The location of the measure has not been presented in detail and/or agreed with the SNCBs.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Table 1.45.5.7 of the Applicant's Response to Relevant Representations (PD1-071).
38	Long term implementation	In order to provide the Secretary of State with the necessary comfort that the removal of redundant infrastructure can be sufficiently progressed during the consenting phase, the intention for monitoring and adaptive management [APP-245] should be set out in more detail. It is anticipated as the examination progresses this measure is either more thoroughly progressed or removed as an option if not.	D1 – No Change D2 – No Change D3 – No Change	The Applicant is not sure why the removal of infrastructure is relevant to the long-term implementation of biogenic reef. Assume this was an error in the text provided by Natural England.
39	Success criteria/Ability to prove additionality	This is yet to be considered in detail and agreed with the SNCBs.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Table 1.45.5.7 of the Applicant's Response to Relevant Representations (PD1-071).
40	Suitable as sole measure for target species	This measure could only be considered as part of a package providing <10% of the required compensation and/or potential adaptive management for part delivered compensation. There would also be a requirement for the provision of subtidal seagrass, not intertidal. Therefore, we advise that other measures are progressed first. If other projects are being progressed then there is an expectation this compensation will not be taken forward.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Table 1.45.5.7 of the Applicant's Response to Relevant Representations (PD1-071).
41	Details on project to be progressed	Further details on following should be provided on the particular project/s to be supported by ODOW, how this will be secured in the DCO, the location, and in what form the Applicant will provide the compensation; and how it will be demonstrated to be additional to what the seagrass project already has entrained. It is also unclear how success will be demonstrated.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Table 1.45.5.7 of the Applicant's Response to Relevant Representations (PD1-071).
Other Detailed Advice				
42	D1	The Without Prejudice Benthic Compensation Strategy [APP-243] should be updated in light of comments provided.	D1 – No Change D2 – No Change D3 – No Change	The strategic delivery of a new site designation or extension is the Applicant's preferred mechanism at this stage. Defra has committed in a WMS to the delivery of sufficient MPA designations and/or extensions to provide strategic compensation for likely benthic environmental impacts resulting from offshore wind developments. The WMS provides further detail on the anticipated scope of any new designations and extensions to existing MPAs. The Applicant is one of the Projects identified as being able to come forward to use MPA designation and/or extensions as a strategic compensation and it is anticipated that the Applicant will review the other measures provided in the strategy. However, as the WMS was received on the 29 <sup>th</sup> January 2025, these strategic updates could not be progressed in time for this deadline.
43	D2	It is noted in Section 2 of the Without Prejudice Sandbank Compensation Plan [APP-244] avoidance of placing	D1 – No Change D2 – No Change	No change. The Applicant has provided a response in Table 1.45.5.8 of the Applicant's Response to Relevant Representations (PD1-071).

Point	Ref from Appendix D [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
		infrastructure within IDRBNR SAC hasn't been possible. Nor has the avoidance of an AEol. The predicted impacts are therefore outside of the parameters of the Crown Estate (TCE) plan-level HRA, which concluded that there will be no AEol from the installation of ODOW cables through IDRBNR SAC. Consideration should be given to the impacts of the Race Bank offshore windfarm cabling within IDRBNR SAC and the ongoing cable exposures occurring for that project.	D3 – No Change	
44	D3	The Outline Sandbank Compensation Implementation and Monitoring Plan [APP-245] is a skeleton document of what will be included post consent. Therefore, we are unable to provide comment at this time on its content. It is not clear if this is the most appropriate approach if Strategic Compensation is taken forward.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Table 1.45.5.8 of the Applicant's Response to Relevant Representations (PD1-071).
45	D4	The Without Prejudice Biogenic Reef Compensation Plan [APP-246] should be updated in light of comments provided.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Table 1.45.5.8 of the Applicant's Response to Relevant Representations (PD1-071).
46	D5	The Annex I Reef Compensation Implementation and Monitoring Plan [ APP-247] is a skeleton document of what will be included post consent. Therefore, we are unable to provide comment at this time on its content.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Table 1.45.5.8 of the Applicant's Response to Relevant Representations (PD1-071).
47	D6	Section 2 of the Benthic Compensation Evidence and Route Map [APP-248] is superfluous because of changes in approach since the time those projects were consented. Refer to our advice above as appropriate.	D1 – No Change D2 – No Change D3 – No Change	No change. The Applicant has provided a response in Table 1.45.5.8 of the Applicant's Response to Relevant Representations (PD1-071).

## 1.5 E Marine Mammals

Table 1-5 Natural England's Risk and Issues Log Deadline 3 E Marine Mammals Risk and Issues and the Applicant's current position

Point	Ref from Appendix E [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
<b>Marine Mammals</b>				
1	E6 & E1	The average summer density for harbour porpoise (2.63 individuals / km) is used in the impact assessment, rather than the average annual density to reflect the importance of the project area during the summer.	D1 – Issue resolved	
2	E7, E27 & E2	The Applicant should use population modelling, for example interim Population Consequences of Disturbance (iPCoD), to understand the impacts of the project alone and in combination with other plans and projects at a population level to provide robust evidence to inform the conclusions of the EIA and HRA.	D1 - Issue progressed but not resolved. See appendix E1. Natural England will wait to hear from the Applicant to discuss the parameters that should be used in the cumulative iPCoD assessment.	The Applicant has further considered the potential to run cumulative iPCoD. In order to run a cumulative iPCoD model, detailed piling schedules for every project included in the cumulative assessment would be required. The Applicant does not have access to these. Without reliable piling schedules for each project included in the cumulative modelling, there are too many uncertainties and a lack of data, and thus it is not realistically practicable to carry out such modelling. The Applicant notes that Natural

Point	Ref from Appendix E [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
			<p>D2 - No change. Please refer to Natural England's response to the Examiners First Written Questions ExQ1 MM 1.5 [REP2-074] for further clarification.</p> <p>D3 - No change. Please refer to Appendix E2 for further clarification.</p>	<p>England have accepted and agreed to this position in its responses to the Five Estuaries DCO examination (See Row ME. 1.01, REP4-062, Natural England, 2024). The response states <i>"We note that the modelling was conducted for project alone due to the uncertainties/ lack of data on the piling schedules of projects included in the in-combination assessment. We don't have objections to the Applicant's position on this"</i>.</p> <p>The Applicant was not able to organise a meeting with Natural England to discuss this point on a call prior to Deadline 4 but will endeavour to close out this issue with them as soon as possible.</p>
3	E8, E12, E13 & E3	The mitigated impacts of Permanent Threshold Shift (PTS) and Temporary Threshold Shift (TTS) from piling and UXO clearance are not negligible for all marine mammals. Natural England strongly advises the Applicant to commit to using noise abatement as mitigation, should driven or part-driven piles be used during construction. The effect of NAS in reducing noise impacts should be included in the assessment.	<p>D1 - No Change. See appendix E1.</p> <p>D2 – No Change</p> <p>D3 – No change. See our advice in Appendix E2.</p>	<p>The Applicant's has provided previous responses on its position on the use of NAS in The Applicant's Responses to The ExA's First Written Questions (ExQ1) (REP2-051) and in 1.8.7 of The Applicant's Comments on Deadline 2 Submissions (REP3-037). The Applicant is aware of the recently published Policy Paper: Reducing Marine Noise (Defra, 2025). In accordance with this policy, the Applicant has committed to demonstrating that they will utilise best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods. This commitment has been secured in the updated the Outline Marine Mammal Mitigation Protocol for Piling Activities (document reference 8.6.1) and In-Principle Southern North Sea Special Area of Conservation Site Integrity Plan (document reference 8.7) submitted at Deadline 4.</p> <p>As stated in the ES assessment, the mitigated impacts of PTS from piling and UXO clearance are not negligible for all marine mammal species. However, the impacts are at worse Minor significance, which is not significant (in EIA terms), and there is no Adverse Effect on Integrity (AEoI) to any SACs with marine mammal features. The Applicant therefore considers that there is no need to commit to additional mitigation such as NAS, based on the conclusions of the EIA and HRA. This is the Applicant's position, as outlined in (REP2-051) and point 1.8.7 of (REP3-037). The Applicant does however acknowledge the recent change in policy regarding noise reduction from piling (Defra, 2025) and UXO (UK Government, 2025).</p>
4	E9	Disturbance impacts to harbour seal from piling which could further hinder the 'restore' objective of The Wash and North Norfolk Coast (WNNC) SAC should be avoided, reduced or mitigated. If impactful noise from the project reaches the SAC, additional mitigation measures, for example NAS, should be implemented. To avoid disturbance during sensitive times, activities generating impactful noise which may reach the SAC should also be avoided during pupping (June, July and August).	<p>D1 – No Change</p> <p>D2 – No Change</p> <p>D3 – No change. See our advice in Appendix E2.</p>	<p>The Applicant's position, as outlined in in The Applicant's Comments on Deadline 1 Submissions (REP2-053), remains unchanged.</p> <p>At Natural England's request, the Applicant undertook iPCoD modelling in order to provide further evidence to support its assessment of impacts to marine mammals (PD1-094). This modelling confirmed the existing assessment conclusions, that no population-level effects on harbour seals are predicted from the project's construction. Indeed, disturbance to harbour seals from piling for the project is predicted to have no effect on the population size of harbour seal; not even one individual harbour seal would be lost from the population as a result of the disturbance. Given this finding, along with the overall conclusions of no significant effects on harbour seals and no AEoI on the WNNC SAC, which has taken account of the SAC's 'restore' objective, the Applicant therefore considers that there is no need to commit to additional mitigation such as NAS, based on the conclusions of the HRA. It is also highlighted that there is no evidence to suggest that piling-related disturbance</p>

Point	Ref from Appendix E [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Consultations, Actions, Progressions and RAG	Deadline	The Applicant's Current Position
					is linked to the decline of harbour seals in the WNNC SAC, or would affect the population's recovery. The Applicant is aware of the recently published Policy Paper: Reducing Marine Noise (Defra, 2025). In accordance with this policy the Applicant will commit to demonstrating that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods.
5	E10	There is concern that noise from piling of the Offshore Reactive Compensation Platform (ORCP) will cause a barrier for harbour seals entering and leaving the Wash and North Norfolk Coast SAC. The Applicant should provide a barrier effects assessment on harbour seal disturbance from piling at the ORCP.	D1 – No Change D2 – No Change D3 – No Change		<p>The Applicant's position, as outlined in in (REP2-053), remains unchanged. Barrier effects have been assessed within the assessment of noise-related disturbance from piling (both WTGs and ORCP) in Impact 5 of Section 11.6 in Chapter 11: Marine Mammals (APP-066). This assessment considered both the spatial extent and duration of potential seal displacement as a result of underwater noise, which can be considered as the "barrier effect."</p> <p>In (REP3-048), which updated the figures in the assessment (APP-066), the Applicant presented the revised area over which harbour seals may be disturbed from piling at the ORCP. This assessment showed that there was no spatial overlap between the WNNC SAC and the area over which harbour seals might be displaced due to piling noise at the ORCP. The area of potential displacement is located in the wider region that is available to harbour seal from the WNNC SAC, and does not block the entrance of the SAC either. As such, piling at ORCP may result in partially restricted access to and from the Wash, but not a complete barrier effect.</p> <p>Any displacement/barrier effect to harbour seals from the WNNC SAC from piling at the ORCP is predicted to be very short in duration. Firstly, piling at the ORCP is going to be a maximum of 4 days, a short effect which harbour seals are unlikely to be sensitive to. In addition, studies of tagged harbour seals have shown that any displacement effect is short; they return to the area within 2 hours after the end of a piling event. This means that in breaks between piling at the ORCP, harbour seals should return to the area, so any barrier effect would be intermittent during piling at the ORCP.</p> <p>These factors were considered in the assessment (APP-066) which concluded that the impact significance was Minor, which is not significant in EIA terms. The Applicant considers that this assessment provides Natural England with sufficient information on barrier effects to harbour seal of the WNNC SAC, and demonstrates that any barrier effect will not be significant.</p> <p>To note, the Planning Inspectorate agreed at the EIA Scoping stage that barrier effects during the operational phase would be small scale and short lived and unlikely to result in significant effects and so could be scoped out (ID 3.5.2 of Scoping Opinion, The Planning Inspectorate, 2022). Natural England also agreed that this pathway could be scoped out for the operational phase (Point 82, Scoping Opinion, The Planning Inspectorate, 2022).</p>
6	E15	If a marine mammal is not observed leaving the mitigation zone, a delay of 20 minutes from the last sighting should be implemented before	Issue resolved		Issue resolved



Point	Ref from Appendix E [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
		commencement of soft-start. This should be committed to within the final MMMP.		
7	E16	The PAM guidance was updated in December 2023 (JNCC 2023). This updated version should be used to inform the final MMMP. Updated PAM guidance should be used to inform the final MMMP: JNCC guidance for the use of Passive Acoustic Monitoring in UK waters for minimising the risk of injury to marine mammals from offshore activities   JNCC Resource Hub.	Issue resolved	Issue resolved
8	E17	For a maximum hammer energy of 6,600 kJ, the soft-start should commence at 10% of maximum hammer energy, not 15% as stated here. This 10% maximum hammer energy should be committed to in the final MMMP.	D1 – No change. See Appendix E1. D2 – No Change D3 - Issue resolved	Issue resolved
9	E18	If the commencement of piling is delayed for a sufficient time to warrant the Acoustic Deterrent Device (ADD) being turned off, the break in ADD use should be more than 20 minutes to ensure a startle and flee response once reactivated. Any break in ADD use being more than 20 minutes should be committed to in the final MMMP.	Issue resolved	Issue resolved
10	E19	Visual marine mammal watches should commence at least 30 minutes before ADD activation. This might require the visual watch to be longer than 1 hour when the ADD activation time is longer than 30 minutes. A commitment for visual marine mammal watches for a duration of at least 30 minutes before ADD activation should be included in the final MMMP.	D1 – No Change D2 – No Change D3 – No Change	The Applicant has updated both the Outline Marine Mammal Mitigation Protocol for Piling Activities (REP2-036) and the Outline Marine Mammal Mitigation Protocol for UXO Clearance (REP2-038) at Deadline 2 to include a 30-minute watch prior to ADD activation. The Applicant considers that this will resolve the issue, and is awaiting Natural England's confirmation.
11	E20	If UXO detonation is delayed for a sufficient time to warrant the ADD being turned off, the break in ADD use should be more than 20 minutes to ensure a startle and flee response once reactivated. Any break in ADD use being more than 20 minutes should be committed to in the final MMMP.	Issue resolved	Issue resolved
12	E21	The mitigation and marine mammal sections do not include measures to avoid collisions with marine mammals. Measures should be included in the vessel management plan to ensure vessels operate appropriately around marine mammals, these should be finalised in accordance with best practice at the time. This may include the Scottish Marine Wildlife Watching Code.	Issue resolved	Issue resolved
13	E23	Harbour porpoise have been screened out from sites that are more than 26 km from the project. As wide-ranging animals, any designated site with harbour porpoise as a named feature within the North Sea Management Unit should be screened in.	Issue resolved	Issue resolved
14	E25	The number of seismic surveys included in the incombination assessment should be clearly stated. Two seismic surveys per year should be included in the incombination assessment. The Assessment should be updated to reflect this.	Issue resolved	Issue resolved
15	E26 & E4	The current approach to implementing Site Integrity Plans (SIPs) for piling impacts to the Southern North Sea SAC does not allow sufficient time for mitigation methods, such as NAS, to be procured by the Applicant prior to construction, should they be required, therefore	D1 – No Change D2 – No Change D3 – No Change	The Applicant maintains its position that the implementation of a SIP for the SNS SAC is sufficient to reach a conclusion that there will not be an AEoI to the SNS SAC, from either the project alone or in-combination. The SIP process is a well-established control mechanism in the post-consent stage that has been used by many offshore wind farms.

Point	Ref from Appendix E [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Consultations, Actions, Progressions and RAG	Deadline	The Applicant's Current Position
		increasing the risk that an Adverse Effect on Site Integrity cannot be avoided. The use of specific mitigation measures should be committed to at this stage, which may be removed at a later date if the revised SIP demonstrates they are not required.			<p>It ensures that a final assessment with updated project parameters will be undertaken closer to the time of construction, and that assessment must confirm that no AEoI to the SNS SAC is predicted, with or without further mitigation measures. As set out by the MMO at the DEFRA Under Water Noise workshop held in Bristol on 24<sup>th</sup> January 2025, the MMO will only approve a SIP post-consent where it is satisfied that the Project, either alone or in-combination with other plans or projects, will not exceed the relevant noise thresholds.</p> <p>The Applicant has committed to following the SIP process in the post-consent stage and has provided an Outline SIP (REP3-037) which details this. The primary measure to mitigate in-combination effects is the co-ordination of timings of concurrent projects; this measure has proven successful in avoiding AEoI to the SNS SAC in other offshore wind farms thus far. Additionally, the SIP includes the option of using NAS, should this measure be necessary to avoid AEoI of the SNS SAC. The Applicant does not share Natural England's concerns about there being insufficient time to secure NAS.</p> <p>The Applicant is aware of the recently published Policy Paper: Reducing Marine Noise (Defra, 2025). In accordance with this policy the Applicant will commit to demonstrating that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods.</p>
16	E28 & E2	Natural England is not confident that the levels of disturbance from underwater noise caused by piling and UXO clearance from the project alone and in-combination with other activities can be concluded as no AEoI on the Wash and North Norfolk Coast SAC. Population modelling (such as iPCoD) should be undertaken to assess the impacts of the project alone and in-combination with other activities on the population of harbour seal in the Wash and North Norfolk coast SAC.	<p>D1 - Issue progressed but not resolved. See appendix E1. Natural England will wait to hear from the Applicant to discuss the parameters that should be used in the cumulative iPCoD assessment.</p> <p>D2 – No Change</p> <p>D3 – No change. See our advice in Appendix E2.</p>		<p>The Applicant's response to Natural England's E2 Appendix (REP3-069) in Deadline 4 Submission (Table 1.3.3, Document 21.3) regarding the conclusions of population modelling and NAS remains consistent with the position outlined in Deadline 1 (REP2-053).</p> <p>The Applicant has submitted iPCoD modelling to support the assessment, at the request of Natural England (PD1-094), including an update to show the median population size and 95% Confidence Intervals, also requested by Natural England (Document reference 15.12) submitted at Deadline 4). The iPCoD modelling confirmed the same significance conclusions as those reached in the absence of the iPCoD modelling. Of particular note is that the iPCoD modelling did not show any decline in population size as a result of disturbance from piling. Therefore, this analysis provided further justification for the ES chapter conclusions and the determination of no AEoI within the HRA. It is highlighted that the initial conclusions were based on a disturbance assessment using the dose response curve, therefore several methods have been used and the outputs can and have been compared, as per Natural England advice in (REP2-074).</p> <p>The Applicant considers that it is beyond the scope of this project to review all the inputs and outputs for iPCoD modelling (as suggested by Natural England in (REP2-074)); the Applicant has undertaken the modelling based on the best available evidence at the time.</p> <p>The Applicant has responded to the issue of in-combination iPCoD modelling in row 2 of this table.</p>

Point	Ref from Appendix E [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
17	E29	There is a high proportion of harbour seals from the Wash and North Norfolk Coast SAC disturbed from UXO clearance (7.8%). In the UXO clearance licence application, the Applicant should commit to using mitigation which reduces the sound at source, for example Low Order detonation or, as a last resort, high order with NAS.	D1 – No Change D2 – No Change D3 – No Change	<p>The Applicant's response within PD1-071 remains unchanged. It is important to note that the Applicant is not seeking to licence UXO activities within this DCO application. Instead, the RIAA (Document Reference 7.1, V3) provides a precautionary, high-level and theoretical assessment. A comprehensive assessment will be included as part of the separate UXO licence application, which would be applied for following pre-construction surveys (which occur in the post-consent stage). This is the appropriate stage to consider specific mitigation measures for UXO clearance, as these should be informed by the location and size of the UXOs.</p> <p>The Applicant's responses at D2 (REP2-053) also outlines measures that may be undertaken by the Applicant to reduce the impact ranges from UXO clearance within the MMMP (REP2-037). These mitigation options include the use of low order clearance methods, and the use of bubble curtains if any high order detonation is required.</p> <p>The Applicant is aware of the recent updates to the guidelines on UXO clearance and mitigation. The Applicant will update the UXO MMMP taking account of the latest guidance, when finalising at the time of the UXO licence application.</p>
18	E30	A high proportion (68.36%) of the SNS SAC estimated to be disturbed by the project in-combination with other activities. Natural England does not agree to the conclusion of no AEol for incombination impacts of the project for disturbance of harbour porpoise in the SNS SAC. To reduce disturbance to harbour porpoise, the Applicant needs to commit to NAS to significantly reduce the sound at source and should revise the conclusions of the assessment.	D1 – No Change D2 – No Change D3 – No Change	<p>The Applicant's response to Natural England's E2 Appendix (REP3-069) in Deadline 4 Submission (Table 1.3.3, Document 21.3) regarding NAS remains consistent with the position outlined in Deadline 1 (REP2-053).</p> <p>Please see our response to Point 15 for the Applicant's position on the use of the SIP in order to conclude no AEol to the SNS SAC.</p> <p>The Applicant also highlights that a commitment to NAS without the use of the SIP at this stage would not remove the risk of an AEol in-combination to the SNS SAC. Whilst inclusion of NAS may reduce the project's contribution to cumulative disturbance, this would only reduce the total area disturbed by ~6% per piling location on a given day (approximate estimate), therefore the total area would still be significantly higher than the 20% threshold for significant disturbance and so AEol.</p> <p>The Applicant is aware of the recently published Policy Paper: Reducing Marine Noise (Defra, 2025). In accordance with this policy the Applicant has committed to demonstrating that they will utilise best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods. This commitment has been secured in the updated the Outline Marine Mammal Mitigation Protocol for Piling Activities (document reference 8.6.1) and In-Principle Southern North Sea Special Area of Conservation Site Integrity Plan (document reference 8.7) submitted at Deadline 4.</p> <p>However, the Applicant highlights that the SIP process will still be required in addition to the best endeavours NAS commitment, to ensure no AEol occurred in practice.</p>
19	E31	The Applicant should incorporate advice from Natural England's Best Practice Advice documents when planning In-Principal monitoring.	D1 – Issue progressed but not resolved D2 – No Change D3 – No Change	The Applicant acknowledges Natural England's advice on the Offshore IPMP (APP-276) and will continue to engage with Natural England in relation to the Offshore IPMP (APP-276)] (as secured in Conditions 13(1)(c), 17, 18 and 19 Part 2, Schedules 10 and 11 of

Point	Ref from Appendix E [RR-045]	Taken from Natural England's Relevant and Written Representations ODOA - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
		Phase IV Best Practice Advice for Post-Consent Monitoring, Version 1.0, July 2022.pdf		the draft DCO (Document 3.1 of Deadline 4 Submissions). The Applicant will submit an updated Offshore IPMP (APP-276) at Deadline 5.
20	New Issue D1	In [PD1-045] no commitment has been made to conduct pre-piling searches by qualified Marine Mammal Observers (MMObs) as per the JNCC guidelines (JNCC Piling Guidelines (August 2010)).	D1 – New issue identified at Deadline 1, see Appendix E1 D2 – No Change D3 – Issue resolved. See our advice in Appendix E2	Issue resolved
21	New Issue D1	In [PD1-045], the Applicant has stated that Passive Acoustic Monitoring (PAM) can be used to supplement visual monitoring during periods of poor visibility, to allow piling to commence during these conditions. Natural England does not recommend piling commences during poor visibility conditions.	D1 - New issue identified at Deadline 1, see Appendix E1. D2 – No Change D3 – No Change	The Applicant's position, as outlined in in (REP2-053), remains unchanged.  The Piling MMMP (REP2-036) has been updated at D2 and provides additional evidence on the effectiveness of Acoustic Deterrent Devices (ADDs) in deterring marine mammals from injury ranges. It is highlighted that ADDs are more effective than monitoring at reducing the risk of animals being within the larger injury ranges predicted from piling. Therefore, if piling commences at nighttime and there are concerns regarding injury, an ADD can be used as well as PAM to provide the most robust mitigation. The final mitigation measures will be determined in the Final MMMP.  As highlighted in (REP2-053), there are several consented projects undertaking piling at present which are using PAM when piling commences at nighttime. In addition, JNCC (2023) guidance on PAM infers that PAM is appropriate for monitoring the mitigation zone at nighttime.
22	New Issue D1	The MMMP should consider how the increased mitigation zone [PD1-047] can be effectively monitored to ensure all marine mammals can be detected. If effective monitoring cannot cover the PTS impact zone, other methods of mitigation or sound reduction at source will be required.	D1 - New issue identified at Deadline 1, see Appendix E1. D2 – No Change D3 - Issue progressed but not resolved. See our advice in Appendix E2.	The Applicant has committed to additional qualified MMObs, if required, to ensure the mitigation zone can be effectively monitored in line with JNCC guidance (2010). This was updated within the UXO MMMP (REP2-038), which was welcomed by Natural England in (REP3-068).  The UXO MMMP (REP2-038) also outlines measures to reduce the impact ranges, and therefore the mitigation zone during UXO clearance, including, low order clearance methods and bubble curtains if any high order detonation is required.  The Applicant highlights that the final UXO MMMP, which will need to be agreed upon with the MMO in consultation with Natural England, will refine mitigation measures and zones based on UXO size and clearance methods to ensure effective marine mammal detection.  The Applicant is aware of the recent updates to the guidelines on UXO clearance and mitigation. The Applicant will update the UXO MMMP taking account of the latest guidance, when finalising at the time of the UXO marine licence application.
23	New Issue D1	No commitment has been made to conduct a pre-detonation search by a qualified MMOB in the MMMP [PD1-047]. A pre-detonation search by qualified MMObs should be adopted as per the JNCC guidelines.	D1 - New issue identified at Deadline 1, see Appendix E1. D2 – No Change D3 - Issue resolved. See our advice in Appendix E2.	Issue resolved
24	New Issue D1	The Permanent Threshold Shift (PTS) onset range for high order UXO donation, could be larger than the area that can be effectively	D1 - New issue identified at Deadline 1, see Appendix E1.	Please refer to the response to row 22.



Point	Ref from Appendix E [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline	The Applicant's Current Position
		monitored by visual observers. The delay in operations therefore needs to reflect the distance a marine mammal needs to travel to flee the PTS onset range. There should also be consideration for how the remainder of the PTS onset range will be mitigated.	D2 – No Change D3 – No Change	
25	New Issue D1	The Applicant has stated that a PAM system may be used to supplement visual monitoring during conditions of reduced visibility. Commencement of UXO detonations should not occur during periods of reduced visibility, since the minimum mitigation requirement set out in the JNCC guidelines for UXO operations state that the mitigation zone must be visually observed.	D1 - New issue identified at Deadline 1, see Appendix E1. D2 – No Change D3 – No Change	<p>The UXO MMMP (RE2-038) has been updated to clarify that PAM will be used exclusively to supplement visual monitoring, ensuring alignment with relevant JNCC guidance. Updates were also made that any UXO-clearance events will be conducted during daylight hours only under conditions suitable for effective monitoring. The Applicant considers that this will address Natural England's concern, and is awaiting confirmation.</p> <p>A marine licence for UXO clearance is not being sought with this DCO application, a separate marine licence application will be submitted to the MMO at the post-consent stage. This will include the final MMMP for UXO clearance and will take into account the latest guidance, policy and best industry practice.</p>
PADS				
Ref	The brief concern held by Natural England reported on in full in Written Representations and What needs to change, or be included or amended to overcome the disagreement?		Natural England's Deadline	The Applicant's Current Position
NE8	<p>Natural England is concerned that the SIP process is being exclusively relied on to address in-combination noise levels from multiple projects on SAC harbour porpoise in the post-consent phase and that no commitment has been made to the use of NAS.</p> <p>To provide greater confidence that in-combination noise levels can be kept below the thresholds, the Applicant should commit to the use of Noise Abatement Systems now rather than rely on the SIP to address impacts on the SAC in the post-consent phase. This should be secured at the earliest opportunity.</p>		D1 – No Change D2 – No Change D3 - No Change	<p>The Applicant maintains its position that the SIP process is the only effective method by which to manage the in-combination effects on the Southern North Sea SAC from multiple noise generating activities. A commitment to NAS would not preclude the Applicant from relying on the SIP in its assessment conclusions.</p> <p>Please see the Applicant's position to Point 15.</p> <p>The Applicant's is aware of the recently published Policy Paper: Reducing Marine Noise (Defra, 2025). In accordance with this policy the Applicant will commit to demonstrating that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods.</p> <p>The Applicant attended the DEFRA Under Water Noise workshop on 24th January 2025, this included a presentation from the MMO setting out its approach to the management of underwater noise for offshore wind farms in the southern North Sea, including through the Site Integrity Plan (SIP) process. The Applicant maintains that the SIP process is the most appropriate mechanism to manage underwater noise, and notes that this is also the current position of DEFRA and the MMO.</p>
NE9	<p>New issue at Deadline 1. Natural England is concerned that no commitment has been made by the Applicant to the use of NAS to reduce the impact of noise on marine mammals.</p> <p>The Applicant should commit to the use of NAS as mitigation now rather than continuing to only consider it as a potential mitigation measure in the SIP post-consent.</p>		D1 – Likely. This is subject to the Applicant making a commitment to the use of NAS as mitigation. D2 – No Change D3 - No Change	<p>The Applicant's has provided previous responses on its position on the use of NAS in The Applicant's Responses to The ExA's First Written Questions (ExQ1) (REP2-051) and in the Applicant's Comments on Deadline 1 Submissions (REP2-053). Specifically, that NAS is not required as a conclusion of no significant effect (in EIA terms) and no AEoI (in HRA terms) can be reached without a commitment to NAS.</p> <p>The Applicant has incorporated NAS and other mitigation measures into the relevant outline mitigation plans, the In-Principle SNS SAC SIP (PD1-048) and both Outline MMMPs (REP2-036 and REP2-038). In response to the recently published Policy Paper: Reducing Marine Noise (Defra, 2025) the piling MMMP and In-Principle SNS</p>

Ref	The brief concern held by Natural England reported on in full in Written Representations and What needs to change, or be included or amended to overcome the disagreement?	Natural England's Deadline	The Applicant's Current Position
			<p>SAC SIP have been updated to secure a commitment demonstrating that best endeavours will be used to deliver noise reductions through the use of primary and/or secondary noise reduction methods.</p> <p>These plans will be finalised in the post-consent stage with the necessary measures to avoid a significant impact and AEoI, and will be provided to the MMO to consult on with Natural England. In the post-consent stage, the Applicant will consider any relevant updated guidance, new available technologies etc.</p>

## 1.6 F Offshore & Intertidal Ornithology

Table 1-6 Natural England's Risk and Issues Log Deadline 3 F Offshore & Intertidal Ornithology Risk and Issues and the Applicant's current position

Point	Ref from Appendix F [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent and related certified documentation [RR-045]	Natural England's Deadline	The Applicant's Current Position
<b>Offshore &amp; Intertidal Ornithology</b>				
1	F2	The Applicant has used a theoretical generalised stable age structure to apportion impacts to adults from Special Protection Area (SPA) colonies for Habitats Regulations Assessment (HRA). Where good quality site-specific ageing data is not available, the precautionary approach should be used, to assume that all 'adult type' birds recorded on surveys are apportioned as adults.	<p>D1 - Issue resolved for ORBA assessment. Natural England welcomes the presentation of our approach to apportioning of adults alongside the Applicant's approach within the ORBA documents [PD1-091 and PD1-92]. See Appendix F1. NB This approach should be applied across all documents and updates as required. This issue resolution is subject to clarification of the status of the ORBA in the Examination, and subsequent updates to the original ES documents as required.</p> <p>D2 – No Change</p> <p>D3 - Issue progressed but not resolved. Issue resolved following acceptance of Change Request for the ORBA, except for Sandwich tern where the Applicant has only provided an assessment based on 64% adult proportion using the stable age structure approach.</p>	<p>Following the acceptance of the ORBA and the revisions to the offshore ECC, the project has provided an updated Report to Inform the Appropriate Assessment (RIAA) V3 (document reference 7.1) at Deadline 4. An updated ES, including cumulative assessments, will be provided at Deadline 5.</p> <p>These documents present a range of methodological updates, including the presentation of the Applicant's and Natural England's approach to apportioning of adults for all relevant species including Sandwich terns (see Section 9.3.3 (O&amp;M Assessment: North Norfolk Coast SPA – Sandwich tern and paragraph 817 of document reference 7.1).</p> <p>Following Natural England's review of the documentation submitted at Deadlines 4 and 5, the Applicant expects that this issue will be resolved.</p>
2	F7	Some consideration should be given within the HRA to the potential for long-term implications of Highly Pathogenic Avian Influenza (HPAI) to reduce the resiliency of populations, and how this may impact on the need for conditions to allow a population to recover to, rather than be maintained at, a target level.	<p>D1 - No change. See our advice in Appendix F1.</p> <p>D2 - No change. See our answer to Examiners Question Q1 HRA 1.1.</p> <p>D3 - No change. See our answer to Examiners Question Q1 HRA 1.1 [REP2-074].</p>	The Applicant has provided an explanation of their approach at Deadline 2 in their comments on Deadline 1 submissions (REP2-053, F1.3). In summary, the Applicant's position is that consideration of long-term variability in bird populations through stochastic events is beyond the scope of any Environmental Impact Assessment (EIA); such variability would not be an effect of the Project and any attempt to assess this would be highly speculative.
3	F8 & F1	Collision risk modelling (CRM) parameters presented throughout are not clearly defined. Please ensure parameters are clearly presented under appropriate table headings and table/figure legends/titles in an updated assessment.	D1 - Issue resolved for ORBA assessment. Natural England welcomes our advice is applied in the ORBA document [PD1-081], noting this is subject to clarification of the	The Applicant welcomes Natural England's position that this issue is resolved.

Point	Ref from Appendix F [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent and related certified documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
			status of the ORBA in the Examination. As noted in the cover letter, Natural England requests updates are also made in 6.3.12.2 Chapter 12 Appendix 2 Collision Risk Modelling [APP-163]. D2 – No Change D3 - Issue resolved, following acceptance of Change Request for the ORBA.	
4	F9, F15 & F6	The Offshore Reactive Compensation Platform (ORCP) should be included in the MDS and considered at every stage of the project life-cycle including the O&M phase and assessed for potential disturbance and displacement impacts to red-throated diver and common scoter in both the EIA and HRA (project alone and in-combination) for the Greater Wash SPA. Alternative locations for the ORCP outside the SPA should be considered.	D1 - Issue progressed but not resolved. Irrespective of the status of the ORBA, refer to Advice in Appendix F1 on this issue. D2 - No change - we understand further information will be provided by the Applicant in due course. D3 - No change. Natural England understand further information will be provided by the Applicant in due course.	As set out in paragraph 53 <i>et seq</i> within Chapter 12 Offshore and Intertidal Ornithology (AS1-040), no likely significant effects in EIA terms are predicted to occur from static structures like the ORCPs, nor would the limited number of vessel movements associated with the operation and maintenance of such a structure lead to any likely significant effects. The assessment considered vessel movements during construction and decommissioning and concluded that the effect of vessel movements during construction and decommissioning would be not significant. There would be fewer vessel requirements during operation and, on that basis, effects arising from vessel movements during operation and maintenance would be less than during construction and decommissioning, and therefore not significant. This is a common and accepted approach within EIA. The Applicant therefore maintains its position that, with the implementation of the mitigation measures presented within the Outline Vessel Management Plan (PD1-064), any impacts from vessel movements during operation would be small-scale and temporary and therefore not significant. The Applicant provided clarifications to address the concerns raised by Natural England in their relevant representation (RR-045), specifically the uncertainty surrounding the effects of static structures on red-throated diver, within the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor submitted at Procedural Deadline 1 (PD1-081); this concluded that all conclusions set out in the original assessment (AS1-040) remain unchanged and valid.  Since the submission of this document (PD1-081), mitigation in the form of a substantial height reduction of the ORCP, enabled by progress on engineering design, has been proposed to provide further comfort to Natural England in respect of their concerns. The ExA has been notified of this proposed change through the Change Notification (REP3-050) which includes a reduction in the height of the ORCP to 59.2m above lowest astronomical tide (LAT), with any mast or antenna located on the ORCP to be a maximum height of 79.2m above LAT. The environmental implications of this change have been reviewed to fully understand whether the changes affect the conclusions of the Environmental Statement (ES). As the change to the ORCP maximum design parameters results in a reduction to the parameters which were presented in the ES, all conclusions within the original assessment remain unchanged and valid; it is likely the proposed height reduction would lead to a reduction in any potential displacement effects should they be present. As such, the Applicant's conclusion of no significant adverse impacts as a result of the presence of the ORCP remains valid. Following the completion of consultation related to this change, the change application has been submitted at Deadline 4 (The Applicant's Change

Point	Ref from Appendix F [RR-045]	Taken from Natural England's Representations ODOW Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Relevant and Written Consent RAG	England's Actions, Progressions and Deadline	The Applicant's Current Position
					<p>Request February 3rd 2025 (ORCP &amp; Lead in Times / Breeding seasons) (document reference 21.19).</p> <p>During the meeting held between the Project and Natural England on 17<sup>th</sup> February 2025, a method for considering project-specific displacement effects on the red-throated diver feature of the Greater Wash SPA from the ORCP, including contextualising these effects in the light of existing structures in the area, specifically the Lincs OWF, was agreed. The Applicant has provided clarifications in accordance with this method within the updated RIAA V3 (document reference 7.1) submitted at Deadline 4. The Applicant maintains its position of no AEoI.</p> <p>Within their submission at Deadline 3 (Appendix F2, REP3-070), Natural England have stated that they are satisfied that impacts to common scoter are likely to be minimal and that any remaining concerns are for impacts to red-throated diver only.</p> <p>The Applicant provided a detailed response regarding the consideration of alternative locations for the ORCP in their response to the ExA's Written Questions at Deadline 2 (REP2-051). In summary, the ORCP must be located seaward of landfall and at a point along the cable which enables the reactive power generated in the system to be offset. It is therefore not possible to locate the ORCP eastwards of the SPA.</p>
5	F11	Natural England requests the Applicant provides the Annex D Ornithological Census and Capture Trial document. This is relevant to the apportioning of FFC SPA . We are unable to provide advice on the merits of the Applicant's apportioning approach until this is provided.	D1 - Issue progressed but not resolved. Natural England welcomes the submission of the two census reports within [AS1-064] though requests clarification on some issues. The Applicant should clearly present how the data from the offshore platform census surveys has been used to generate the apportioning figure for the FFC SPA. D2 – No Change D3 - No change. Natural England is awaiting an updated apportioning appendix from the Applicant at Deadline 4.	An updated ornithological apportioning appendix, including an explanation around how data from the offshore platform census surveys has been used to generate the apportioning figure for the FFC SPA, has been provided at Deadline 4 (Document reference 7.1.1 of Deadline 4 Submissions). Section 6.3.1 of this document provides clarity on how the offshore breeding proportions have been calculated, and Annex A comprises breeding season apportioning tables.	Following Natural England's review of the documentation submitted at Deadline 4, the Applicant expects that this issue will be resolved.
6	F12	Tables of abundance and density estimates for baseline characterisation data should be presented separately for birds in flight, birds on the water, and all birds. This should include, accounting for availability bias where relevant and 'unidentified' groups are not identified to species level. Without this material Natural England is unable to confirm whether the impact assessment has been correctly conducted.	D1 - Issue progressed but not resolved. The Applicant has followed Natural England's advice in the ORBA [PD1-086]. Issue resolution is subject to the clarification of the status of the ORBA and request for updates to be reflected in the original ES documents. Natural England will respond on whether the impact assessment has been correctly conducted at Deadline 2. D2 – No Change D3 - Issue resolved, following acceptance of Change Request for the ORBA.	The Applicant welcomes Natural England's position that this issue is resolved.	
7	F13, F30, F46 and F1	There are errors in the tables presenting the survey data within Appendix 12.1 Annex B. Please check and correct any errors in the	D1 - Issue resolved. Please see our advice in Appendix F1.	The Applicant welcomes Natural England's position that this issue is resolved.	



Point	Ref from Appendix F [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
		baseline characterisation data tables and ensure any errors have not been carried through to the impact assessment.		
8	F14, F4	The Applicant should set out the process by which design- and model-based estimates are used to show areas of high usage by Auks and how this has informed the refinement of the array area and demonstrates this will as far and practically and reasonably possible reduce the interaction with Auk species. A model-based approach (eg MRSea) should be pursued due to the high predicted impacts to auks, particularly guillemot, and the likely connectivity to Flamborough and Filey Coast SPA (FFC SPA).	D1 - Issue progressed but not resolved. Irrespective of the status of the ORBA, please see our advice in Appendix F1. D2 – No Change D3 - Issue progressed. Applicant has submitted a report on the MRSea modelling undertaken by the Applicant, for which we have made initial comments at Deadline 3, please refer to Appendix F2. Natural England is now awaiting further detail from the Applicant.	The Applicant considers that the model-based abundance estimates are more robust than the design-based estimates and therefore these estimates should be used for the assessment of displacement. Displacement matrices for the design-based estimates for guillemot have been presented in the updated RIAA V3 provided at Deadline 4 (document reference 7.1; Section 9.3.3 (O&M Assessment): FFC SPA-Guillemot, paragraph 633 and Table 9.40). Appendix 12.6 MRSea Modelling, including an explanation of how model-based estimates have been generated, has been submitted at Deadline 4 (document reference 6.3.12.6).  The Applicant notes Natural England's submission on this point within appendix F2 to the Deadline 3 submissions (REP3-070): <i>'Therefore, subject to full review of the Applicant's report on how model-based estimates were generated, and agreement on the mortality estimate of 248.6 (for guillemot), Natural England agrees that the conclusion of no AEol from the project alone is likely to remain valid'</i> .  Following Natural England's review of the documentation submitted at Deadline 4, the Applicant expects that this issue will be resolved.
9	F16	Natural England advises use of the full breeding season not the migration-free breeding season. The full breeding seasons as outlined in Furness (2015) are :Gannet: March to September Sandwich tern: April to August. The assessments, including the cumulative and in-combination assessments, should be updated accordingly.	D1 - Issue progressed. See Appendix F1. Natural England welcomes the clarifications within ORBA documents [PD1-081] and [PD1-092]. Correct the information within Table 4.21 and/or the assessment as appropriate. Issue resolution is subject to the approval of the ORBA and request for updates to be reflected in updates to the ES documents. D2 – No Change D3 - Issue resolved, following acceptance of Change Request for the ORBA.	The Applicant welcomes Natural England's position that this issue is resolved.
10	F17	The Applicant has used two studies of collisions at Thanet and Aberdeen Offshore Windfarm to argue that the CRM parameters advised by SNCBs are precautionary. Natural England does not consider these provide sufficient evidence to draw wider conclusions on collision risk for other projects.		The Applicant has utilised the CRM parameters advised by Natural England within the updated RIAA V3 submitted at Deadline 4 (document reference 7.1). An updated ES utilising the same agreed CRM parameters will be provided at Deadline 5.
11	F18 & F21	The Applicant should revise the nocturnal activity factors for Sandwich tern, common tern and little gull to reflect Natural England's advised nocturnal activity factor (NAF), in addition to, referring to and applying the nocturnal activity factor set out in Garthe and Hüppop (2004) or present empirical evidence to inform an alternative rate.	D1 - Issue progressed. See Appendix F1. Collision risk modelling for the area excluding the ORBA uses the NAFs as set out in Garthe and Hüppop (2004). Common tern, little gull and migratory collision risk modelling should also be rerun for the revised array area excluding the ORBA. Issue resolution is subject to the approval of the ORBA and subsequent updates to the original documents.	The Applicant has ensured that the NAFs advised by Natural England (namely 1 for common tern and 2 for little gull) have been utilised within the broadfront mCRM, the results of which are provided at Deadline 4 within the RIAA V3 (document reference 7.1) (also see Appendix 12.5 Migratory Collision Risk Modelling (document reference 6.3.12.5)).  The use of broadfront mCRM for these species, namely little gull and common tern, was agreed with Natural England during the Evidence Plan Process (see AS1-040 Chapter 12 Offshore and Intertidal Ornithology Table 12.3).

Point	Ref from Appendix F [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
			D2 – No Change D3 - Issue progressed but not resolved. This is issue is resolved for all species apart from common tern and little gull, for which CRM using the correct NAFs has not been rerun (as they are assessed using migratory CRM only and this has not been rerun).	Following Natural England's review of the documentation submitted at Deadline 4, the Applicant expects that this issue will be resolved.
12	F19	The productivity and average mortality rates presented in this table for some species (particularly great black-backed gull, common tern, razorbill and puffin) are different than the updated rates provided by Natural England to all Round 4 developers. We request the Applicant updates their assessment with the updated figures shared in March 2024 moving forward.	D1 - Issue addressed. The ORBA Environmental Report [PD1-081] is updated with the productivity and average mortality rates both the ORBA and pre-ORBA impacts. Issue resolution is subject to acceptance of the ORBA and requested updates to the original ES application. D2 – No Change D3 - Issue resolved, following acceptance of Change Request for the ORBA.	The Applicant welcomes Natural England's position that this issue is resolved.
13	F20	The Applicant should clarify how they have arrived at the MDS for collision risk, specifically how the greatest total swept area has been calculated from the parameters presented.	D1 - Issue addressed in ORBA assessment. D2 – No Change D3 – Issue resolved	The Applicant welcomes Natural England's position that this issue is resolved.
14	F22 & F1	There is an error in the displacement matrix presented for guillemot breeding season in the higher mortality and displacement ranges. Natural England advises the Applicant reviews all matrices to ensure that they do not contain any errors.	D1 - Issue resolved. Please see our advice in Appendix F1. Corrections to errors and inconsistencies have been made in [AS1-064].	The Applicant welcomes Natural England's position that this issue is resolved.
15	F23, F24 & F5	Displacement matrices should be presented using upper and lower confidence limits, as well as the mean, for each species considered in the displacement appendix, as per our Best Practice Guidelines: Environmental considerations for offshore wind and cable projects. An updated assessment should clearly state what figures are being presented within these tables/displacement matrices.	D1 - Issue addressed in ORBA assessment. Please see our advice in Appendix F1. The Applicant has presented displacement matrices for upper and lower confidence limits, as well as the means, of abundance values, as requested in Natural England's Relevant Reps. Issue resolution is subject to clarification of the status of the ORBA and subsequent updates to the original documents. D2 – No Change D3 - Issue progressed but not resolved. The Applicant presented updated (ORBA) displacement matrices with upper and lower CIs for EIA, but not for HRA. No displacement matrices (mean, upper or lower CIs) have been presented for the HRA for the ORBA. This will be resolved when the Applicant provides a full updated RIAA that reflects the introduction of the ORBA.	Following the acceptance of the ORBA and the revisions to the offshore ECC, updates to the assessments for the project alone and in-combination have been provided at Deadline 4 within the RIAA V3 (document reference 7.1). An updated ES, including cumulative assessments, will be provided at Deadline 5.  These documents present a range of methodological updates as agreed with Natural England, including the presentation of all required displacement matrices.  Following Natural England's review of the documentation submitted at Deadlines 4 and 5, the Applicant expects that this issue will be resolved.
16	F25	For the Population Viability Analysis, the Applicant has stated that the recommended number of years for burn-in has been included for all	D1 - No change. See Appendix F1. D2 – No Change	The EIA PVA for LBBG within Chapter 12 Appendix 4 Population Viability Analysis (APP-1650), including burn in, will be provided at Deadline 5.

Point	Ref from Appendix F [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
		species except lesser black-backed gull. Natural England advises the a justification for the inclusion of no burn-in for lesser black-backed gull is provided.	D3 – No Change	Following Natural England's review of the documentation submitted at Deadline 5, the Applicant expects that this issue will be resolved.
17	F26	A full log of input and outputs of the Population Viability Analysis (PVA) (Annex A) was not provided within the relevant Appendix. Natural England requests access to Annex A, including missing input and outputs of PVA.	D1 - No change. Natural England has not reviewed the PVA Annex A subsequently provided by the Applicant (AS-002] as these do not reflect the proposed ORBA. D2 – No Change D3 - No change. The PVA has not been updated to reflect the introduction of the ORBA.	Following the acceptance of the ORBA and the revisions to the offshore ECC, updated in-combination assessments, and PVAs for project alone and in-combination for all species where a PVA is required (i.e. where screened in impacts are above the 1% increase in baseline mortality threshold), have been provided at Deadline 4 within the RIAA V3 (document reference 7.1).  An updated ES, including cumulative assessments and PVA where required, will be provided at Deadline 5.  Following Natural England's review of the documentation submitted at Deadlines 4 and 5, the Applicant expects that this issue will be resolved.
18	F28 & F44	In addition to embedded mitigation related to the following of the Best Practice Protocol for minimising disturbance from vessel traffic to sensitive species including red-throated diver and common scoter, it may also be appropriate to condition a formal seasonal restriction on construction of the ECC and ORCPs during the sensitive over-wintering period. Intertidal restrictions for common scoter may require consideration.	D1 – No Change D2 – No Change D3 – No Change	Based on Natural England's submission at Deadline 3 (REP3-070), the Applicant understands that Natural England are satisfied that impacts to common scoter are likely to be minimal. It has therefore been assumed by the Applicant that no additional mitigation is required for this species.  The Applicant considers that the mitigation proposed, i.e. use of a best practice vessel management protocol as detailed within the Outline Vessel Management Plan (PD1-064), is sufficient to support a conclusion of no AEoI and therefore additional mitigation during construction is not required in this case.  Please also refer to the Applicant's response to row 7, in The Applicant's Comments on Deadline 3 Submissions (document reference 21.3)
19	F29 & F45, F4	It is unclear whether the array boundary refinements have gone as far as is practically and reasonably possible to reduce the interaction with Auk species in the array area. If not, further consideration should be given to reducing this overlap given the significant numbers present and the likelihood of connectivity to FFC SPA.	D1 - Issue progressed but not resolved. See Natural England's advice in the cover letter and Appendix F1. D2 – No Change D3 - Issue progressed. Applicant has submitted a report on the MRSea modelling undertaken by the Applicant, for which we have made initial comments at Deadline 3, please refer to Appendix F2. Natural England are awaiting further detail from the Applicant.	Following a review of offshore parameters relating to site boundary reductions in relation to the siting of WTGs and offshore platforms, carried out following submission of the Application, the Applicant has introduced the Offshore Restricted Build Area ("ORBA") which provides an area of the offshore redline boundary in which no surface piercing infrastructure will be sited as mitigation to reduce impacts from the presence of the WTGs (and offshore platforms) on auk species (guillemot and razorbill) as well as having the effect of reducing shipping and navigation impacts. <sup>2</sup>  The location and size of the ORBA was also decided using the results of MRSea based analysis used to generate estimates of distribution and abundance of guillemot (underpinned by observations of guillemot recorded in the DAS imagery). The ORBA was accepted by the ExA on 3 <sup>rd</sup> December 2024 after Natural England first raised this issue.  As noted in the updated HRA derogation case submitted at Deadline 4, (Document reference 7.5) any further reduction in parameters may risk reducing the power

<sup>2</sup> Environmental Statements and Habitats Regulation Assessments related to this reduction are set out in PD1-081, PD1-091, and their appendices (PD1-081 – PD1-092). The Change Request which set out the change in general terms, and which has since been accepted by the ExA is set out in REP2-065. The ExA's acceptance of this change is set out in PD-015.

Point	Ref from Appendix F [RR-045]	Taken from Natural England's Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Written Natural England's Relevant and Consented RAG	Deadline The Applicant's Current Position
				<p>outputs which would conflict with Objective 5 under which the Project will optimise generation and export capacity within the constraints of available sites and onshore transmission infrastructure (together with the other objectives which are each undermined by reductions in energy output).</p> <p>On this basis, further reduction to layout options is not a feasible alternative</p> <p>For the assessment, MRSea Modelling has informed displacement impacts on guillemot; Appendix 12.6 MRSea Modelling, including an explanation of how model-based estimates have been generated, has been submitted at Deadline 4 (document reference 6.3.12.6).</p> <p>Following Natural England's review of the documentation submitted at Deadline 4, the Applicant expects that this issue will be resolved.</p>
20	F30 & F1	There are multiple errors across the submitted documents. The Applicant should provide updated/corrected documents so that we can advise on the scale and significance of impact and the appropriateness of compensatory measures.	D1 - Issue resolved. Please see our advice in Appendix F1. Corrections to errors and inconsistencies have been made in [AS1-064].	The Applicant welcomes Natural England's position that this issue is resolved.
21	F31	Natural England advises full consideration should be given to the potential for displacement and disturbance to red throated diver within the Greater Wash SPA during the O&M phase as a result of vessel movements and the permanent presence of the ORCPs within the SPA. Alternative locations for the ORCP outside the SPA should be considered.	D1 - Issue progressed but not resolved. Irrespective of the status of the ORBA, please see our advice in Appendix F1. D2 – No Change D3 – No Change	<p>As set out in the Applicant's response to point 4 above, the Applicant maintains its position that, with the implementation of the mitigation measures presented within the Outline Vessel Management Plan (PD1-064), any impacts from vessel movements during operation would be small-scale and temporary and therefore not significant.</p> <p>During the meeting held between ODOW and Natural England on 17<sup>th</sup> February 2025, a method for considering project-specific displacement effects on the red-throated diver feature of the Greater Wash SPA from the ORCP, including contextualising these effects in the light of existing structures in the area, specifically the Lincs OWF, was agreed. The Applicant has provided information in accordance with this method within the updated RIAA V3 submitted at Deadline 4 (document reference 7.1). The Applicant maintains its conclusion of no AEoI.</p> <p>Mitigation in the form of a substantial height reduction of the ORCP has been proposed. The ExA has been notified of this proposed change through the Change Notification Process (REP3-050) which includes a reduction in the height of the ORCP to 59.2m above lowest astronomical tide (LAT), with any mast or antenna located on the ORCP to be a maximum height of 79.2m above LAT. The environmental implications of this change have been reviewed to fully understand whether the changes affect the conclusions of the Environmental Statement (ES). As the change to the ORCP maximum design parameters results in a reduction to the parameters which were presented in the ES, all conclusions within the original assessment remain unchanged and valid; it is likely the proposed height reduction would lead to a reduction in any potential displacement effects should they be present. As such, the Applicant's conclusion of no significant adverse impacts as a result of the presence of the ORCP remains valid. Following the completion of consultation related to this change, the change application has been submitted at Deadline 4 (The Applicant's</p>



Point	Ref from Appendix F [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Order, Deemed Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				Change Request February 3rd 2025 (ORCP & Lead in Times / Breeding seasons) (document reference 21.19).  The Applicant provided a detailed response regarding the consideration of alternative locations for the ORCP in their response to the ExA's Written Questions at Deadline 2 (REP2-051). Also see the Applicant's response to point 4 above.
22	F33 & F34	It is not clear what reference population has been used for guillemot at Flamborough & Filey Coast SPA. Natural England advises the Applicant presents a table with the reference populations used for each species at each SPA in the HRA, noting that these should be counts from year(s) closest to the years of baseline data collection. Please also revise any calculations of impacts using the correct reference populations.	D1 - Issue addressed in ORBA assessment. Please see our advice in Appendix F1. While we are unable to see these corrections have been made in [AS1-064], these are evident in the ORBA ornithology assessment [PD1-091]. Issue resolution is subject to clarification of the status of the ORBA within the Examination. D2 – No Change D3 - Issue resolved, following acceptance of Change Request for the ORBA.	The Applicant welcomes Natural England's position that this issue is resolved.
23	F35, F46 & F1	The calculations of baseline mortality for guillemot at FFC SPA appear incorrect. Natural England advises the Applicant corrects the errors in these calculations of % increase in baseline mortality for guillemot, and check calculations for all species-SPA combinations.	D1 - Issue progressed but not resolved. Corrections to errors and inconsistencies have been made in [AS1-064]. Natural England will provide further update on these calculations at Deadline as we continue our review of the ORBA ornithology assessment [PD1-081 and PD1-091]. D2 – No Change D3 - Issue resolved, following acceptance of Change Request for the ORBA.	The Applicant welcomes Natural England's position that this issue is resolved.
24	F36, F2 & F3	The RIAA should present the complete outputs, including full displacement matrices, for Natural England's apportioning approach to individual SPAs and also adults. Natural England's advised approach to apportioning during the breeding season for guillemot and razorbill is to assume 100% adult-type birds are breeding adults, and to apportion 100% of these individuals to FFC SPA. A separate season with bespoke apportioning for each species in August and September should be assessed	D1 - Issue progressed. See Appendix F1. The Applicant has presented assessment outputs based on NE's advised apportioning approach within the new ORBA documents. Natural England will review and comment in full on these docs at Deadline 2. Issue resolution is subject to the approval of the ORBA and subsequent updates to the original documents. D2 – No Change D3 - Issue progressed but not resolved. Issue resolved only for guillemot, not for razorbill.	Following the acceptance of the ORBA, apportioning to FFC SPA for razorbill, as advised by Natural England, including the bespoke post breeding bioseason apportioning rate, has been presented within the updated RIAA V3 alongside the Applicant's approach (document reference 7.1) submitted at Deadline 4. The Applicant maintains that the approach used for the assessment is appropriate and precautionary as discussed in REP2-057, REP2-058 and RESP2-059. Following Natural England's review of the documentation submitted at Deadline 4, the Applicant expects that this issue will be resolved.
25	F37, F2 & F3	Natural England advises the Applicant provides further detail on how site-specific adult proportions for kittiwake and gannet have been calculated from the Digital Aerial Survey (DAS) data including what months have been included and how the proportions are calculated.	D1 - Issue progressed. See Appendix F1. As presented in [PD-081], the assessment using DAS data for calculating adult apportioning should be updated by using the methods utilised by Morgan. Issue resolution is subject to clarification of the status of the ORBA and	Revised assessments that utilise Natural England's preferred adult proportions for kittiwake and gannet (as well as lesser black-backed gull) have been provided within the updated RIAA V3 (document reference 7.1) submitted at Deadline 4. The adult proportions used are provided in Table 11 of the Apportioning Appendix; further details are provided in paragraph 9 (document reference 7.1.1). Following Natural England's review of the documentation submitted at Deadline 4, the Applicant expects that this issue will be resolved.

Point	Ref from Appendix F [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
			subsequent updates to the original documents. D2 – No Change D3 - No change. Natural England requested Applicant provide updated assessment using our advised adult proportions (please see our D1 submission, Appendix [REP1-061]). Exa requested the same at First Ex Qs. Not yet provided by Applicant (see their response to our D1 submission at D2 [REP2-053]).	
26	F38, F46, F1, F2 & F3	The breeding season apportioning table in Annex A (Table 12) are missing the values in the 'resulting weight for SPA' and 'proportional weight of SPA' columns. It is therefore not possible to determine how the Applicant has calculated their apportioning values using the NatureScot apportioning tool. Natural England advises the Applicant corrects Table 12.	D1 - Issue addressed. In [PD1-092] the Applicant has updated the breeding season apportioning table in Annex A. Issue resolution is subject to clarification of the status of the ORBA and subsequent updates to the appropriate original documents.	The Applicant welcomes Natural England's position that this issue is resolved.
	F39	The results from Wakefield et al (2017) and Cleasby et al. (2018) does not include any information on the distributions of birds in April and cannot be used to draw inference about the potential importance of areas of the North Sea to guillemot outside of the breeding season. Natural England advises removing this paragraph, or amending this paragraph to better reflect the data limitations.	D1 - See Appendix F1. Natural England wish to reiterate our position that April should be considered as part of the breeding season for guillemot as defined by Furness 2015, Rather than a prolonged debate it would be more beneficial to focus the Applicant's and our efforts on addressing them. D2 – No Change D3 – No Change	The Applicant retains their position that April should not be considered as part of the breeding season for guillemot. A detailed explanation of the Applicant's position is provided in Guillemot and Razorbill Compensation Quanta (REP3-049).
28	F41	Natural England has concerns over the accuracy of the alone assessment. Further we do not agree that lesser black backed gull at Alde-Ore Estuary SPA and Sandwich tern at NNC SPA can be screened out of the in-combination assessment. Small impacts need to be carried through to an in-combination assessment. The Applicant should update their assessment of the 'alone' impacts. The SPA features identified (and others in a similar situation) should be subject to in-combination assessment once the issues with the submitted impact assessment are rectified.	D1 - No change. See Appendix F1. D2 – No Change D3 – No Change	The Applicant notes that Natural England's submission at Deadline 3 (REP3-070) includes the following: <i>We have also previously advised in-combination adverse effects cannot be ruled out for lesser black-backed gull at Alde-Ore Estuary SPA (Norfolk Vanguard, Norfolk Boreas, East Anglia One North, East Anglia Two) and Sandwich tern at North Norfolk Coast SPA (SEP and DEP). However, taking into account the likely rather limited prospect of connectivity between the ODOW array and the colonies in question, it is likely that Natural England will advise that the ODOW project alone impact for these species at these sites is sufficiently low to allow in-combination adverse effects to be excluded for these SPAs. Nonetheless, as outlined above, accurate Project alone mortality values are required for future in-combination assessments.</i>  This position is welcomed by the Applicant.  Following the acceptance of the ORBA, the Applicant has provided an updated RIAA V3 (document reference 7.1) submitted at Deadline 4.  In order to reduce areas of disagreement where possible, the Applicant has utilised Natural England's preferred adult proportions for lesser black-backed gull. The conclusion of no AEoI for the Project alone remains valid. The Applicant has presented

Point	Ref from Appendix F [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix A - Development Consent Marine Licences and related documentation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				Natural England's apportioning approach for Sandwich tern; the Applicant maintains that the Furness 2015 adult proportions are appropriate.
29	F42	Values used in the in-combination assessment for other English North Sea projects entering examination 2024/25 are likely to be subject to change through their respective Examinations. Natural England recommends the Applicant contacts the relevant developers to agree how updated values based on SNCB advice are shared and disseminated across their Examinations, to ensure the in-combination assessment is updated in a streamlined way.	D1 - No change. See Appendix F1. D2 – No Change D3 - Issue progressed but not resolved. The Applicant confirmed at Deadline 2 that they are intending to update the in-combination assessments that were presented at application to include the more up to date values from other projects as they become available during the course of examination, and propose to do this for Deadline 4.	Following the acceptance of the ORBA, the Applicant has provided an updated RIAA V3 (document reference 7.1) submitted at Deadline 4. This includes the use of the latest values from other English North Sea projects and are based on publicly available information. Owing to commercial sensitivity, it is not common practice for developers to share in-combination numbers prior to their publication. For all species, the conclusions of no AEoI alone and in-combination remain valid.
PADS				
Ref	The brief concern held by Natural England reported on in full in Written Representations and What needs to change, or be included or amended to overcome the disagreement?		Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
NE10	<p>We disagree with the methods used to calculate and describe the impacts to seabird species. In particular we have significant concerns over: Apportioning of individuals to SPAs; Bioseasons and their definitions; Proportion of birds assessed as adults; Baseline Mortality Calculations; Calculations for scale of compensation required.</p> <p>We have provided advice to the developer via the Section 42 consultation response, expert topic groups and a workshop held in January 2024 recommending approaches to take regarding these issues. The presented approaches departs from Natural England's (SNCB) standard advice. The issue can be addressed. We advise the Applicant applies our advice and presents assessments in line with this to.</p>		<p>D1 – Please see our advice in Appendix F1 and R&amp;I Tab F. Corrections to errors and inconsistencies have been made in [AS1-064] and Natural England's approach has followed through to the ORBA documentation. However some concerns remain and our advice will be updated to detail these at Deadline 2. Issue resolution is subject to clarification of the status of the ORBA within the Examination and requested updates to the original ES documentation for offshore ornithology, including the RIAA.</p> <p>D2 – No change - please see Appendix K1 to our response to the Examiners Questions for a detailed assessment of methodological concerns. Our advice on the ORBA assessment will be provided in the event of the ORBA change request being accepted.</p> <p>D3 - Progressed but not resolved. The ORBA assessment has allowed Natural England to reach 'project alone' conclusions for a number of species, but not all of them. Further work is still needed to address outstanding disagreements on wider methodological issues to allow advice to be given on other species and/or impact levels to be confirmed for the species of concern, and appropriate calculations for scaling of compensatory measures agreed.</p>	<p>Within Appendix F2 of their Deadline 3 submission (REP3-070), Natural England provided Table 1 and Annex 1 as a summary of outstanding disagreements and / or uncertainty around the updated project alone mortalities that should be taken through to an updated in-combination assessment. The Applicant has responded to each of these topics within our response to Appendix F2 submitted at Deadline 4 ((The Applicant's Comments on Deadline 3 Submissions (document reference 21.3)).</p> <p>When compiling the updated RIAA and ES documents, the areas of disagreement on assessment methodology shown in Table 1 have been accounted for. Further details are provided by the Applicant within the responses to the Risk and Issues log (The Applicant's Comments on Natural England's Risk and Issues Log (Document Reference 21.8) and also in the species-specific responses within the Applicant's response to Appendix F2 (The Applicant's Comments on Deadline 3 Submissions (document reference 21.3)).</p>

Ref	The brief concern held by Natural England reported on in full in Written Representations and What needs to change, or be included or amended to overcome the disagreement?	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
NE11	<p>Guillemot and Razorbill</p> <p>It is likely that NE will be unable to rule out an Adverse Effect on Integrity on FFC SPA Guillemot and Razorbill. High numbers of Auks will be impacted by the development. The departure from SNCB advice has led to attempts to apparently reduce the impacts, as presented. We welcome the Applicant's approach to providing the 3 compensation measures relating to Auk species. There is a lack of clarity concerning mitigation for Auks. It is not clear how robustly Auks were factored in when designing the reduction of the array area and whether further reduction could be undertaken to reduce impacts. We stress that the Applicant should present assessments undertaken in line with the SNCB advice and present the outputs of these, shifting focus from attempting to reduce impacted numbers. The proposed compensation measures will require substantial work to improve evidence and demonstrate viability and efficacy in order to demonstrate that the proposed measures can be secured and will prove to be ecologically robust. Further reduction for the array area should be considered to reduce impacts to Auk species.</p>	<p>D1 – Natural England will provide further update at Deadline 2.</p> <p>D2 – No change - see NE 10 above. No further material presented regarding compensatory measures.</p> <p>D3 - Progressed but not resolved - see NE10 above. In particular, we highlight that the Applicant has not submitted a assessment of impacts to FFC SPA razorbill using Natural England's preferred apportioning approach. We will provide advice on the Applicant's Deadline 2 submissions regarding compensatory measures at Deadline 4.</p>	<p>The Applicant has set out the rationale for the introduction of the Offshore Restricted Build Area (ORBA) in the Environmental Report for the ORBA and Revision to the Offshore Export Cable Corridor (PD1-081). The introduction of the ORBA is a positive design solution with one of its aims to reduce the Project's ornithological impacts to guillemot and razorbill; the introduction of the ORBA has resulted in a reduction in the summed mean seasonal peak abundance of guillemot of approximately of 15% and of razorbill of approximately 11%.</p> <p>Section 4.5 of PD1-081 provides a detailed explanation of how data on auks was factored into the location and size of the ORBA.</p> <p>Following the acceptance of the ORBA, the apportioning approach for FFC SPA for razorbill, as advised by Natural England, has been presented within the RIAA V3 (document reference 7.1) submitted at Deadline 4. With regard to guillemot and razorbill, the RIAA has concluded that there is no potential for AEoI alone or in combination.</p> <p>The Applicant's approach to assessment has not been an attempt to reduce the apparent scale of the impact but has been based on best scientific evidence. Further detail to support the Applicant's approach has been provided within REP2-057 Levels of precaution in the assessment and compensation calculations for offshore ornithology, REP2-58 Consideration of bioseasons in the assessment of guillemot and REP2-059 Rates of displacement in guillemot and razorbill. REP2-057 explains the levels of precaution that are introduced at each stage of the process (e.g. through precaution in apportioning, the application of precautionary displacement rates and the addition of bespoke post breeding bioseasons) that ultimately defines the levels of compensation potentially required for each species, and how the highly precautionary approach advocated by Natural England is inappropriate and likely to result in a requirement for considerable over-compensation. The Applicant maintains its position that it has incorporated a sufficient level of precaution into its assessment and the calculation of the scale of compensation required to address the uncertainties inherent in predicting impacts on ornithological species.</p> <p>With respect to compensation measures for razorbill and guillemot, a significant amount of additional work has been done since the submission of RR-045 (13<sup>th</sup> June 2024). The Applicant refers the ExA to the response to the ExA's written questions (REP2-051) Q1 HRA 2.3 which provides updates for each of the three measures proposed at Deadline 2.</p> <p>Following this, the Guillemot and Razorbill Compensation Quanta document (REP3-049) was submitted at Deadline 3, which sets out the specific quantum of deliverable compensation as currently proposed for guillemot and razorbill (on a without prejudice basis) in the context of the potential requirements for compensation using the methodologies favoured by the Applicant and Natural England (Hornsea Four and Hornsea Three part 2).</p> <p>The Without Prejudice Predator Control Evidence Base and Road Map (document reference 7.7.5) (and Annexes - Annex 1: Feasibility Study Report for a Predator Exclusion Fence, Annex 2: Plémont Seabird Sanctuary Design Statement and Annex</p>



Ref	The brief concern held by Natural England reported on in full in Written Representations and What needs to change, or be included or amended to overcome the disagreement?	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
			<p>3: Plémont Seabird Sanctuary Management Plan (document reference 7.7.5.1)), the Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill (document reference 7.7.6) and the Offshore Artificial Nesting Structure Evidence Base and Roadmap (document reference 7.7.4) have all been updated at Deadline 4. The updated Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill Base and Road Map presented at Deadline 4 includes considerable further information on site selection, the data collected at each site during summer 2024, including key pressures at each site, and provides further detail on the potential scale of the compensatory measures proposed. The evidence provided by the Applicant has demonstrated that the package of measures proposed is viable, effective and ecologically robust.</p>
NE12	<p>We cannot yet agree on conclusions made with regards to the level of impact upon Kittiwake, based upon the Applicant's departure from the SNCB advised approach. The Applicant should present assessments based on the SNCB guidance and propose compensation at a suitable ratio for an agreed impact value based on SNCB advice.</p>	<p>D1 – Natural England will provide further update at Deadline 2.  D2 – No change - see NE 10 above. No further material presented regarding compensatory measures.  D3 - Progressed but not resolved - see NE10 above. We will provide advice on the Applicant's Deadline 2 submissions regarding compensatory measures at Deadline 4.</p>	<p>The Applicant has followed Natural England's advised methodological approach for the assessment of kittiwake with the exception of the use of offshore breeders in apportioning (although the Applicant notes that the use of offshore breeders within apportioning has been agreed in principle with Natural England during consultation during the Evidence Plan Process prior to submission). Further information regarding the method by which offshore breeders have been included in the apportioning calculations was provided at Deadline 3 (REP3-037 Appendix A: Updates requested in RR-045 for Deadline 3) and document reference 7.1.1 submitted at Deadline 4 (Section 6.3.1 of this document provides clarity on how the offshore breeding proportions have been calculated, and Annex A comprises breeding season apportioning tables.) The conclusion of no AEol alone remains valid.</p> <p>Following the acceptance of the ORBA and the revisions to the offshore ECC, updated in-combination assessments for the project alone and in-combination, and a revised Kittiwake Compensation Plan, have been provided within the updated RIAA V3 (document reference 7.1 and 7.7.1) submitted at Deadline 4. The updated Kittiwake Compensation Plan (document reference 7.7.1) includes compensation requirements at a 2:1 and 3:1 ratio using both the Hornsea 4 method (the Applicant's preferred approach) and the Hornsea 3 Part 2 method (Natural England's preferred approach). The Applicant reiterates its position that the Hornsea 4 method and a 1:1 ratio should be used when calculating compensation (see REP3-049 Guillemot and Razorbill Compensation Quanta).</p>
NE13	<p>We have significant ongoing concerns regarding the impacts to red throated diver resulting from disturbance and displacement as a result of the construction and operation of the development within the Greater Wash SPA. This includes the proposed location of the Offshore Reactive Compensation Platform within the SPA. The Applicant should ensure that assessments are undertaken in line with SNCB guidance and present the impacts accordingly. The Applicant should make efforts to further mitigate against these impacts.</p>	<p>D1 – Natural England will provide further update at Deadline 2.  D2 – No change - we understand further information will be provided by the Applicant in due course.  D3 - No change - we understand further information will be provided by the Applicant in due course.</p>	<p>As set out in paragraph 53 <i>et seq</i> within Chapter 12 Offshore and Intertidal Ornithology (AS1-040), no likely significant effects in EIA terms are predicted to occur from static structures like the ORCPs, nor would the limited number of vessel movements associated with the operation and maintenance of such a structure lead to any likely significant effects. The assessment considered vessel movements during construction and decommissioning and concluded that the effect of vessel movements during construction and decommissioning would be not significant. There would be fewer vessel requirements during operation and, on that basis, effects arising from vessel movements during operation and maintenance would be less than during construction and decommissioning, and therefore not significant. This is a common and accepted approach within EIA. The Applicant therefore maintains its position that, with the implementation of the mitigation measures presented within the Outline Vessel Management Plan (PD1-064), any impacts from vessel movements during operation would be small-scale and temporary and therefore not significant.</p>

Ref	The brief concern held by Natural England reported on in full in Written Representations and What needs to change, or be included or amended to overcome the disagreement?	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
			<p>The Applicant provided additional clarifications to address the concerns raised, specifically the uncertainty surrounding the effects of static structures on red-throated diver. This information was provided within the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor submitted at Procedural Deadline 1 (PD1-081); all conclusions set out in the original assessment (AS1-040) remain unchanged and valid.</p> <p>Since the submission of this document (PD1-081), mitigation in the form of a substantial height reduction of the ORCP, enabled by engineering design, has been proposed to provide further comfort to Natural England in respect of their concerns. The ExA has been notified of this proposed change through the Change Notification Process (REP3-050) which includes a reduction in the height of the ORCP to 59.2m above lowest astronomical tide (LAT), with any mast or antenna located on the ORCP to be a maximum height of 79.2m above LAT. The environmental implications of this change have been reviewed to fully understand whether the changes affect the conclusions of the Environmental Statement (ES). As the change to the ORCP maximum design parameters results in a reduction to the parameters which were presented in the ES, all conclusions within the original assessment remain unchanged and valid; it is likely the proposed height reduction would lead to a reduction in any potential displacement effects should they be present. As such, the Applicant's conclusion of no significant adverse impacts as a result of the presence of the ORCP remains valid. Following the completion of consultation related to this change, the change application has been submitted at Deadline 4 (The Applicant's Change Request February 3rd 2025 (ORCP &amp; Lead in Times / Breeding seasons) (document reference 21.19)).</p> <p>During the meeting held between ODOW and Natural England on 17<sup>th</sup> February 2025, a method for considering project-specific displacement effects on the red-throated diver feature of the Greater Wash SPA from the ORCP, including contextualising these effects in the light of existing structures in the area, specifically the Lincs OWF, was agreed. The Applicant has provided an assessment in accordance with this method within the updated RIAA V3 (document reference 7.1) submitted at Deadline 4. The Applicant maintains its position of no AEoI.</p>

1.7 G Offshore Ornithology Compensation

Table 1-7 Natural England's Risk and Issues Log Deadline 3 G Offshore Ornithology Compensation Risk and Issues and the Applicant's current position

Point	Ref from Appendix G [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix G - Offshore Ornithology Compensation [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
Offshore Ornithology Compensation				
Predator Control				
1	Overall confidence in the measure	It is uncertain how the predator measures for guillemot and razorbill at Plemont will demonstrably compensate	D1 – No Change	Further information on connectivity between North Sea colonies and the Channel Islands is provided within the Without Prejudice Predator Control Evidence Base and

Point	Ref from Appendix G [RR-045]	Taken from Natural England's Relevant and Written Representations ODO Appendix G - Offshore Ornithology Compensation [RR-045]	Natural England's Consultations, Actions, Progressions and RAG	Deadline	The Applicant's Current Position
		for impacts to the colony at the FFC SPA as connectivity will be very difficult to evidence. Further work to increase the evidence base and feasibility of these measures is required.	D2 - No change. We have not responded to [REP2-026] submitted at Deadline 2, we will respond at Deadline 4 D3 - No change. We have not responded to [REP2-026] submitted at Deadline 2, we will respond at Deadline 4.		<p>Road Map submitted at Deadline 2 (REP2-025) and updated at Deadline 4 (Document reference 7.7.5). Such connectivity has been evidenced through tracking of birds from the Farne Islands SPA and through ringing recoveries; both have indicated that there is connectivity in the non-breeding season between a) birds breeding in the North Sea and the Channel Islands (in the case of birds tracked from the Farne Islands which is further north than the FFC SPA) and b) specific connectivity between birds ringed at the FFC SPA and the Channel Islands (Compensation measures for FFC SPA: Ecological Connectivity of Compensation Measures Annex 1, Orsted 2022). Numbers of birds encountered on spring migration at Rampion 2 also indicate that a large number of auks that winter in the English Channel breed at North Sea colonies. (Environmental Statement Volume 4, Appendix 12.1: Offshore and intertidal ornithology baseline technical report, Rampion 2, 2023).</p> <p>As stated within document 7.7.5, based on the best-available scientific evidence re-established colonies at Plémont are anticipated to have high enough productivity to contribute breeding birds to sites within the wider National Site Network. Birds raised at the Plémont Seabird Reserve will therefore have the potential to recruit to the FFC SPA.</p> <p>In addition to the above evidence, the Applicant highlights that the Habitats Regulations require that compensation measures are secured to ensure the overall coherence of the National Site Network, rather than compensation of impacts to a specific colony at a specific SPA. The scientific evidence presented by the Applicant demonstrates that the predator control measure at the Plémont Seabird Reserve will have both connectivity with the FFC SPA and bolster the resilience of the wider National Site Network auk population.</p>
2	Theoretical merit to deliver compensation	It is uncertain whether the removal or control of rats and other mammalian predators will lead to colonisation of guillemot and/or an increase in the number of successfully breeding razorbill. The potential reasons for the loss/decline of guillemot and razorbill breeding on Jersey should be investigated. A more detailed analysis of the potential nesting habitat for these species that is currently accessible to rats and other predators is needed to understand the potential scale of benefits.	D1 – No Change D2 – No Change D3 - No change. We have not responded to [REP2-026] submitted at Deadline 2, we will respond at Deadline 4.		The Applicant has provided further information on the potential for population growth as a result of the proposed predator control measures within the Without Prejudice Predator Control Evidence Base and Road Map submitted at Deadline 2 (REP2-025) and updated at deadline 4 (document reference 7.7.5). This document includes Annex 1: Feasibility Study Report for a Predator Exclusion Fence (Birds on the Edge 2021) (document reference 7.7.5.1). The Birds on the Edge study provides the results of two years of ecological research, and the examination of historical records, into non-native invasive predators in the Plémont area. The Applicant notes that declines in both guillemot and razorbill around the Plémont Seabird Reserve correspond with the first records and subsequent increases in ferrets in the area (see also Q1 HRA 2.7 19.2 The Applicant's Responses to The ExA's First Written Questions (ExQ1)).
3	Technical feasibility & Uncertainties/effectiveness and 7.7.5.1 (Section 8 and 14) and 7.5.5 Section 6.2.2	Technical feasibility relates to the ability of the guillemot and razorbill Plémont proposal to exclude predators on an ongoing basis. It is unclear whether the recommendations for a fully-costed fence operational plan, eradication plan and biosecurity plan, have been undertaken. A more detailed assessment is required of the potential risks of intertidal incursions and any mitigation measures. Experts should be consulted on plans for all stages of the proposed measure.	D1 – No Change D2 – No Change D3 - No change. We have not responded to [REP2-026] submitted at Deadline 2, we will respond at Deadline 4.		<p>The Applicant has provided information on the technical feasibility of the proposed measures within the updated Without Prejudice Predator Control Evidence Base and Road Map at Deadline 4 (document reference 7.7.5), including Annex 2: Plémont Seabird Sanctuary Design Statement and Annex 3: Plémont Seabird Sanctuary Management Plan (Birds on the Edge 2021) (document reference 7.7.5.1).</p> <p>These documents provide information on fence design, location and updates to planned monitoring of the measure to ensure that the reserve's effectiveness is maintained throughout the duration of the project.</p> <p>The Applicant notes that the fence will be designed in order to minimise the chances of reinvasion through the intertidal zone, and that any reinvasion will be detected</p>

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					through the ongoing non-native predator monitoring and adaptive management measures described within document reference 7.7.5.
4	Agreed compensation level and scale/extent of measure	The Applicant should provide updated/corrected documents using Natural England's approach to calculating impacts, using the upper 95% CI and at a ratio of greater than 1:1 to account for the high degree of uncertainty associated with this measure so advice can be provided.	D1 – No Change D2 – No Change D3 - No change. We have not responded to [REP2-057] submitted at Deadline 2, we will respond at Deadline 4.		Following the acceptance of the ORBA, updated compensation plans, which include compensation quanta calculated using Natural England's preferred approach (i.e. with the upper 95% CI and with ratios of 1:1 to 3:1) have been presented at Deadline 4 (document references 7.7.2 and 7.7.3). As set out within Document 19.8 Levels of Precaution in the Assessment and Compensation Calculations for Offshore Ornithology (REP2-057) and Document 20.17 Guillemot and Razorbill Compensation Quanta (REP3-049), the Applicant considers that sufficient precaution has been used within the Applicant's approach for calculation of both the impact value and the compensation requirement to negate the need to consider a ratio (the purpose of which is to manage uncertainty).
5	Timing: Deliverable before impact & Uncertainties: Lead in-time. 7.5.5, Table 5.1	The Applicant has proposed a lead-in time of less than 2 years prior to impacts occurring for implementing the Plemont guillemot and razorbill predator control compensation measure. This does not provide sufficient confidence that the compensation would be delivering prior to impact occurring. The Applicant should consider the need for a longer lead in time to account for the uncertainty around how long it will take before benefits are accrued.	D1 – No Change D2 – No Change D3 - No change. We have not responded to [REP2-026] submitted at Deadline 2, we will respond at Deadline 4.		The Applicant maintains that Plémont Seabird Reserve can deliver the full requirement of compensation based on the Applicant's approach. The Applicant considers that across the suite of measures to be implemented for guillemot and razorbill (i.e. the Plémont Seabird Reserve, the disturbance reduction measures across a suite of SW English sites, and an ANS with space allocated for guillemot and razorbill if necessary) sufficient compensation will be delivered for any compensation quantum (and associated compensation debt, if applicable) the SoS may finally require.  As the Additional Measures for Compensation at the South West sites aim to increase productivity, rather than establishing new colonies, there will be no delay to the provision of compensation that would occur. As such, the compensation debt should be relatively low and sufficient compensation will be delivered to cover this compensation debt with a lead in time of two breeding seasons.
6	Location of measure	Natural England has concerns around the feasibility of undertaking sustained predator control for guillemot and razorbill at this chosen Plemont site due to the issues outlined above for 'Technical feasibility'. The documents do not assess the implications with regards to risk of reinvasion, maintenance of the fence and potential conflicts with members of the public. This matter should be clarified along with progress in securing landowner leases.	D1 – No Change D2 – No Change D3 - No change. We have not responded to [REP2-026] submitted at Deadline 2, we will respond at Deadline 4.		The Applicant has provided relevant information within the updated Without Prejudice Predator Control Evidence Base and Road Map submitted at Deadline 4 (document reference 7.7.5), including Annex 2: Plémont Seabird Sanctuary Design Statement and Annex 3: Plémont Seabird Sanctuary Management Plan (Birds on the Edge 2021) (document reference 7.7.5.1). These documents provide updates on fence design, location and updates to planned monitoring of the measure to ensure that the reserve's effectiveness is maintained throughout the duration of the project. The updates provided within REP2-026 also detail confirmation that the landowner has approved land rights in principle (as set out in the Letter from Jersey Government Anti-Predator Fence East of Plémont, Jersey, Channel Islands (PD1-099)). Details are also provided in REP2-026 as to the public consultation which was undertaken prior to the application for planning permission.  The Applicant notes that the predator control fence will be designed in order to minimise the chances of reinvasion through the intertidal zone, and any reinvasion will be detected through the ongoing non-native predator monitoring and adaptive management (document reference 7.7.5).
7	Long term implementation	The need for ongoing predator control measures and maintenance of the predator fence throughout the Plemont project lifetime should be sufficiently considered when costing up the measure and finalising the Compensation Implementation and Monitoring Plan for both guillemot and razorbill.	D1 – No Change D2 – No Change D3 - No change. We have not responded to [REP2-026] submitted at Deadline 2, we will respond at Deadline 4.		The Applicant has provided further information on the maintenance of the proposed measures within the updated Without Prejudice Predator Control Evidence Base and Road Map submitted at Deadline 4 (document reference 7.7.5), including Annex 2: Plémont Seabird Sanctuary Design Statement and Annex 3: Plémont Seabird Sanctuary Management Plan (Birds on the Edge 2021) (document reference 7.7.5.1). Annex 2: Plémont Seabird Sanctuary Design Statement (document reference 7.7.5.1). These



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8	Recruitment into the National Site Network	Evidence provided suggests c.50% of guillemot and 80% of razorbill will disperse away from their natal colony, and thus a number of birds fledged from Plemont Seabird Reserve have the potential to recruit into the FFC SPA breeding population or to other sites within the National Site Network. This has not been accounted for in the Applicant's calculations of the scale of compensation that will be delivered by the predator control measure, the proportion of birds likely to recruit into the National Site Network needs to be considered when calculating the scale of compensation required	D1 – No Change D2 – No Change D3 - No change. We have not responded to [REP2-026] submitted at Deadline 2, we will respond at Deadline 4.	documents provide information on planned monitoring of the measure to ensure that the reserve's effectiveness is maintained throughout the duration of the project.  Compensation requirements calculated using Natural England's preferred approach (along with those calculated using the Applicant's approach) have been provided in the updated compensation plans submitted at Deadline 4 (Document reference 7.7.2 Guillemot Compensation Plan; document reference 7.7.3 Razorbill Compensation Plan). As set out within REP2-057 and REP3-049, the Applicant considers that sufficient precaution has been used within the Applicant's approach that philopatry (the inverse of dispersal) should not be considered within the calculation of the required compensation quantum and that the Hornsea Four method is appropriate. Further details as to the Applicant's position with regard to this matter is set out in the Applicants Response to Natural England's G1 Appendix (document 21.3).  The Applicant highlights that the Habitats Regulations require that compensation measures are secured to ensure the overall coherence of the National Site Network, rather than compensation of impacts to a specific colony at a specific SPA. The Applicant notes that the natal dispersal rate used for razorbill by Natural England are vastly different from that presented in Horswill and Robinson (2015) (used in the Applicant's approach) and it is unclear where this rate has been drawn from.
9	Suitable as sole measure for target species	At this stage, it is unclear to what degree the Plemont predator control measure can contribute to a package of measures. The Applicant should provide updated/corrected documents at the earliest opportunity so that further advice on the suitability of this compensatory measure can be provided.	D1 – No Change D2 – No Change D3 - No change. We have not responded to [REP2-026] submitted at Deadline 2, we will respond at Deadline 4.	The Applicant maintains that Plémont Seabird Reserve can deliver the full requirement of compensation based on the Applicant's approach. The Applicant considers that across the suite of measures to be implemented for guillemot and razorbill (i.e. the Plémont Seabird Reserve, the disturbance reduction measures across a suite of SW English sites, and an ANS with space allocated for guillemot and razorbill if necessary) sufficient compensation will be delivered for any compensation quantum the SoS may finally require.  The Applicant has provided further information on the proposed measure within the updated Without Prejudice Predator Control Evidence Base and Road Map submitted at Deadline 4 (document reference 7.7.5).
<b>Additional Measures for Guillemot and Razorbill</b>				
10	Overall confidence in the measure	The additional southwest England additional measures (disturbance reduction, habitat management and potentially additional predator control) are potentially acceptable as a secondary compensation measure for Auks. Significant additional work is required to improve understanding and develop site specific evidence to allow this to contribute, with confidence, to the compensation package.	D1 – No Change D2 – No Change D3 – No Change	The Applicant has provided information on the proposed measures within the updated Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill at Deadline 4 (document reference 7.7.6).  The updated document incorporates the results of the 2024 breeding season guillemot and razorbill survey and also sets out the development of the proposed measures following extensive engagement with stakeholders to date. These updates provide the evidence needed to support the inclusion of any of these measures to contribute to any compensation package if required.
11	Theoretical merit to deliver compensation and technical feasibility	It will be unlikely to be able to evidence that any reduction in pressure at the southwest colonies is actually resulting in an increase in abundance/productivity. Therefore, success will likely have to be based on the reduction in pressure only.	D1 – No Change D2 – No Change D3 – No Change	The Applicant has provided updated information, including details of the monitoring campaign carried out in 2024, on the proposed measures within the updated Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill at Deadline 4 (document reference 7.7.6).  Success will be measured through monitoring population and productivity. All measures will incorporate a full monitoring programme in order to detail both the

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					effectiveness of the measures (i.e. reduction in occurrences of disturbance) and the progress of the selected colonies. Monitoring methodologies will mirror those implemented during the 2024 breeding season, collecting data on populations, productivity, and the nature, frequency and impact of disturbance or predation events. The monitoring programme will also consider any necessary modifications take from lessons learned during the 2024 survey season. The project will test each measure in the early stages to ensure that it is working effectively, with options for adaptive management should it be required.
12	Technical feasibility	Substantial investigation is required to determine the current level of disturbance impacting guillemot and razorbill at each of the short-listed sites in southwest England. This can then be used to determine the baseline against which the effectiveness of the proposed measures can be assessed.	D1 – No Change D2 – No Change D3 – No Change		<p>The Applicant has provided information, including both colony data and the type and frequency of disturbance events at each colony monitored within the 2024 surveys, within the updated Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill at Deadline 4 (document reference 7.7.6).</p> <p>This includes site specific evidence regarding key pressures causing disturbance and derived from fieldwork carried out during the breeding season of 2024. The Applicant would look to discuss the requirements for further monitoring (baseline and ongoing) with the relevant stakeholders prior to implementation of any management measures, were this compensation measure to be required to be delivered for the Project.</p>
13	Agreed compensation level & Scale/extent	The Applicant should update the Examination with the findings of any southwest England site-specific studies in summer 2024 so that the likely scale of benefits can be adequately established.	D1 – No Change D2 – No Change D3 – No Change		<p>The Applicant has provided further information on the proposed measures within the updated Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill at Deadline 4 (document reference 7.7.6).</p> <p>This includes the survey results from the 2024 monitoring programme and updated calculations of the potential benefit of the proposed measures at each surveyed colony, with a summary of the potential compensation available from this measure also set out within REP3-049.</p>
14	Timing: Deliverable before impact	A longer lead in time than one year is needed for the guillemot and razorbill southwest England additional measures to account for the uncertainty around how long it will take before benefits are accrued.	D1 – No Change D2 – No Change D3 – No Change		<p>The Applicant maintains that Plémont Seabird Reserve can deliver the full requirement of compensation based on the Applicant's approach. The Applicant notes that both the additional measures in the south-west and, for auks, the ANS, are measures that are be actively pursued and would be able to be implemented were the SoS to require a higher quantum of compensation than that based on the Applicant's approach.</p> <p>With the measures proposed on Plemont and within the south-west including habitat improvements and aspects of changes in human behaviour, by the end of the lifetime of the Project, these measures can be expected to be established and therefore, the Applicant is confident that were the additional measures to be required that the overall suite of measures implemented by the Applicant (of those proposed within the Application) for guillemot and razorbill will deliver sufficient extra compensation to offset any compensation debt built up.</p>
15	Location of measure	In-situ monitoring will be needed to determine to what degree specific pressures are acting on guillemot and razorbill at each site in the southwest, and the likely effectiveness of any potential measures to reduce these pressures. The findings of this monitoring and the implications for site selection should be submitted into the Examination as soon as possible alongside any updates regarding landowner agreements.	D1 – No Change D2 – No Change D3 – No Change		<p>The Applicant has provided information, including both colony data and the type and frequency of disturbance events at each colony monitored within the 2024 surveys, within the updated Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill at Deadline 4 (document reference 7.7.6).</p> <p>This includes site specific evidence regarding key pressures causing disturbance and derived from fieldwork carried out during the breeding season of 2024. The Applicant would look to discuss the requirements for further monitoring (baseline and ongoing)</p>

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					<p>with the relevant stakeholders prior to implementation of any management measures, were this compensation measure to be required to be delivered for the Project.</p> <p>Based on the site surveys, the disturbance pressures acting on colonies have been identified frequently as being anthropogenic in nature and from the seaward side of colonies. Hence, measures are likely to be based on awareness and education, including at sea patrols, with limited physical barriers (potentially at one site) which will be placed in the water. More detail on proposals from potential delivery partner organisations are presented in the updated Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill at Deadline 4 (document reference 7.7.6).</p>
16	Long term implementation	Until bespoke measure for guillemot and razorbill are developed for each southwest site, with relevant landowners and managers consulted on the appropriate delivery mechanism and any consents and approvals required, it is not possible to have full confidence that the measures can be implemented long term. Fully populated species specific Implementation and Monitoring Plans should be submitted into the examination process at the earliest opportunity.	D1 – No Change D2 – No Change ask Mark D3 – No Change		The Applicant has provided updated Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill at Deadline 4 (document reference 7.7.6). Species-specific monitoring plans will be drawn up in consultation with the relevant Compensation Steering Groups as required in Schedule 22, Parts 2 and 3 of the DCO, based on the species-specific Compensation Implementation and Monitoring Plans (Guillemot Compensation Implementation and Monitoring Plan [APP-253] and Razorbill Compensation Implementation and Monitoring Plan [APP-255], which have been provided as outline documents to set out the information which will be contained within the final CIMPs to be approved by the SoS post-consent.
17	Success criteria/Ability to prove additionality 7.5.6, Section 7	Sufficient consideration should be given to what monitoring will be required to evidence that the southwest England guillemot and razorbill additional measures has been successful in reducing the specific pressures at each site, as well as the need to monitor the target species at a regional level. Fully populated species specific Implementation and Monitoring Plans should be submitted at the earliest opportunity. Any surveys conducted in summer 2024 should include a measure of current abundance and productivity at each colony to provide a baseline.	D1 – No Change D2 – No Change D3 – No Change		The Applicant has provided information, including both colony count and productivity data and the type and frequency of disturbance events at each colony monitored within the 2024 surveys, within the updated Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill at Deadline 4 (document reference 7.7.6). This includes additional information on monitoring, adaptive management and reporting. Should these measures be required, the Applicant anticipates that a full monitoring programme will be developed in collaboration with the relevant Compensation Steering Groups as conditioned within Schedule 22, Part 2 and Part 3 of the DCO.
18	Suitable as sole measure for target species	To be able to advise on the suitability to which the southwest England additional compensatory measure can contribute to a package of measures, updated/corrected documents should be provided at the earliest opportunity.	D1 – No Change D2 – No Change D3 – No Change		The Applicant has provided further information within the updated Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill at Deadline 4 (document reference 7.7.6) which sets out full details of the potential compensation which can be delivered by the proposed measures at the surveyed colonies (previously summarised by the Application within REP3-049.
19	Recruitment into the National Site Network	Evidence to suggest that approximately 50% of guillemot and 80% of razorbill will disperse away from their natal colony with the potential to recruit into the FFC SPA breeding population has not been accounted for in the calculations of the scale of compensation that will be delivered by the additional guillemot and razorbill measures at colonies in the southwest. The proportion of birds likely to recruit into the National Site Network should be considered when calculating the scale of compensation required.	D1 – No Change D2 – No Change D3 - No change. We have not responded to [REP2-057] submitted at Deadline 2, we will respond at Deadline 4 if applicable.		<p>Compensation requirements calculated using Natural England's preferred approach (along with those calculated using the Applicant's approach) have been provided in the updated compensation plans submitted at Deadline 4 (Document reference 7.7.2 Guillemot Compensation Plan; document reference 7.7.3 Razorbill Compensation Plan).</p> <p>As set out within REP2-057 and REP3-049, the Applicant considers that sufficient precaution has been used within the Applicant's approach that philopatry (the inverse of dispersal) should not be considered within the calculation of the required compensation quantum and that the Hornsea Four method is appropriate. Further details as to the Applicant's position with regard to this matter is set out in the Applicants Response to Natural England's G1 Appendix (document 21.3).</p>

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					<p>The Applicant highlights that the Habitats Regulations require that compensation measures are secured to ensure the overall coherence of the National Site Network, rather than compensation of impacts to a specific colony at a specific SPA.</p> <p>The Applicant notes that the natal dispersal rates used for razorbill by Natural England are vastly different from that presented in Horswill and Robinson (2015) (as used in the Applicant's approach) and it is unclear where this rate is drawn from.</p>
20	Pressure reduction to increase productivity	Site-specific monitoring and further landowner/stakeholder engagement is required to provide confidence that the southwest sites offer pressure reduction opportunities.	<p>D1 – No Change</p> <p>D2 – No Change</p> <p>D3 – No Change</p>		<p>The Applicant has provided information on the proposed measures within the updated Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill at Deadline 4 (document reference 7.7.6).</p> <p>The updated document incorporates the results of the 2024 breeding season guillemot and razorbill survey and also sets out the development of the proposed measures following extensive engagement with stakeholders to date.</p> <p>The Applicant would look to discuss the requirements for further monitoring (baseline and ongoing) with the relevant stakeholders prior to implementation of any management measures, were this compensation measure to be required to be delivered for the Project.</p> <p>Based on the site surveys, the disturbance pressures acting on colonies have been identified as most frequently being anthropogenic in nature and from the seaward side of colonies. Hence, measures are likely to be based on awareness and education, including at sea patrols, with limited physical barriers (potentially at one site) which will be placed in the water. More detail on proposals from potential delivery partner organisations are presented in the updated Without Prejudice Additional Measures for Compensation of Guillemot and Razorbill at Deadline 4 (document reference 7.7.6).</p>
<b>Artificial Nesting Structure</b>					
21	Overall confidence and theoretical in the measure: guillemot and razorbill	Due to existing gaps in understanding there would be associated risk relying on artificial nest structure as a compensation measure for Razorbill and Guillemot. There is merit in exploring this option, principally in the context of adaptive management. The proposed lead in times to deliver this compensation to a level where it is providing the required ecological function are unlikely to be sufficient.	<p>D1 – No Change</p> <p>D2 – No Change</p> <p>D3 – No Change</p>		<p>The Applicant maintains that Plémont Seabird Reserve can deliver the full requirement of compensation based on the Applicant's approach. The Applicant notes that both the additional measures in the south-west and, for auks, the ANS, are measures which will be pursued were the SoS to require a higher quantum of compensation than that based on the Applicant's approach.</p>
22	Technical feasibility: guillemot and razorbill	The technical feasibility for ANS for auks is an experimental, unproven measure with high degrees of uncertainty around viability, but one worth exploring, particularly as it may inform the design of future ANS for auks.	<p>D1 – No Change</p> <p>D2 – No Change</p> <p>D3 – No Change</p>		<p>The Applicant maintains that Plémont Seabird Reserve can deliver the full requirement of compensation based on the Applicant's approach. The Applicant notes that both the additional measures in the south-west and, for auks, the ANS, are measures which will be pursued were the SoS to require a higher quantum of compensation than that based on the Applicant's approach.</p> <p>Although the measure is novel as a compensation measure the Applicant considers that recent data demonstrating colonisation of offshore structures by both guillemot and razorbill in the vicinity of the ANS area provides confidence in the likely success of this measure.</p>
23	7.7.4, Section 4.2.2 & Table 4.1	A more detailed review of ANS nesting requirements and preferences should be carried out for auks,	<p>D1 – No Change</p> <p>D2 – No Change</p> <p>D3 – No Change</p>		<p>The Applicant maintains that Plémont Seabird Reserve can deliver the full requirement of compensation based on the Applicant's approach. The Applicant notes that both the additional measures in the south-west and, for auks, the ANS, are measures which</p>



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		particularly with regards to elevation and topographic complexity.			<p>will be pursued were the SoS to require a higher quantum of compensation than that based on the Applicant's approach.</p> <p>The Applicant's position is that adequate detail has been provided in relation to the ANS compensation measure and that the measure is sufficiently well evidenced to demonstrate that the measure can be secured and delivered, as set out in response to Q2 HRA 2.5, which provides details of the progress on design and ongoing engagement on this matter.</p>
24	7.7.4, Table 4.1	For ANS design, provide evidence to support the calculation of guillemot 20 pairs per nesting unit of 1m x 0.3m, or amend the calculation of pairs able to occupy each nesting unit accordingly.	<p>D1 – No Change</p> <p>D2 – No Change</p> <p>D3 – No Change</p>		The Applicant has updated the calculation used for the nesting unit size within Offshore Artificial Nesting Structure Evidence Base and Roadmap (Document 7.7.4) at Deadline 4, with the Applicant having confirmed the previous error within its responses to Relevant Representations in Table 1.45.8.4 of PD1-071.
25	Scale/extent of measure: Guillemot, Razorbill and Kittiwake	Natural England reiterates its previous advice to the Applicant that the provision of two structures rather than one (either for the project alone or through strategic delivery with other Round 4 Applicants) provides resilience against the possibility of a single site not being colonised, or underperforming, due to design- or location- specific issues.	<p>D1 – No Change</p> <p>D2 – No Change</p> <p>D3 – No Change</p>		<p>The Applicant has provided an updated Offshore Artificial Nesting Structure Evidence Base and Roadmap at Deadline 4 (document reference 7.7.4). This includes evidence of auks and kittiwake breeding on artificial structures and colonisation rates, as well as design consideration. Considerations are also given to the provision of ANS structures by the project alone and as part of a wider strategic delivery plan. Also see the Applicant's comments on Deadline 1 written representation (REP3-038).</p> <p>The Applicant notes that the two areas identified as potential locations for the Project's ANS, secured through the Deemed Marine Licences within the dDCO, have been confirmed as ecologically appropriate through the KSCP (also refer to REP2-053). The Applicant continues to liaise with the KSCP, and a (commercially sensitive) concept study is in development. The Applicant understands that DBS intend to progress an offshore ANS. The two projects (ODOW and DBS) are exploring the potential for nesting space to be shared to present reciprocal resilience across the compensation measure (an MoU is currently being drafted between the two parties), therefore delivering the strategic measure and approach in line with the KSCP, collaboratively through the installation of individual project-led ANS.</p>
26	Timing: Deliverable before impact: Guillemot, Razorbill and kittiwake	The need for a longer lead in time than the three years proposed for kittiwake ANS should be considered for auks to account for the uncertainty around how long it will take before benefits are accrued, and that impacts to guillemot and razorbill are likely to begin prior to turbines being operational, during the construction of the project in 2027.	<p>D1 – No Change</p> <p>D2 – No Change</p> <p>D3 - No change. We have not responded to [REP2-060] submitted at Deadline 2, we will respond at Deadline 4.</p>		The Applicant maintains that Plémont Seabird Reserve can deliver the full requirement of compensation based on the Applicant's approach. The Applicant notes that both the additional measures in the south-west and, for auks, the ANS, are measures which will be pursued were the SoS to require a higher quantum of compensation than that based on the Applicant's approach. The design of the secondary measures for auks (additional measures and the ANS) are such that it is possible to adjust the required quantum of compensation from each measure to account for any over-compensation to offset any compensation debt built up as the colonies develops.
27	Timing: Deliverable before impact: Kittiwake	At least one ANS should be in place at least 4 breeding seasons prior to operation, even if a second is in place only three breeding seasons prior.	<p>D1 – No Change</p> <p>D2 – No Change</p> <p>D3 - No change. We have not responded to [REP2-060] submitted at Deadline 2, we will respond at Deadline 4.</p>		The Applicant has submitted a Change Notification (REP2-065) at Deadline 2 and a Change Request (document 21.19) at Deadline 4 to amend the Order to reduce the length of time the proposed artificial nesting structure(s) for kittiwake needs to be in place before operation of the project from three full breeding seasons to two full breeding seasons in order that project timelines can be met. The Applicant has submitted a document providing the ecological justification for the proposed reduction in lead in period at Deadline 2 (REP2-060). This document shows that the ANS will deliver sufficient extra compensation over the lifetime of the Project to offset any compensation debt built up as the colony develops. Paragraphs 4(a)(iii) and 5, Part 1, Schedule 22 of the draft DCO and the 7.7.4 Offshore Artificial Nesting Structure Evidence Base and Roadmap have been updated to reflect this change.

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28	Location of measure feature: Guillemot, Razorbill and Kittiwake	Further discussions are required on any implications of the ANS on designated sites once the specific locations have been proposed. Note that this advice is provided in the context of the proposed project specific measures and does not reflect other proposed strategic solutions.	D1 – No Change D2 – No Change D3 – No Change		A full, detailed, assessment of potential impacts from the presence of the ANS on designated sites was presented in the RIAA submitted as part of the Application (APP-235). The conclusion of no AEoI remains valid.
29	Long term implementation Feature: Guillemot, Razorbill and Kittiwake	There is limited detail on the proposed monitoring, adaptive management and reporting in the event of the ANS being delivered as a project-led measure, as the Applicant has stated this will be developed post consent. Please see our overarching comment above regarding the need for more detail with the IMPs. Whilst the fine details can be agreed post-consent, the core elements of the monitoring should be specified in the IMP before then.	D1 – No Change D2 – No Change D3 – No Change		The Applicant has provided information on monitoring, adaptive management and reporting in Section 4.4. of the Offshore Artificial Nesting Structures Evidence Base and Roadmap (APP-256) updated at Deadline 4 (document reference 7.7.4). The Applicant anticipates that, where this measure is required, a full monitoring programme will be developed in collaboration with the relevant Compensation Steering Groups as conditioned within Schedule 22 Part 1, Part 2 and Part 3 of the DCO. The Applicant notes that Schedule 22 is split into a number of parts, by reference to the feature which is the subject of the compensation provision. Each part follows a similar structure, but provides for the potential compensation measures relevant to the particular feature. Taking the compensation provisions relevant to the guillemot feature of Flamborough and Filey Coast Special Protection Area as an example, Part 2 of Schedule 22 provides for (i) the establishment of a Guillemot Compensation Steering Group; (ii) the preparation of a guillemot compensation implementation and monitoring plan; (iii) the guillemot compensation implementation and monitoring plan ("Guillemot CIMP") must include prescribed information relevant for each compensation measure which the Applicant is proposing to take forward. In respect of the artificial nesting measure, the information which will require to be approved by the Secretary of State as part of the Guillemot CIMP includes "details of the proposed ongoing monitoring and reporting on the effectiveness of the measures, including: survey methods; success criteria; adaptive management measures; timescales for the monitoring and monitoring reports to be delivered; and details of the mechanism to determine the need for any alternative compensation measures and/or adaptive management measures" (Paragraph 4(a)(vi); 4(b)(v) and 4(c)(v) of Part 2 of Schedule 22 respectively). In the most recent version of the draft DCO the Applicant has proposed drafting to clarify that where the Applicant proposes to elect to pay a financial contribution towards the establishment of compensation measures by another party or to collaborate with another party to deliver compensation, that same requirement to establish monitoring, reporting, success criteria and the trigger for alternative compensation or adaptive management would apply. The only circumstance therefore where a clear mechanism for monitoring and adaptive management would not apply is where the Applicant instead agrees to pay into the Marine Recovery Fund – and responsibility for delivery of appropriate compensation is thereby transferred to the relevant Government delivery body. The drafting of the compensation provisions in Schedule 22 of the draft DCO (3.1) is intended to retain flexibility to account for future evolutions in the strategic compensation framework. If more precise detail relating to monitoring and adaptive management was included in the draft DCO, this could unintentionally restrict the Applicant's ability to rely on the MRF if the proposals as drafted conflicted with the operation of the broader strategic plan. The Compensation plans (document Ference 7.7.1, 7.7.2 and 7.7.3) provided are therefore important documents in that they set out, in broad terms, what compensation the project will be expected to deliver and in establishing the acceptability of the options to deliver that compensation. It is important therefore that the Compensation plans continue to be

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					updated as required to reflect compensation anticipated to be required and that ultimately the documents are updated to reflect the final position of the Secretary of State when making a decision on the Application.
30	Success criteria/Ability to prove additionality: Guillemot and Razorbill	We cannot confirm whether the stated values reflect our advice. It is not clear how success criteria/additionality will be measured in the event of the ANS being delivered as a project-led measure. It will be important to monitor productivity as well as the number of breeding pairs, which may present some challenges offshore. It will also be difficult to quantify benefits to the SPA or indeed other sites in the national site network (NSN).	D1 – No Change D2 – No Change D3 – No Change		<p>The Applicant has provided information within the updated Offshore Artificial Nesting Structures Evidence Base and Roadmap at Deadline 4 (document reference 7.7.4). This includes monitoring, adaptive management and reporting. The Applicant anticipates that, should this measure be required, a full monitoring programme will be developed in collaboration with the relevant Compensation Steering Groups as conditioned within Schedule 22, Part 2 and Part 3 of the DCO (also see the Applicant's detailed response to line 29).</p> <p>The Applicant acknowledges the requirement for monitoring productivity and colony size, as well as identifying means of quantifying benefits.</p>
31	Success criteria/Ability to prove additionality: Kittiwake	Values for breeding pairs are presented for both the Hornsea 3 and Hornsea 4 method, albeit the starting value does not reflect Natural England's advised approach. It is not clear how this will be measured in the event of the ANS being delivered as a project-led measure. It will be important to monitor productivity as well as the number of breeding pairs, which may present some challenges offshore. It will also be difficult to quantify benefits to the SPA or indeed other sites in the NSN.	D1 – No Change D2 – No Change D3 - No change. Please refer to advice in Appendix G1.		<p>Compensation requirements calculated using both the Hornsea Three and Hornsea Four methods, and in line with Natural England's advised approach, have been provided within the updated Kittiwake Compensation Plan provided at Deadline 4 (document reference 7.7.1). The Applicant considers use of the Hornsea Four method to be appropriate and considers the Hornsea Three Stage 2 method to be flawed both in principle and in terms of the assumptions made within the calculation (REP3-049 Guillemot and razorbill Compensation Quanta), especially in light of the highly precautionary nature of the assessment made (REP2-057 Levels of precaution in the assessment and compensation calculations for offshore ornithology).</p> <p>The Applicant acknowledges the requirement for monitoring productivity and colony size, as well as identifying means of quantifying benefits. These will be given full consideration in the monitoring plan which will be developed post consent as required by Schedule 22, Part 1 of the DCO. For example, monitoring of numbers of attending adults, Apparently Occupied Nests (AON) and numbers of young per nest surviving to fledging age, through both remote cameras and limited visits to the ANS, could be used to understand the colonisation of the ANS, the colony size, and its productivity. Full and final details regarding monitoring will be agreed through the Kittiwake Compensation Steering group as required by Schedule 22 of the DCO Part 1.</p> <p>The Applicant considers that their calculation of impacts follows an approach agreed with Natural England and as such the starting value (i.e. the impact) should be that used by the Applicant.</p>
32	Suitable as sole measure for target species: Guillemot and Razorbill	At this stage, it is doubtful that for Auks will be suitable as a sole measure and unclear how this measure could contribute to a package of measures. The Applicant should provide updated/corrected documents at the earliest opportunity so that Natural England can provide advice on the suitability of this compensatory measure.	D1 – No Change D2 – No Change D3 – No Change		For guillemot and razorbill, the Applicant maintains that, should compensation be required, the implementation of predator control at the Plémont Seabird Reserve (see Predator Control Evidence Base and Roadmap (document reference 7.7.5)) can deliver the full requirement based on the Applicant's approach; however the additional measures in the south-west (see Additional Measures for Compensation of Guillemot and Razorbill (document reference 7.7.6)) and the ANS are measures which will be pursued were the SoS to require a higher quantum of compensation than that based on the Applicant's approach. Therefore, in the event that an AEol is identified for either (or both) auk species, a combination of these measures could be used to deliver compensation, dependent on the final quantum deemed necessary by the Secretary of State. Therefore, in the event that an AEol is identified for either (or both) auk species,

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					<p>a combination of these measures could be used to deliver compensation, dependent on the final quantum deemed necessary by the Secretary of State.</p> <p>The Applicant has updated the RIAA and supporting documentation at Deadline 4; this includes the provision of an updated Offshore Artificial Nesting Structures Evidence Base and Roadmap (document reference 7.7.4) to account for the acceptance of the Offshore Restricted Build Area (ORBA) and updates to Natural England's approach for certain assessment values.</p>
33	Suitable as sole measure for target species: Kittiwake	See comment above re. scale/extent of measure. Whilst the level of impact is unclear, it is plausible that with appropriate scaling, and the potential use of two structures, this could function as a sole measure. Natural England advises the Applicant provides updated/corrected documents at the earliest opportunity so that Natural England can provide advice on the suitability of this compensatory measure.	<p>D1 – No Change</p> <p>D2 – No Change</p> <p>D3 - No change. See pair advice in Appendix G1. We have not responded to [REP2-057] submitted at Deadline 2, we will respond as applicable at Deadline 4.</p>		<p>The Applicant is confident that a single, appropriately scaled ANS can deliver the required compensation for kittiwake (for which the impact is just 15.5 birds per year) as shown in Table 2.1 of the Kittiwake Compensation Plan (document reference 7.7.1) submitted at Deadline 4. Even at the most precautionary scenario (i.e. using the UCI impact, a 3:1 ratio, and the Hornsea 3 stage 2 compensation calculation method which results in a compensation requirement of 812.9 breeding pairs), the Applicant has the capacity to deliver ANS at a scale suitable to deliver the requisite number of breeding pairs.</p> <p>The Applicant has provided an updated RIAA and supporting documents at Deadline 4; this includes the provision of an updated Offshore Artificial Nesting Structures Evidence Base and Roadmap (document reference 7.7.4) and an updated Kittiwake Compensation Plan (document reference 7.7.1) to account for the acceptance of the Offshore Restricted Build Area (ORBA) and updates to Natural England's approach for certain assessment values.</p>
34	Uncertainties around effectiveness and appropriate ANS design: Guillemot and Razorbill	More information on the ANS frequency and resulting productivity is needed. The ANS design requirements for guillemot and razorbill is lacking in detail, a review of the requirements and preferences of auks is needed to inform the proposed design. A range of design parameters e.g. different sized and shaped ledges, would allow for a testing of the species' preferences and provide resilience to the measure.	<p>D1 – No Change</p> <p>D2 – No Change</p> <p>D3 – No Change</p>		<p>For guillemot and razorbill, the Applicant maintains that, should compensation be required, the implementation of predator control at the Plémont Seabird Reserve (see Predator Control Evidence Base and Roadmap (document reference 7.7.5)) can deliver the full requirement based on the Applicant's approach; however the additional measures in the south-west (see Additional Measures for Compensation of Guillemot and Razorbill (document reference 7.7.6)) and the ANS are measures which will be pursued were the SoS to require a higher quantum of compensation than that based on the Applicant's approach. Therefore, in the event that an AEoI is identified for either (or both) auk species, a combination of these measures could be used to deliver compensation, dependent on the final quantum deemed necessary by the Secretary of State.</p> <p>Should ANS space be required for guillemot and/or razorbill, the Applicant has completed a full review of breeding habitat requirements (including ledge placement, height, width, and aspect) and identified means of encouraging recruitment to the structure in order to maximise the success of the measure. Information on guillemot and razorbill in relation to ANS has been provided in the updated Offshore Artificial Nesting Structure Evidence Base and Roadmap (document reference 7.7.4) submitted at Deadline 4: Section 3 includes evidence of Guillemot and Razorbill breeding on artificial structures and information on likely colonisation rates from a range of studies, and Section 4 discusses detailed design considerations.</p>
35	Recruitment into the National Site Network: Guillemot and Razorbill	The evidence provided suggests that approximately 50% of guillemot and 80% of razorbill will disperse away from their natal colony, and thus a number of the birds fledging from offshore ANS have the potential to recruit	<p>D1 – No Change</p> <p>D2 – No Change</p>		Compensation requirements that have been calculated using Natural England's preferred approach (along with those that have been calculated using the Applicant's approach) have been provided in the updated compensation plans submitted at Deadline 4 (document reference 7.7.2 and 7.7.3).



Point	Ref from Appendix G [RR-045]	Taken from Natural England's Relevant and Written Representations ODO Appendix G - Offshore Ornithology Compensation [RR-045]	Natural England's Consultations, Actions, Progressions and RAG	Deadline	The Applicant's Current Position
		into the FFC SPA breeding population. This has not been accounted for in the calculations of the scale of compensation that will be delivered by the measure. Natural England advises that the proportion of birds likely to recruit into the National Site Network is considered when calculating the scale of compensation required for ANS.	D3 - No change. We have not responded to [REP2-057] submitted at Deadline 2, we will respond as applicable at Deadline 4.		The Applicant notes that the natal dispersal rates used for razorbill by Natural England are vastly different from that presented in Horswill and Robinson (2015) (as used in the Applicant's approach) and it is unclear where this rate is drawn from.
36	Recruitment into the National Site Network: Kittiwake	If successful, ANS may provide kittiwake recruits into the wider population and therefore FFC SPA to some extent, although this would be challenging to predict or quantify. The proportion of birds likely to recruit into the National Site Network should be considered when calculating the scale of compensation required.	D1 – No Change D2 – No Change D3 - No change. We have not responded to [REP2-057] submitted at Deadline 2, we will respond as applicable at Deadline 4.		<p>ANS have been accepted as a suitable form of compensation for other offshore wind projects in similar locations, including Hornsea Four; offshore ANS in relation to kittiwake have also been initially approved for inclusion in the library of measures under the Marine Recovery Fund (MRF). Hornsea Four successfully justified the use of their approach for compensation calculation through demonstration that the Habitats Regulations requires that the overall coherence of the National Site Network.</p> <p>Compensation requirements that have been calculated using Natural England's preferred approach (Hornsea Three Stage 2) (along with those that have been calculated using the Applicant's approach, Hornsea Four) have been provided in the updated compensation plans submitted at Deadline 4 (document reference 7.7.1).</p>
	General	Natural England agrees that eradication of predators including rats has been shown to lead to notable increases in productivity and population size for seabirds, but notes that this is usually in relation to islands, and that the success of this measure is substantially less proven at mainland sites. Consequently, Natural England urges caution when relying on case studies in evidencing the likely success of the proposed measure.	D1 – No Change		<p>The Applicant welcomes Natural England's agreement that the eradication of predators including rats has led to notable increases in productivity and population size for seabirds.</p> <p>The Applicant notes that the fence design, biosecurity and monitoring programs for the Plémont Seabird Reserve have been drawn up in consultation with global experts in the field of predator eradication, who will be aware of the potential issues arising from an eradication that does not cover a whole island (please refer to the updated Without Prejudice Predator Control Evidence Base and Road Map at Deadline 4 (document reference 7.7.5), including Annex 1: Feasibility Study Report for a Predator Exclusion Fence, Annex 2: Plémont Seabird Sanctuary Design Statement and Annex 3: Plémont Seabird Sanctuary Management Plan (Birds on the Edge 2021) (document reference 7.7.5.1)).</p> <p>As such the Applicant is confident that the design and plans are sufficient to deliver the required compensation. In addition, the Applicant has set out monitoring and adaptive management proposals that will give greater certainty as to the efficacy of the proposals. If rat reincursion is identified, various measures will be triggered under the proposals to ensure efficacy (e.g. re-eradication).</p>

## 1.8 H Onshore Ecology

Table 1-8 Natural England's Risk and Issues Log Deadline 3 H Onshore Ecology and the Applicant's current position

Point	Ref from Appendix H [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix H - Onshore Ecology [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
1	H16, H17, H50 & H1	Natural England advises using a precautionary 200m buffer for assessment of construction dust impacts to nationally and internationally designated sites. This assessment should be used to inform appropriate mitigation for designated sites from construction dust, presented in the Code of Construction Practice (CoCP) Outline Air Quality Management Plan (OAQMP) [APP-270] and secured in the DCO.	D1 - No change D2 – No change D3 – No change	<p>This comment has been addressed in the Applicant's response to NE relevant representations (PD1-071), comment H1, as follows.</p> <p>"The construction dust assessment has been conducted in accordance with 2016 Institute of Air Quality Management guidance (IAQM, 2016), which is the standard practice for evaluating onshore construction activities in the UK. This methodology was agreed with statutory consultees during the Evidence Plan Process Consultation [APP-050].</p> <p>The methodology is based on a working group of professional experts and their practical experience. The purpose of the construction dust assessment is to determine the appropriate level of mitigation required for various construction activities (earthworks, construction, and trackout) while taking into account the sensitivity of surrounding human and ecological receptors. Demolition was not considered as no demolition activities are proposed.</p> <p>The assessment methodology is repeated in Volume 3, Appendix 19.1: Construction Dust Assessment Methodology. The assessment comprises an initial screening exercise to inform whether further consideration with respect to human and ecological receptors is required, separately (Step 1). For ecological receptors, further assessment is necessary if they are located within 50m of the site or construction vehicle routes up to 500m from access points. According to the IAQM guidance, dust impacts on ecological receptors &gt;50m are not considered.</p> <p>Since there are ecological receptors within these screening distances, further assessment was conducted. Extending the screening distance to 200m, as per Natural England's recommendations, would not alter the initial screening outcomes.</p> <p>The subsequent step is to assess the dust risk (Step 2), considering the dust emission magnitude from four construction activities (demolition, earthworks, construction, and trackout) alongside the sensitivity of the area with respect to: Annoyance due to dust soiling; Health effects from increased particulate matter (PM10) exposure; and Harm to ecological receptors.</p> <p>For defining the dust emission magnitude and sensitivity of the area, a series of thresholds and matrices are defined in the IAQM guidance (IAQM, 2016) to guide the assessor.</p> <p>For ecological impacts, the distance of ecological receptors to construction works and their individual sensitivity to dust are considered together to determine the sensitivity of the area. This is determined with use of a matrix provided within the IAQM guidance document. The matrix uses distances of 20m and 50m; there is no allowance to integrate a 200m distance within the matrix. This search is performed from the site boundary with respect to earthworks and construction, and from access routes for</p>

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				<p>trackout up to 500m from the site. It is performed iteratively for all ecological designations within the study area, with the maximum sensitivity taken forward to represent the area.</p> <p>Based upon the outcomes of the assessment, the sensitivity of the area with respect to ecological impacts from earthworks and construction activities was determined as medium. Whereas, trackout is low. It is recognised that extending the area of search to 200m may result in interactions with other ecological designations. Based on an initial review, extending the search area to 200m would result in the following additional designations requiring assessment:</p> <p>Earthworks and Construction: The Wash and North Norfolk Coast SAC The Wash SPA / RAMSAR / SSSI</p> <p>Trackout: No changes</p> <p>These additional designations have similar attributes to those assessed in the original assessment, and it is considered that they would not result in a higher sensitivity level (i.e., above medium). Therefore, the assessment outcomes and level of mitigation recommended remain unchanged. This mitigation is based on the maximum level of dust impact risk established for each impact and/or activity. The maximum overall risk of impacts are summarised as follows: Earthworks: High Risk; Construction: High Risk; and Trackout: High Risk.</p> <p>This represents the maximum level of dust impacts for each activity, and based on this risk the assessment recommends the best available controls to minimise dust relative to the construction activities. Therefore, the assessment is inherently precautionary. In conclusion, according to IAQM guidance, only ecological receptors within 50m of construction activities are considered in the assessment. Any ecological features beyond this distance are excluded as there is no framework available to assess them.</p> <p>Despite this, based on the analysis presented, there would be no changes to the overall assessment outcomes and level of mitigation proposed within the AQMP which forms part of the Outline CoCP (embedded mitigation). The mitigation is thus deemed suitably precautionary, extending to cover impacts on ecological designations up to 200m".</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
2	H19	The assessment of impacts on designated sites with geological features of interest has only been scoped in for the construction phase of the project. Further clarity should be included regarding the absence of impacts during the operation and maintenance phase, during cable repair and during decommissioning phase so that this can be reviewed.		<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H19, as follows.</p> <p>"The methodology and scope of the assessment was set out in the ETG meeting in March 2023, where designated sites were shown to be scoped in to the Construction Phase and scoped out of O&amp;M and Decommissioning. No comments or objections were received from stakeholders, therefore the assessment was progressed as set out in the ETG.</p>

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				<p>Paragraphs 371 to 378 of ES Chapter 23 (APP-078) assesses the impact on designated sites (where present) during the construction phase (impact 5) and is considered minor adverse. Paragraphs 390 to 392 addresses operational impacts on geology/ground conditions, and includes associated longer term risks to human and environmental receptors (impact 3), which is considered to have a negligible impact. The term environmental receptors includes designated sites.</p> <p>With regard to the decommissioning phase, the risks to designated sites from decommissioning will be similar to those assessed for the construction phase. Good practice measures (similar to those identified within the outline CoCP) would be employed during decommissioning. A decommissioning plan will be approved by the relevant planning authority (in consultation with the relevant highway authority and the relevant statutory nature conservation body) prior to decommissioning (as secured by Requirement 24 of the draft DCO (document 3.1, Version 3)).</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
3	H21 & H8	Ground investigation works should be undertaken at landfall especially given the sink holes and requirement for extra cable protection that occurred during the installation of Triton Knoll. Lessons learnt from Triton Knoll must be considered and preconstruction ground investigations secured via inclusion within the outline CoCP or Works Plans to avoid unforeseen direct or indirect impacts to Chapel Point to Wolla Bank SSSI.		<p>These comments have been noted by the Applicant. As part of the early engineering development the Applicant has collected, reviewed, and integrated related information to inform the design of the landfall works. The Applicant can confirm that it is incorporating lessons learned from the Triton Knoll project and other similar projects <u>through the development design process from taking feedback from asset owners such as NE, EA and brought experts into the team who have worked on similar projects and public information that is available.</u> Additionally, the Applicant has benefited from technical resources with direct experience of the Triton Knoll landfall works, working on the project, ensuring that these lessons and experiences are central to the engineering development. This information will be incorporated in the detailed engineering post application,</p> <p>In 2023 and 2024, the Applicant completed a range of onshore and near-shore site investigations, with further non-intrusive works planned for 2025 to support the detailed engineering work. The Applicant is progressing towards completing a landfall design review in 2025 in relation to reviewing the site investigation that has been completed (as above) to ensure that the above investigations are sufficient to ensure for robust design that will be completed through an appointed contractor.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
4	H22	Mitigation measures for detailed construction plans in areas of potentially high sensitivity, appropriate pollution management controls to maintain the integrity of the area and plans to mark out the site boundary in areas where the project is near designated sites, to avoid or reduce disturbance from construction activities should be set out within the outline CoCP, secured by DCO Requirement 18 and included within pollution management plans.		<p>The Applicant considers the control of pollution to be of great importance throughout the Order Limits and appropriate measures will be rolled out across the Project Limits, as already outlined in the oCoCP, specifically section 5.11 which outlines best practice and measures in relation to pollution prevention.</p> <p>Natural England are a consultee to Requirement 18 which requires the production of a final Code of Construction Practice which accords with the oCoCP.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>



Point	Ref from Appendix H [RR-045]	Taken from Natural England's Relevant and Written Representations ODO Appendix H - Onshore Ecology [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
5	H25, &H7	H27 The only potential pathway between the Project and Sea Bank Clay Pits SSSI is if the clay pits encountered the sand and gravel horizon identified in nearby BGS logs and that horizon also extends to the HDD location. No details of suitable mitigation for this effect, should it occur, have been identified further than 'changing the method of working' or 'providing a replacement water supply'. Natural England advises that details of these backup mitigation measures are agreed with the LPA/MMO in consultation with NE prior to construction and that this is secured in the CoCP prior to consent.		<p>Details of back up mitigation will be outlined in the final CoCP to be submitted in accordance with the oCoCP (document reference 8.1 version 5) as secured by Requirement 18. As set out in the draft Development Consent Order (document reference 3.1 version 7) the relevant SNCB and if applicable the MMO will be consulted.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
6	H26, &H7	H27 The commitment to the monitoring of Sea Bank Clay Pits SSSI during construction to avoid dewatering must be secured within the DCO via the appropriate named plan.		<p>As set out in the Applicants response to ExA Written Question Q1 LU 1.22;</p> <p>"The final PPEIRP will be prepared by the contractor, to reflect the actual methodologies and assessment of risks. The plan is secured through draft DCO (PD1-024) Requirement 18 (2) (i) which requires the plan to be submitted for approval by the relevant planning authority, in consultation with (as appropriate): - Lincolnshire County Council - The Environment Agency - The relevant Statutory Nature Conservation Authority. The Applicant believes that it is therefore not necessary to refer to any specific sites in the outline plan, as the relevant authorities are party to the approval process of the final plan and can respond accordingly at that stage if any important sites are omitted.</p> <p>The Applicant also notes that the PPEIRP is part of a suite of plans required as part of the Code of Construction Practice (CoCP), including the Water Quality Management and Mitigation Plan (WQM&amp;MP). The outline CoCP (document 8.1, version 3) has been updated to include a commitment to update the Groundwater Risk Assessment (APP210). The GWRA identifies Sea Bank Clay Pits as a sensitive, designated feature with a potential for a groundwater link, and 24.7.2 gives a Location Specific Conceptual Site Model (CSM). The GWRA will be updated prior to the finalisation of the WQM&amp;MP, which will address the monitoring requirements. Sensitivities identified through the GWRA and WQM&amp;MP will be carried forward into the PPEIRP. The updated oCoCP, securing the update to the GWRA and its incorporation as an appendix to the WQM&amp;MP has been submitted at Deadline 2."</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
7	H28 & H2	Natural England advises Sea Bank Clay Pits SSSI, and its designated assemblages of breeding, passage and overwintering birds are included in assessment of noise disturbance from construction, construction traffic and decommissioning.	<p>D1 - No change. .</p> <p>D2 – No change</p> <p>D3 – No change. See our advice in Appendix H2.</p>	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071], comment H2, as follows.</p> <p><i>"With regards to the Sea Bank Clay Pits SSSI this is located further away from the Landfall construction areas assessed than the Anderby Nature Reserve, the predicted level of effect from construction noise within the Anderby Nature Reserve is not significant as stated in Paragraph 284 of ES Chapter 26 [APP-081] , therefore it is considered that there would not be a significant level of effect from construction noise within the Sea Bank Clay Pits SSSI.</i></p> <p><i>To further justify the above, the noise model created for the assessment of the Anderby Nature Reserve has been utilised to predict the noise levels from landfall construction operations at the closest approach of the Sea Bank Clay Pits SSSI, the results have</i></p>

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				<p><i>shown that the predicted noise levels are lower than those predicted at the Anderby Nature Reserve (shown in Table 26.57 of ES Chapter 26 [APP-081]) and therefore there would be no significant impacts.</i></p> <p><i>It also should be noted that with reference to Table 22.3 of ES Chapter 22 [APP-077], the Sea Bank Clay Pits SSSI citation states in relation to ornithological interest "the pits are also important for breeding, wintering and passage birds". With reference to the Natural England designated sites website<sup>1</sup>, the features for which the SSSI has been notified are eutrophic lakes, invertebrate assemblage and lowland fens, and do not include bird features.</i></p> <p><sup>1</sup> <a href="https://designatedsites.naturalengland.org.uk/">https://designatedsites.naturalengland.org.uk/</a> (accessed 01.08.2024)".</p> <p>Noise and visual disturbance to individual bird species within the potential disturbance buffer of 400m from the Order Limits, which encompasses part of the Sea Bank Clay Pits SSSI, has been assessed within Section 22.8.1 of Chapter 22 [APP-077].</p> <p>Natural England Appendix H2 [REP3-072] provides comments on the Noise and Vibration Management Plan (NVMP) [REP2-032]. Sea Bank Clay Pits SSSI is not specifically referenced within Appendix H2. For the reasons provided above, no additional noise or vibration management measures are required in relation to Sea Bank Clay Pits SSSI, beyond those already identified within the ES [APP-077 and APP-081].</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
8	H29 & H2	The Impact Risk Zones (IRZs) should be used to flag any sections of the Project that have potential to disturb the designated features of nationally designated sites from construction, construction traffic and decommissioning noise pollution. This includes functionally land. Project and species specific data should be used to refine impacts assessments and inform mitigation measures.	<p>D1 - No change. D2 – No change D3 – No change. See our advice in Appendix H2.</p>	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H29, as follows.</p> <p><i>"Regarding the assessment of designated sites and FLL it is considered that this has been appropriately assessed within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</i></p> <p><i>With regards to the use of IRZ, these do not specifically identify areas of known FLL, as the attributes information associated with the IRZs available on MAGIC<sup>2</sup> only details where different types of development may result in an impact to the relevant SSSI; it does not specify whether or not the land has been identified as being FLL. Instead the Project has undertaken two years of baseline surveys for wintering birds along the entirety of the onshore Order Limits plus 400m buffer to establish which areas are utilised by qualifying and notified bird species.</i></p> <p><sup>2</sup> <a href="https://magic.defra.gov.uk/">https://magic.defra.gov.uk/</a> (accessed 01.08.2024)".</p> <p>Natural England Appendix H2 [REP3-072] provides comments on the Noise and Vibration Management Plan (NVMP) [REP2-032]. IRZs are not specifically referenced within Appendix H2.</p>

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9	H30, H31 & H2	The designated bird features of The Wash SSSI, SPA and Ramsar impacted by noise pollution, i.e. listed breeding and non-breeding birds, and assemblages of breeding and non-breeding birds, have not been specifically identified and assessed. The designated features of sites should be included in assessment for their unique and impacts from noise pollution from construction, construction traffic and decommissioning. This should include any FLL.	D1 - No change. Refer to Onshore Ornithology Tab I. D2 – No Change D3 – No Change. See our advice in Appendix H2	<p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p> <p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H30, H31 and H2. The following text from the response to H2 addresses this point specifically.</p> <p><i>"With regards to the FLL Section 22.8.1.3 of ES Chapter 22 [APP-077] considers disturbance of protected and priority bird species, including those utilising FLL and this was a key focus of the ornithological assessment. The assessment set out survey buffers determined through the consultation process these were 400m for wintering waterbirds and 100m for breeding priority species. These are considered reasonable distances up to which target bird species may be disturbed by the planned construction works.</i></p> <p><i>Paragraph 202 of ES Chapter 22 [APP-077] references a report by The Institute of Estuarine and Coastal Studies (IECS) (Cutts et al., 2009). This document provides a review of the evidence relating to construction disturbance impacts on non-breeding waterfowl, and was used to develop a Waterbird Disturbance Mitigation Toolkit (Cutts et al., 2013). Paragraph 203 of ES Chapter 22 [APP-077] outlines the results of the IECS study with regards to waterbird responses to construction noise disturbance. This study has been utilised as part of an assessment of construction noise on protected and priority bird species along the length of the ECC including the FLL.</i></p> <p><i>Paragraphs 214 to 296 of ES Chapter 22 [APP-077] assess each identified bird species in turn with regards to vulnerability to disturbance from construction operations (including noise), Paragraphs 297 and 298 provide an assessment of species populations of local or less than local value, and Paragraphs 299 to 307 provide an assessment of other designated ornithological sites.</i></p> <p><i>The overall conclusions of the assessments determined that with relevant seasonal restrictions and localised working commitments on construction operations, there would be no significant residual effects on protected and priority bird species, including those utilising FLL from construction operations".</i></p> <p>In addition, Section 9.5.3.2 of the RIAA [AS1-097] assesses the potential noise and visual disturbance impacts to birds utilising potential FLL, concluding that subject to the implementation of mitigation, where will be no adverse effects on integrity (AEol).</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
10	H32, H40, H49, & H3	A generic threshold based on the minimum compliance thresholds identified in the ABC Method (British Standard 5228:2009+A1:2014) has been used to assess disturbance from construction noise for all ecological NSRs at designated sites and within any land that is considered functionally linked to designated sites. The Applicant should identify thresholds appropriate to each receptor. Ensure the thresholds are considered in the wider spatial and temporal context.	D1 - No change. D2 – No Change D3 – No change. See our advice in Appendix H2.	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071], comment H3, as follows.</p> <p><i>"Potential for impacts on ecological receptors have been considered in line with the AQTAG 09 guidance. This was stated during scoping as outlined in the response to H2, with no additional guidance recommended for use in assessing noise impact on ecological receptors. In addition; the use of AQTAG 09 for the assessment of ecological receptors was outlined in the Expert Topic Group (ETG) meeting with the relevant</i></p>

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				<p>stakeholders in July 2022 and no comments were received. With regards to the assessment of designated sites and Functionally Linked Land (FLL) it is considered that this has been appropriately assessed within Chapters 26 Volume 1 and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2".</p> <p>As described in response to Point 9, the construction disturbance assessment in Section 22.8.1 of Chapter 22 [APP-077] considers each relevant individual receptor in turn and their sensitivity to disturbance.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
11	H33, H40 & H3	Natural England requests that the construction and operational noise impact magnitudes be reviewed in line with our comments on the use of the minimum compliance ABC Method. Review the construction noise impact magnitude in terms of impacts based on thresholds of the designated features of designated ecological sites, i.e. the listed birds and mammals in their relevant spatial and temporal contexts.	<p>D1 - No change. D2 – No Change D3 – No change. See our advice in Appendix H2.</p>	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H33, H40 and H3, as shown below.</p> <p>H33 States:</p> <p><i>"It must be noted that thresholds identified within BS 5228-1 are not used in assessments of noise impact on ecological receptors. A threshold for the onset of potential noise impact, which would then warrant further assessment, has been used based on the AQTAG 09 guidance. This documents states that at levels below 55 dB <math>L_{Aeq,1hr}</math> and 80 dB <math>L_{Amax(F)}</math> are "considered at this time unlikely [to have] an adverse impact on designated species". As previously described in response to NE comment H2 and H3 the use of AQTAG 09 for the assessment of ecological receptors was included in the official scoping report and outlined within the relevant ETG meetings and no comments were received.</i></p> <p><i>With regards to the assessment of designated sites and FLL it is considered that this has been appropriately assessed within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</i></p> <p><i>ES Chapter 21 [APP-076] and 8.10 OLEMS (Version 3) address potential noise disturbance impacts on otter (a qualifying feature of The Wash SAC)"</i></p> <p>H40 States:</p> <p><i>It must be noted that thresholds identified within BS 5228-1 are not used in assessments of noise impact on ecological receptors. A threshold for the onset of potential noise impact, which would then warrant further assessment, has been used based on the AQTAG 09 guidance. This document states that levels below 55 dB <math>L_{Aeq,1hr}</math> and 80 dB <math>L_{Amax(F)}</math> are "considered at this time unlikely [to have] an adverse impact on designated species".</i></p> <p>With regards to the assessment of designated sites and FLL it is considered that this has been appropriately assessed within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</p> <p>With regards to the response associated with H3, this has been provided within Point 5 in this document.</p>



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12	H34, H41 & H4	The Applicant should collect characterisation data to ensure impacts from noise pollution can be adequately modelled and assessed for the designated features of the Sea Bank Clay Pits SSSI sensitive to noise i.e. the breeding, wintering, and passage bird assemblages.	D1 - No change. D2 – Closed. D3 No Change. See our advice in Appendix H2	<p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p> <p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071]. The following text from the response to H4 addresses this point specifically.</p> <p><i>“As outlined in the response to comment NE Ref H3 the AQTAG 09 guidance was utilised for the assessment of construction noise on designated sites. This guidance recommends absolute noise limits and therefore baseline sound surveys at the ecological receptors were not undertaken.</i></p> <p><i>With regards to the assessment of designated sites and FLL it is considered that this has been appropriately assessed within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</i></p> <p><i>With reference to the request for pre-construction surveys as the assessments within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077] are based on absolute noise limits from the AQTAG09 guidance and the IECS study respectively; it is considered that these are not necessary and as there is no approved guidance on how different species react to changes in noise levels and it is unclear how these baseline levels would be assessed or utilised. Baseline noise data at designated sites is therefore not required in order to reach a conclusion on the likely significant effects of noise upon ecological receptors. As mentioned above, the use of AQTAG 09 for the assessment of ecological receptors was outlined and consulted at scoping and in the Expert Topic Group (ETG) meeting with the relevant stakeholders in July 2022 and no comments were received”.</i></p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
13	H35, H42 & H4	The assessment of noise impacts from construction activities along the ECC to The Wash SSSI, SPA and Ramsar does not adequately assess the ecological noise sensitive receptors (NSRs) at these designated ecological sites, the Applicant should collect baseline characterisation data at the designated sites and FLL to ensure impacts from noise pollution can be adequately modelled and assessed for the designated features of the SSSI, SPA and Ramsar sensitive to noise.	D1 - No change. Also Refer to Tab I for any update. D2 – No Change D3 – No Change. See our advice in Appendix H2.	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071]. The text from the response to H4 has been provided within Point 7 in this document.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
14	H36, H42 & H5	Reference should be made within the Noise and Vibration Management Plan (NVMP) [APP-269] to the targeted nature of mitigation measures for potentially impacted interest features of designated sites based on collected evidence in the EIA. The NVMP should ensure noise pollution is monitored during construction and decommissioning phases at the sensitive ecological receptor sites with appropriate mitigation implemented to manage noise pollution impacts to these receptors.	D1 - No change. Also Refer to Tab I for any update. D2 – No Change D3 – No Change. See our advice in Appendix H2.	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071]. The following text from the response to H5 addresses this point specifically.</p> <p><i>“The NVMP will be updated following detailed design with specific mitigation details for noise sensitive receptors, both human and ecological, which will reduce any impacts to a worst-case level of effect of ‘Temporary Minor Adverse’.</i></p> <p>With regards to the targeted nature of mitigation measures Sections 5.3.1 and 5.8.2.1 of the latest version of the outline NVMP (REP2-031) the Anderby Marsh Lincolnshire Wildlife Trust (LWT) Reserve has clearly been identified as an NSR. The reserve is</p>

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				<p>located in close proximity to the landfall and targeted mitigation measures in the form of a 4m high bund have been committed to.</p> <p>With regards to the monitoring of construction operations Section 5.8.2.1 of the outline NVMP states that noise monitoring will be undertaken within the) reserve at the closest approach to the landfall construction area.</p> <p>As described in response to comment NE Ref H2 and NE Ref H3 it is considered that the assessment of designated sites and FLL has been appropriately assessed.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
15	H37, H42, H47, H51 & H5	Depending on the survey data, noise mitigation measures are likely to be required in certain locations from September through to the end of April. The Applicant should use robust baseline data and protected sites IRZ to establish appropriate mitigation buffers around FLL in addition to that already proposed and ensure that any seasonal restriction is fit purpose. The Applicant will need to ensure the identified mitigation is included in an appropriate Management Plan, such as NVMP.	<p><b>D1 - No change. Also Refer to Tab I for any update.</b></p> <p><b>D2 – No Change</b></p> <p><b>D3 – No Change</b></p>	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H37, as follows.</p> <p><i>"The Applicant submitted an addendum (13.2 Addendum Winter Bird Survey 2023-2024 [AS1-108] to the ES Chapter 22 [APP-077], in their response to Section 51 advice on the 30th July. This documents the methods and results from the second season of wintering and passage bird surveys, covering the period from September 2023 to April 2024. Mitigation measures have been amended following review of the season two data, specifically to extend the seasonal restriction around The Haven to include a soft start to works in April in order to minimise disturbance to dark-bellied brent geese. The updated mitigation measures have been included in an updated version of the OLEMS [AS1-103]."</i></p> <p>The comment has also been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H47:</p> <p><i>"An addendum [AS1-108] has been produced which documents the methods and results from the second season of wintering and passage bird surveys, covering the period from September 2023 to April 2024. The impact assessment and mitigation measures documented in the EIA [APP-077] and RIAA [AS1-097] have been reviewed and amendments have been presented in the Addendum [AS1-108]. This includes a review and update of the seasonal restriction based on the survey data collected.</i></p> <p><i>It is our understanding that IRZs identify buffers from a SSSI boundary within which certain types of development may have an impact on the designated site. They do not give details of areas of known FLL. The Project has undertaken two years of baseline surveys for wintering birds along the entirety of the onshore Order Limits plus 400m buffer to establish which areas are utilised by qualifying bird species, and thereby identify potential functionally linked land.</i></p> <p><i>The identified mitigation has been included in an 8.10 Outline Landscape and Ecology Management Strategy (OLEMS) (Version 3). The OLEMS sets out the key landscape and ecology principles to inform the future Landscape Management Plan (LMP) and Ecology Management Plan (EMP), which would then be conditioned as a requirement of the Development Consent Order (DCO) Application."</i></p>

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16	H38 & H42	The Applicant should ensure pre-construction baseline data is collected at the designated sites and associated FLL, and appropriate methodology is applied to adequately assess impacts to the designated features of the sites. Appropriate mitigation should be identified during the consented phase and included within the NVMP. This will need to be agreed upon with the Local Planning Authority (LPA) in consultation with NE prior to construction.	D1 - No change. Also Refer to Tab I for any update. D2 – No Change D3 – No Change	<p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p> <p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] as shown in the following text.</p> <p>H38 States:</p> <p>“With regards to the assessment of designated sites and FLL it is considered that this has been appropriately assessed within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</p> <p>With regards to the request for baseline characterisation data, this is described in response to comment NE Ref H4.</p> <p>Appropriate mitigation measures for ecological receptor sites will be included within a final Noise and Vibration Management Plan (NVMP) which is secured as part of Requirement 18 in the draft DCO (document 3.1, Version 3). This process would involve consultation with the local LPAs and NE.”</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p> <p>H42 States:</p> <p>“With regards to the assessment of designated sites and FLL it is considered that this has been appropriately assessed within ES Chapter 26 [APP-081] and ES Chapter 22 [APP-077], as described in the response to NE comment Ref H2.</p> <p>With reference to the request for pre-construction noise baseline data, this is described in response to comment NE Ref H4” The text from which is provided within Point 7 in this document.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
17	H39	Modelling is provided at the consenting phase to demonstrate that the stand-off distances imposed for the LAeq, 1-hour limit are adequate at mitigating activities within the LAmax limit at designated sites and any functionally linked land.	D1 – No Change. D2 – No Change D3 – No Change.	<p>This comment has been addressed in the Applicant's response to NE relevant representations, comment H39 [PD1-071] as shown in the following text.</p> <p>“The purpose of Table 26.61 is to demonstrate that the standoff distance to achieve the LAmax limit contained in AQTAG09 is shorter than to achieve the LAeq, 1-hour limit contained in AQTAG09, and this has been proven with the use of a noise model and the assumptions described in Paragraphs 310 and 311 of ES Chapter 26 [APP-081].</p> <p>Therefore, the standoff distance of 140m which applies to where the LAeq, 1-hour limit is met, would be adequate to mitigate the noise from LAmax levels to a level below the LAmax limit. Based on the calculation undertaken the standoff distance to where the LAmax limit is met is 30m (110m less than the standoff distance associated with the LAeq, 1-hour limit).</p>

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				<p>However as stated in Paragraph 285 of ES Chapter 26 [APP-081], it must be noted that as there is limited published data regarding the maximum (<math>L_{Amax}</math>) noise levels from plant the predicted maximum noise levels should be treated with a degree of caution. The assumptions used to establish the maximum (<math>L_{Amax}</math>) noise levels from plant are described in Paragraph 282 of ES Chapter 26 [APP-081] and ensure the assessment is robust"</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
18	H44 & H6	Sea Bank Clay Pits SSSI and its features should be included as sensitive ecological receptors in the final Pollution Prevention and Emergency Incident Response Plan (PPEIRP) risk assessment with regards to the use of drilling fluid. We would expect to see a specific bentonite 'frack-out' management plan.		<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H6, as follows:</p> <p>"As presented in Section 2.3 of the PPEIRP (APP-272), the Applicant has provided preliminary measures that would be followed in the event of a bentonite frack-out. This document is presented in outline at this stage, prior to the appointment of a Principal Contractor. At the point the Principal Contractor is appointed, they will be responsible for producing the final PPEIRP which will include further details about management of bentonite frack-out, including at Sea Bank Clay Pits SSSI."</p> <p>In addition, Section 5.11 of the Outline CoCP (document reference 8.1 version 5) states that the final Pollution Prevention and Emergency Incident Response Plan will include a Frac-out Management Plan which will set out a risk assessment for frac-outs and outline potential emergency accesses in the event of a frac-out.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
19	H45	Natural England advises that they like to see the Viking Carbon Capture and Storage pipeline and National Grid Grimsby to Walpole project are included for consideration of in-combination effects. Natural England advises the two named projects are considered within the HRA in combination assessment.	<p>D1 – Progressed. The Applicant has advised that Viking Carbon Capture and Storage Pipeline is included in the RIAA addendum [PD1-096]. National Grid to Walpole remains as not scoped in.</p> <p>D2 – No Change</p> <p>D3 – No Change</p>	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H45, as follows.</p> <p><i>"The HRA Screening report [APP-239] identified relevant NSIP and major development projects to be included in the in-combination assessment. Two additional projects were identified for inclusion at the RIAA stage and Table 10.45 of AS1-097 lists these projects. In addition, allocations for major developments within the relevant Local Plans were identified as listed in Table 10.46 of AS1-097. The National Grid Grimsby to Walpole scheme was not scoped in to the assessment noting this Project is at non statutory consultation and therefore an assessment cannot be undertaken due to there being insufficient information available in the public domain. Regarding the Viking Carbon Capture and Storage pipeline, the Applicant notes this was not included in error and an addendum to the RIAA (document 15.17) has been submitted alongside this response document which outlines no change to the assessment conclusions."</i></p> <p>Justification has been provided for not scoping in the National Grid Grimsby to Walpole project and on this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
20	H46	No mitigation is discussed in relation to construction dust and its impacts on designated sites. Natural England advises mitigation for construction dust is included within the embedded mitigation of the HRA.	<p>D1 – No Change</p> <p>D2 – No Change</p> <p>D3 – No Change</p>	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H46 as follows.</p>



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				<p>"The construction dust controls (as outcome of the IAQM construction dust assessment – presented in Chapter 19: Onshore Air Quality, Section 19.8.1.1) are proposed within the AQMP which forms part of the Outline CoCP [APP-268]. A CoCP is Requirement 18 of the draft DCO and is therefore considered embedded mitigation. The construction dust controls are therefore embedded mitigation."</p> <p>Reference to the AQMP and CoCP are included in the embedded mitigation section, Table 6.1, of the RIAA [AS1-097] as follows.  <i>"Measures to control emissions are included within the Outline Air Quality Management Plan (AQMP) (document 8.1.2), provided as part of the Outline CoCP"</i>.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
21	H48	Within the HRA, there is no indication that the nationally and internationally designated sites have been assessed using the Impact Risk Zones (IRZs) available on Defra's Magic Maps in the mitigation assessment. This includes important areas of FLL, which have not been assessed along the ECC. Ensures areas of FLL outside the 400m buffer and within the IRZ for Goose and Swan FLL are assessed for construction disturbance.	<p>D1 – No change. Also Refer to Tab I for any update.  D2 – No Change  D3 – No Change.</p>	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H48, as follows.</p> <p><i>"The IRZs do not specifically identify areas of known FLL, as the attributes information associated with the IRZs available on MAGIC<sup>20</sup> only details where different types of development may result in an impact to the relevant SSSI; it does not specify whether or not the land has been identified as being FLL.</i></p> <p><i>IRZs identify whether a particular type of project (in this case 'infrastructure') has the potential to impact upon a SSSI (and co-located SPA). This considers multiple potential impact pathways, both direct and indirect, of which impacts to FLL is only one. The publicly available information does not identify where there is known FLL. The Project has undertaken two years of baseline surveys for wintering birds along the entirety of the onshore Order Limits plus 400m buffer to establish which areas are utilised by qualifying bird species, and therefore which are potentially functionally linked. The survey and assessment has not been limited to those parts of the Order Limits plus 400m buffer which overlap with the IRZ and instead has taken a more precautionary approach and considered the entirety of the Order Limits plus 400m buffer. As stated in Section 22.4.1 of APP-077, the 400m survey buffer was agreed with Natural England through the Evidence Plan Process, beyond which birds are unlikely to be affected by cable-trenching construction related disturbance.</i></p> <p><sup>20</sup> <a href="https://magic.defra.gov.uk/">https://magic.defra.gov.uk/</a> (accessed 01.08.2024)"</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
22	H52, H56, H14 & H15	Natural England has not yet received a draft licence application for bat species in order for us to provide a Letter of No Impediment (LoNI). The OLEMS document states that currently a EPS licence for bat species is not considered necessary. While Natural England acknowledge that the mitigation hierarchy has been used to avoid impacts. Natural England advises early engagement with NEWLS.	<p>D1 – Progressed . As Natural England understands, the Applicants been in communication with NEWLS, Applicant doesn't consider a bat licence is required due to mitigation they are suggesting. Please see our Deadline 1 Appendix H1 response.  D2 – No Change  D3 – No Change</p>	<p><b>Action undertaken:</b> For bat species, the mitigation hierarchy has been adhered to and the impacts to those trees with potential bat roosting features have been mitigated for, by retention through micro-siting as well as the adoption of trenchless techniques. Given that there is no perceived impact using the Maximum Design Scenario, the need for a draft licence application in order to obtain a Letter of No Impediment is not considered necessary.</p> <p><b>Actions planned:</b> No further action required prior to consent.</p> <p><b>Outstanding issues:</b> During the Applicant's meeting with Natural England on August 8th 2024, the difficulties around supplying a draft licence application when no impact</p>

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				is predicted were discussed; primarily that a hypothetical scenario would have to be created for the application. It was agreed that the Applicant would instead provide a rationale for this decision, which is included in Annex A of the latest OLEMS iteration submitted at Deadline 4 (document reference 8.10 v 5) Having provided this rationale, the Applicant believe this issue has progressed from 'no change' and should now be marked as 'resolved'.
23	H53 & H15	It is noted that alterations to the redline boundary occurred after the completion of bat surveys to inform the baseline data set. Any areas not surveyed which have habitat suitable for roosting, foraging or are integral to connectivity, and that will be directly impacted by works need to have the appropriate level of surveys undertaken before conclusions on impacts and licence requirements can be made.	D1 – No Change D2 – No Change D3 – No Change	<b>Actions undertaken:</b> Reference to the mitigation hierarchy has enabled the prevention of direct impacts on most potential bat habitat. For the few instances where direct impacts or indirect impacts were predicted for potential bat roosting, foraging and commuting habitat, sufficient baseline bat survey information was available to inform an impact assessment. This assessment is set out in the Onshore Ecology Chapter [APP-076] and Section A.3.5 of the OLEMS document reference 8.10 v 5) <b>Actions planned:</b> As set out in the OLEMS comprehensive pre-construction surveys following the latest Bat Conservation Trust guidelines will be undertaken for bats. <b>Outstanding issues:</b> The Applicant believes that given the relatively minimal impact anticipated, with no direct impacts to roosts and in respect of flightlines just two hedgerows requiring partial removal, and given the mitigation measures outlined in the OLEMS (including a sensitive lighting scheme, protection of retained habitats and re-instatement of those sections of hedgerow lost) this issue should now be marked as 'resolved'.
24	H54	Pre-construction tree climbing inspections are required on any trees identified via Ground Level Assessment (GLAs) as having moderate -high Potential Roosting Features (PFR's) where there are direct impacts such as removal, structural works or likely subjected to disturbance that may impact roosting bat behaviour. This will need to be secured as part of the DCO and/or named plan.	D1 – Issue addressed. Natural England notes this is included within the updated OLEMS [AS1-103].	Resolved
25	H55	Consider aggregations of Nathusius's pipistrelle in late summer/early autumn and whether any surrounding features might constitute a feature of importance. Ensure that linear features which could be impacted by works or high potential features of importance (surveyed via remote detectors and with call registrations recorded) are included within a mitigation strategy. Proposed mitigation should be presented within the OLEMS .	D1 – Progressed. Please see our Deadline 1 Appendix H1 response. D2 – No Change D3 – No Change	<b>Action taken:</b> Consideration of likely Impacts on roosting Nathusius' Pipistrelle and habitat likely used by this species is now provided in Annex A of the OLEMS [Ref: REP3-027]. Section A.3.7 of the Annex states: 'With regard to disturbance, an enabling access track serving CIC250 runs c.10m to the north of the woodland belt associated with Static 43. The route follows an existing farm access track. The existing baseline disturbance therefore includes intermittent passes by agricultural machinery, as well as visitor traffic (vehicular and pedestrian) associated with the Pilgrim Fathers Memorial Site and carpark accessed via Scalp Road. The use of the Enabling Access track would be short in duration, with construction traffic routed along the haul road once constructed. CIC250 is located c.55m to the north of the woodland belt, and as such lies beyond the 25m buffer adopted for assessing disturbance within the impact assessment. Document APP - 286, Paragraph 183 contains a commitment to sensitive design of lighting in the event night-time working is required around this location. No significant increase in disturbance above baseline levels is predicted for any unknown roosts / swarming sites that could be associated with the tree belt / static 43 location and no loss of important commuting / foraging habitat is predicted.  Therefore, in line with NE's Advice Note (July 24) on bat disturbance and licencing approaches, a licence is not considered to be required.' Consideration of linear features is provided in Section A.3.5 which summarises the findings of an updated assessment of impact upon hedgerows. The assessment found that in respect of bat flightlines

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				<p>only two sections of hedgerow will be removed and reinstated during the construction phase: Hedgerows 96 and 719. The remaining hedgerows and the retained sections of Hedgerow 96 and 719 will be subject to the protection measures set up in Section 3.6.1.1 of the OLEMS [Ref REP3-027].</p> <p><b>Action planned:</b> No further action required prior to consent.</p> <p><b>Outstanding issues:</b> The Applicant believes that given the relatively minimal impact anticipated, with just two hedgerows requiring partial removal, and given the mitigation measures outlined in the OLEMS (including a sensitive lighting scheme, protection of retained hedgerows and re-instatement of those sections lost) this issue should now be marked as 'resolved'.</p>
26	H57 & H14	Pre-construction surveys for badger should include detailed territorial analysis to ensure correct placement of any artificial badger sett(s) required as mitigation. Bait marking is considered the best method for conducting territorial analysis. This requirement should be included within the OLEMS.	<p>D1 – No change. Please see our Deadline 1 Appendix H1 response. Natural England would welcome further discussion over the licencing mitigation approach for badger.</p> <p>D2 – No Change</p> <p>D3 – No Change</p>	<p><b>Action taken:</b> Annex A of the updated OLEMS submitted at Deadline 3 [Ref REP-027] provides the approach to mitigation. 'It states that 'in the event that a main sett is identified as likely to be impacted during pre-commencement surveys, it will be subject to territorial analysis using the bait-marking method, to assess if any suitable alternative setts are available within the occupying clan's territory.'</p> <p><b>Action planned:</b> No further action required prior to consent.</p> <p><b>Outstanding issues:</b> As requested by NE, reference to the need for territorial analysis has been included in the OLEMS and this issue should be marked as resolved.</p>
27	H58	Construction of artificial badger setts must be complete prior to the exclusion works and there should be evidence that the badgers have found the sett. Evidence could be gained from a variety of monitoring techniques. Attractive bait such as peanuts as well as bedding can be used to assist the badgers locate the artificial sett. Construction recommendations should be followed and mitigation secured in the OLEMS.	<p>D1 –No change. Please see our Deadline 1 Appendix H1 response. Natural England would welcome further discussion over the licencing mitigation approach for badger.</p> <p>D2 – No change.</p> <p>D3 – No change.</p>	<p><b>Action taken:</b> Section 3.7.7.7 of the updated OLEMS [Ref REP3-027] provides mitigation is in line with Natural England's comments, stating that '<i>If pre-commencement surveys determine that a badger sett will be affected, then a licence from Natural England will be needed in advance of work that disturbs the sett. Depending on the degree of disturbance, mitigation may be relatively limited such as amending work schedules, or more complex in the event a sett requires closure, in which case creation of an artificial replacement sett in advance may be needed (depending on the type and usage of the original). Any such measures would be discussed and agreed with NE in advance and would form part of the licence Method Statement.</i>' At present, no main setts are to be impacted by the Project and there is no requirement for construction of an artificial sett. If new setts are found during pre-construction surveys, the Applicant will continue to use the mitigation hierarchy, focussing on avoidance through mirco-siting of construction infrastructure.</p> <p><b>Action planned:</b> No further action required.</p> <p><b>Outstanding issues:</b> The Applicant is committed to provision of an artificial sett if a main set is to be directly impacted and believes this issue should now be marked as resolved.</p>
28	H59, H14 & H15	The approach to mitigation (where setts cannot be avoided) will need to be undertake pre-commencement/preconstruction surveys to determine if a badger sett will be affected by the proposed construction and then apply for a licence. There is however no guarantee that Natural England will issue a licence and a draft species licence should be submitted prior to consent for a LoNI to be issued to provide the ExA and the decision maker the necessary level of comfort appropriate issues relating to badger species are addressed.	<p>D1 – No change. Please see our Deadline 1 Appendix H1 response. Natural England would welcome further discussion over the licencing mitigation approach for badger.</p> <p>D2 – No Change</p> <p>D3 – No Change</p>	<p><b>Action taken:</b> Following the submission of the Development Consent Order (DCO), additional surveys were conducted to gather up-to-date data on the status of badger setts identified in the 2022 and 2023 surveys. An updated impact assessment, incorporating the findings from these surveys, is included in Confidential Annex B of the OLEMS [Ref: REP3-030].</p> <p><b>Action planned:</b> No further action required prior to consent. Appropriate mitigation is included within Annex B of the Confidential OLEMS [REP3-030].</p>

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				<p><b>Outstanding issues:</b> The impact assessment concluded that there are no adverse effects on badger setts. Consequently, a licence application in respect of badger is not deemed necessary at this time. The Applicant acknowledges that badger are a highly mobile species and has committed to reassessing the situation during comprehensive pre-construction surveys as outlined in the OLEMS. Additionally, the Applicant is dedicated to implementing a mitigation hierarchy, prioritizing avoidance through the micro-siting of construction infrastructure. As a result, the likelihood of direct impacts on newly discovered badger setts during pre-construction surveys and the construction phase is considered low, particularly for main setts. The Applicant's strategy to badger mitigation was discussed in a meeting with the NEWLS team on 8th August 2024. During this meeting, NE expressed no concerns regarding the Applicant approach to managing licensable species, including badger. Given the comprehensive work completed, the absence of impact on badger setts, the minimal risk of future direct impacts, and the mitigation measures detailed in Confidential Annex B of the updated OLEMS [Ref: REP3-030], the Applicant believes this issue should be marked as 'resolved.'</p>
29	H60, H61, H62, H14 & H15	For Great Crested Newts (GCN) it is recommended that guidance available from NEWLS is followed if a draft Letter of No Impediment (LONI )is sought. Ideally surveys involve Habitat Suitability Index appraisal and eDNA survey of ponds within the red line boundary and surrounding 250m. Where data gaps exist follow up surveys should be planned if/when access can be agreed	D1 – Natural England has issued a GCN LONI. The GCN mitigation should be in accordance with the LONI.	Resolved
30	H63	Further pre-construction survey effort to confirm presence or absence of widespread and common reptiles should be undertaken The approach would be in line with t Natural England's Standing Advice for Reptiles. This will need to be secured in the DCO/OLEMS and final mitigation design agreed with the LPA in consultation with NE.	D1 – Resolved. The Applicant has updated the OLEMS according to Natural England's Standing Advice.	Resolved
31	H64, H14 & H15	"The OLEMS states that there may be a requirement to apply for an EPS mitigation licence should it not be possible to avoid disturbance impacts to otters. A draft species licence should be submitted prior to consent for a LoNI to be issued to provide the ExA and the decision maker the necessary level of comfort that Natural England, as the statutory licensing authority, has considered appropriate issues relating to otter."	<p>D1 – No change. Please see our Deadline 1 Appendix H1 response. Natural England would welcome further discussion over the licencing mitigation approach for otter.</p> <p>D2 – No Change</p> <p>D3 – No Change</p>	<p><b>Action taken:</b> The mitigation measures for otter have been updated to include those outlined in Section 3.7.8 of the updated OLEMS [REP3-027] and include employment of an Ecological Clerk of Works, pre-commencement surveys, sensitive scheduling of work, minimising noise and control of lighting, reduced traffic speeds to 10mph, and the immediate re-instatement of habitats), as well as the securement of visual and acoustic screening in two, sensitive areas of the Project. With this collective mitigation in place, disturbance levels are considered to be effectively minimised, with residual levels too low to consider it necessary to apply for a A45 licence to disturb otter. The rationale for this approach is provided in Annex A of the OLEMS [Ref REP3-027].</p> <p><b>Action planned:</b> No further action is deemed necessary.</p> <p><b>Outstanding issues:</b> During the Applicant's meeting with NE on 8th August 2024, the challenges of submitting a draft license application in the absence of predicted impacts were discussed, particularly the necessity of constructing a hypothetical scenario for the application. It was agreed that the Applicant would instead provide a rationale for this approach, which is detailed in Annex A of the most recent iteration of the OLEMS submitted at Deadline 3 [Ref: REP3-027]. With this rationale presented, the Applicant believes that this issue has evolved from a status of 'no change' to 'resolved.'</p>



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32	H65	"The OLEMS document states that where impacts water vole cannot be avoided and where the CL31 licence cannot be used then either a separate displacement licence or trapping licence will be applied for. A draft species licence should be submitted prior to consent for a LoNI to be issued to provide the ExA and the decision maker the necessary level of comfort that Natural England, as the statutory licensing authority, has considered appropriate issues relating to water vole"	D1 – Natural England has issued a water vole LONI. Mitigation for water vole should be in accordance with the LONI.	Completed
33	H66	"We encourage developers to develop BNG proposals in adherence with well-established BNG principles: BS 8683:2021 Process for designing and implementing Biodiversity Net Gain, CIEEM/IEEMA/CIRIA good practice principles (2016) and guidance (2019). Use the Defra biodiversity metric to calculate BNG and adhere to the rules and principles set out within the metric guidance. Biodiversity gains should be secured for a minimum of 30 years and be subject to adaptive management and monitoring. BNG plans should be secured by a suitably worded requirement in the DCO."	D1 – Please refer to our Deadline 1 Appendix H1 response. Subject to BNG being secured within the DCO, Natural England will not engage further within examination.	The Applicant is continuing to explore opportunities for BNG with local stakeholders. The Applicant has not entered into discussions with Natural England in respect of BNG.
34	H67	Natural England highlights that decision makers are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply National Planning Policy Framework (NPPF) policies for NSIP applications. Natural England advises NPPF paragraph 181 and Footnote 62 is included and given further consideration.	D1 – No Changes D2 – No Changes D3 – No Changes	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H67, as follows.</p> <p><i>"The chapter did not make specific reference to NPPF 181 and footnote 62, however it has referred to the Overarching NPS for Energy (EN-1) paragraph 5.11.34. NPPF 181 and footnote 62 are similar as the Secretary of State test detailed in paragraph 5.11.34 of the Overarching NPS for Energy (EN-1) and have been considered within Chapter 25 Land Use [APP-080] of the ES."</i></p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
35	H69 & H9	Post 1988 ALC data in the vicinity should be considered for broader context and to strengthen the assessments.	<p>D1 – Progressed. The Applicant has clarified that there are no parcels of land with post 1988 ALC data in the vicinity. Further update will be provided at Deadline 2.</p> <p>D2 – No Changes D3 – No Changes</p>	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H69, as follows.</p> <p><i>"The post 1988 ALC data has been analysed and as acknowledged by Natural England in H69, there is no data within the proposed DCO boundary. Therefore, there are no parcels of land that have post 1988 ALC data available which would have been considered within the Land Use assessment."</i></p> <p>Regarding the usage of the post 1988 ALC data for broader context, there are no parcels of land with post 1988 ALC data within the immediate vicinity of the route. The data available shows little change in the volume of BMV land in the wider area, which was not within the assessment Study Area. The small parcels of land which did have a change were of a lower grade than originally assigned, aligning with the assumptions made within the assessment."</p> <p>At Deadline 2 the Applicant provided further detail on the closest post 1988 ALC dataset as part of a response to the ExA's First Written Questions (ExQ1) [REP2-051] Q1. LU 1.7.</p> <p><i>"The post 1988 ALC dataset on MAGIC indicates that the only published survey data available in the vicinity of the route is the Natural England 'Agricultural Land Classification detailed Post 1988 ALC survey, North Sea Camp Frontage (ALCC05398)'."</i></p>

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				<p>This survey was undertaken in August 1998 and the dataset covers 262.6ha of land on the coast at North Sea Camp. This land is approximately 2km south east of the Onshore ECC route Section 10."</p> <p>This dataset is 2km distance from the Project, therefore not within the assessment Study Area.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
36	H70, H71, H72, H77 & H10	A detailed assessment of the Agricultural Land Classification (ALC) or soil function testing along the order limits to inform the route selection and the Outline Soil Management Plan (SMP) [APP-271] and Outline Code of Construction Practice was not provided. There is a requirement to identify areas of deep peat and peaty soils in the area and show how the project avoids impacting best most versatile (BMV) land. Update the ES to present further site specific information on detailed and semi detailed ALC and soil function surveys. This is required to assist the decision maker and apply the NPS (EN-3).	<p><b>D1 – No change. Please see our Deadline 1 Appendix H2 response.</b></p> <p><b>D2 – No Change</b></p> <p><b>D3 – No Change</b></p>	<p>These comments have been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H70, H71, H72, H77 &amp; H10, in the Applicants Comments on Deadline 1 Submissions Table 7 Appendix H2 [REP2-53] and in the Applicants responses to ExQ1; Q1 LU1.2 Q1 LU1.7 and Q1 LU1.9 [REP2-051].</p> <p>In summary, the Applicant's position is, that the ES demonstrates a worst-case scenario of the impacts on BMV. An ALC survey is therefore not required in order to reach a conclusion on the likely significant effects on the environment. It should be noted that the impacts outlined consist of temporary land loss during site works, and through soil management planning including measures pertaining to covering of excavation, storage, and remediation of soils, there will be limited impact on the soil. The Applicant has committed to pre-commencement soil surveys following the ALC system MAFF (1988) guidelines as well as performing nutrient analysis (British standard testing on both topsoil and subsoil) so that soils are reinstated to their previous conditions post-construction. The Applicant has committed to going above the standard survey point spacing identified in the guidance by committing to survey points at least every 100m or in each field where the field is less than 100m in length, supported by pits dug in each main soil types to confirm the physical characteristics of the soil resource. The outline Soil Management Plan (document reference 8.1.3 v4) and outline CoCP (document reference 8.1 v5) have been updated during the examination process. The Applicant considers that as the Environmental Statement presents a worst-case scenario, and there is a commitment to undertake detailed surveys prior to commencement of construction of the onshore works, that it is not necessary to undertake these surveys at this juncture.</p> <p>The specific nature and requirements for peat fall outside of normal soil management guidance, in which case, if during pre-construction soil surveys peat is identified, a Peat Management Plan will be prepared, taking into account requirements of the National Planning Policy Framework (2023), the England Peat Action Plan (2021); and Decision support framework for peatland protection, the establishment of new woodland and re-establishment of existing woodland on peatland in England (2023).</p> <p>The requirement for a Peat Management Plan, which would be produced in the event that peat is identified during post consent soil surveys, has been added to v5 the outline CoCP submitted at Deadline 4.</p> <p>The presence or absence of peat will be confirmed as part of the preconstruction soil surveys. The data resulting from the surveys would be reviewed by appropriate competent experts and appropriate management methodologies would be identified. Details of how peat would be managed would depend on the depths and condition of the peat, if identified. The peat management plan would include good practice</p>

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				guidance on excavation, re-use, storage, handling, reinstatement and monitoring and inspection.
37	H73, H76 & H13	Provide a firm commitment to decommission the site after 35 years (or sooner if no longer operational), to remove all infrastructure and equipment and to return the land to its original condition and ALC grade. As part of this there should be a commitment to prepare and submit to the LPA a decommissioning plan to restore the site prior to the end of its operational use, as set out by NPS EN3.	D1 – No Change D2 – No Change D3 – No Change	<p>The Applicant's response to ExAQ1 Q1 LU1.12 [REP2-051] states the following:</p> <p><i>"At this stage, it is not possible to commit to restoring the land identified as "permanent" land take to agricultural use of the same grade upon decommissioning. Future land use requirements should be assessed at that time. Therefore, we do not agree that the outline SMP should include such a commitment.</i></p> <p><i>The Decommissioning Plan will review regulations and best practices at the time and propose appropriate methodologies to ensure that, where returned to agricultural use, soils will be returned to its pre-development quality as far as is reasonably practicable, as set out in section 5.10 of the outline SMP.</i></p> <p><i>Decisions on future land use will also need to consider any habitats or species that may establish during operation and any future protections. The outline SMP aims to protect ecosystem services provided by soils, but committing to soil restoration for decommissioning at this stage is not possible due to uncertainties in future land use, habitats, and protections."</i></p>
38	H74	Reconsider the criteria within Table 25.21. Natural England advises using a rating of Very High to rate receptor sensitivity for soils. This is to inform placement of permanent infrastructure on lower grade land. This requirement will need to be secured as mitigation measure within the DCO and/or Soil management plan.	D1 – No Change D2 – No Change D3 – No Change	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H74, as follows.</p> <p><i>"As per paragraph 268 of the Land Use chapter of the ES [AS1-050], the usage of the 'Very High' sensitivity criterion was considered redundant due to the negligible difference attributed to the 'Very High' and 'High' criteria. For example, a major impact on either a 'High' or 'Very High' sensitivity receptor would not make a difference to the significance of the effect due to the assumption of ALC Grades 1-3 being BMV land which are all given the highest sensitivity, and the land which would be permanently lost (including the substation footprint, accesses and mitigation planting areas) being &gt;20ha of BMV land."</i></p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
39	H75 & H10	An ALC survey should be undertaken at the route of trench line for the underground cabling and the proposed substation location. Use the data to inform the soil handling and restoration plans and the SMP. Surveys should be conducted prior to consent being granted in line with NPS for Renewables Energy Infrastructure (EN-3).	D1 – No change. Please see our Deadline 1 Appendix H2 response. D2 – No Change D3 – No Change	<p>Within The Applicants Comments on Deadline 1 Submissions [REP2-053] Table 7 Appendix 2 – H2 para 7 the Applicant sets out other examples of Nationally Significant Infrastructure Projects that have been approved by the Secretary of State which committed to soil surveys and mitigation post consent.</p> <p>The Applicant has committed to pre-commencement soil surveys following the ALC system MAFF (1988) guidelines as well as performing nutrient analysis (British standard testing on both topsoil and subsoil) so that soils are reinstated to their previous conditions post-construction. The Applicant has committed to going above the standard survey point spacing identified in the guidance by committing to survey points at least every 100m or in each field where the field is less than 100m in length, supported by pits dug in each main soil types to confirm the physical characteristics of the soil resource. The outline Soil Management Plan (document reference 8.1.3 version 4) and outline CoCP (document reference 8.1 version 5) have been updated during the examination process. Pre-commencement is considered the most appropriate time for ALC and soil condition surveys as they will be carried out close to the time of impact</p>

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				and this will provide more timely information as to the required standard for restoration.  See also response provided in Point 36.
40	H78	The Applicant should commit to reviewing the use of surplus topsoil early in the process. A full understanding of the soil profile at donor and receptor sites is necessary. We advise that it is unlikely that the movement of Grade 1 soil will upgrade the recipient land.	D1 – No Change D2 – No Change D3 – No Change	This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H78.  <i>"The re-use of the topsoil is referenced in the IEMA 'A new perspective on land and soil in EIA' (Stapleton et. al., 2021) guidance, and was referenced as a potential option for the usage of the topsoil removed for permanent infrastructure, rather than as waste. However, as stated in paragraph 355, this would not mitigate the permanent loss and has not been considered as mitigation, or otherwise, within the assessment.</i>  <i>The reuse of stripped topsoil from the OnSS footprint is further referenced within paragraph 96 of the Outline SMP [REP3-023]. As stated, any re-use would not act as a source of upgrading recipient land rather, where possible, the topsoil would be re-used in landscaping and excavated material will be used in landscaping screening bunds (if required)."</i> On this basis it is considered that the RAG status can be changed to Green at Deadline 4.
41	H79	The ALC system is a national system, therefore the significance should also be determined in the national context. However cumulative impacts should consider all development that will result in or could lead to a loss of 20ha BMV soils.	D1 – No Change D2 – No Change D3 – No Change	This comment has been addressed through the Applicants response to actions from ISH3, to undertake an assessment of regional and national impacts as was undertaken for the Rampion 2 application (PP1-ODOW-DEV-CS-REP-0268 - 21.12 BMV Quantitative Cumulative Assessment).  The assessment concludes that the NSIP projects across the East Midlands region would result in a total permanent loss of 8,155.56ha, or 1.59% of the available agricultural land in the region.  From a national perspective, data suggest that approximately 0.166% of agricultural land is lost each year. In comparison, the Project result in a loss of 0.000303% of agricultural land available nationally.
42	H80	Provide further justification as to why agricultural productivity should not be assessed cumulatively for each project phase.	D1 – No Change D2 – No Change D3 – No Change	This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H80.  <i>"As per table 25.24 in the Land Use chapter [APP-080], the cumulative impacts to agricultural productivity did consider each project phase, the loss of land would occur during construction (temporary) and continue through to operation for the operational elements such as the OnSS (permanent). During construction and decommissioning there is considered to be no cumulative impact to agricultural productivity</i>  <i>The cumulative effects resulting in the permanent loss of agricultural productivity have been assessed under 'Impact 1' of the 'Operations and Maintenance' phase, which refers to permanent loss of agricultural land."</i> On this basis it is considered that the RAG status can be changed to Green at Deadline 4.
43	H81	The Planning Inspectorate's advice note 17 should be considered alongside the IEMA guidelines "A New Perspective on Land and Soils in	D1 – No Change D2 – No Change	As presented in Appendix 3 Onshore Cumulative Effects Assessment Approach (APP-148), the applicant has given significant consideration to Advice Note 17: Cumulative



Point	Ref from Appendix H [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix H - Onshore Ecology [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
		EIA" (February 2022) methodology for cumulative effects and the application updated accordingly.	D3 – No Change	effects assessment relevant to nationally significant infrastructure projects. This general approach to cumulative effects assessment has then been supplemented with the topic specific guidance provided within IEMA 's "A New Perspective on Land and Soils in EIA". See Section 25.6 of Chapter 25: Land Use (AS1-050).  On this basis it is considered that the RAG status can be changed to Green at Deadline 4.
44	H82	There are significant gaps in the figures presented in Para 6.1.25 [APP-080] and Table 25.27. The Applicant should ensures all other projects in the area are considered for cumulative BMV loss.	D1 – No change D2 – No change D3 – No change	It is not possible to address NE's comment regarding Para 6.1.25, as this paragraph reference does not exist in Chapter 25: Land Use (APP-080 -superseded by: AS1-050).  Table 25.27 includes details of the NSIP projects that it was aware of in Lincolnshire at the time the application was submitted. It is not clear what 'significant gaps' NE is referring to; however, the Applicant has undertaken a full review of all NSIPs and identified several additional projects that have come to light since submission. This have been addressed in the Applicants response to ISH3, as detailed in point 41 above.
45	H83 & H12	All agreed measures in the Outline SMP [APP-271] should be secured by appropriate requirement within the DCO via the SMP.	D1 – Issue progressed. In our Deadline 2 DCO update, Natural England will confirm the Outline SMP is secured within the DCO. D2 – No change. D3 – Issue progressed. See advice within Section 7 of the Deadline 3 covering letter to our outstanding concerns with the SMP as secured within the DCO.	All measures in the Outline SMP are secured by Requirement 31. Requirement 31 has been updated to include the relevant SNCB and the Environment Agency as consultees. The Applicant believes this should be coloured Green.
46	H84 & H10	There should also be a commitment for BMV agricultural land temporarily required for the development to be returned to its original ALC grade. This includes areas such as field scale ecological mitigation areas and borrow pits where reinstatement to the physical characteristics of 'best and most versatile' quality may also be required.	D1 – No change D2 – No change D3 – No change	The Applicant has committed to pre-commencement soil surveys following the ALC system MAFF (1988) guidelines as well as performing nutrient analysis so that soils are reinstated to their previous conditions post-construction. The Applicant has committed to going above the standard survey point spacing identified in the guidance by committing to survey points at least every 100m or in each field where the field is less than 100m in length. Where significant changes are identified, an additional point will be surveyed at 50m, in order to provide more accuracy on where the change occurs. This will be supported by pits dug in each main soil types to confirm the physical characteristics of the soil resource.  Land will be restored to its pre-development quality as far as is reasonably practicable and will primarily be achieved by ensuring that the full soil profile is reinstated in the correct sequence of horizons, and in a state where good soil profile drainage and plant root development are achieved; and by ensuring that the reinstatement works cause minimum damage to soil structure.  Measures are secured within the outline Soil Management Plan (document reference 8.1.3 v4) paragraphs 92-93 and 101 - 103 which has been updated during the examination process.
47	H85	Given the very high quality of the land soil handling should include supervision by a competent soil specialist. This should be secured in the OLEMS and SMP [APP-271].	D1 – No further advice provided on this issue.	The outline SMP (document reference 8.1.3, version 4) paragraph 15 includes a commitment for a Soil Clerk of Works who will be a competent soil scientist. The OLEMS does not include this at present. It is not considered necessary to also include this commitment with the OLEMS.

Point	Ref from Appendix H [RR-045]	Taken from Natural England's Relevant and Written Representations ODO Appendix H - Onshore Ecology [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				On this basis it is considered that the RAG status can be changed to Green at Deadline 4.
48	H86 & H11	Construction work should be avoided during October to March inclusive. A field suitable method for assessing whether soils are in a dry and friable condition based on plastic limits is set out in Part One (Explanatory Note 4 – Table 4.2) of the Institute of Quarrying's Good Practice Guide for Handling Soils in Mineral Working. This approach together with the associated rainfall protocols should be adopted and noted within the SMP [APP-271].	D1 – No change D2 – No change D3 – No change	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H86, as follows.</p> <p>Protocols during adverse weather are set out in the Outline SMP [REP3-023] paras 53 – 56. Methods for determining soil wetness and suitability are detailed in paragraphs 50-53, specific methodology will be provided in the final SMP. This is considered more appropriate for managing works rather than blanket restrictions based on time of year, which do not take into account weather conditions and ground conditions.</p> <p>The Outline SMP [REP3-023] document is presented in outline at this stage, prior to DCO consent and the appointment of the relevant responsible parties as set out in the SMP. At the point the relevant responsible parties are appointed, the final SMP will be produced which will include further details about determining soil conditions and field testing of soils including soil moisture state and consistency testing.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
49	H89 & H11	Machinery to be used should accord with best practice as set out in the Code of Construction Practice for the Sustainable Use of Soils on Construction Sites (DEFRA, 2009) and be outlined for a full assessment of impacts within the Outline SMP [APP-271].	D1 – No change D2 – No change D3 – No change	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H89, as follows.</p> <p>The Outline SMP “is presented in outline at this stage, prior to the appointment of a Principal Contractor. At the point the Principal Contractor is appointed, they will be responsible for providing location-specific construction method statements for soil management, which will include the machinery to be used. The pre-construction ALC surveys will advise on the soil types, depths, and recommended machinery to minimise the impact upon the soils including storage, and restoration methods. These will then be included in the final SMP.”</p> <p>The outline SMP includes a commitment in paragraph 46 that “Each location-specific construction method statement shall include details of the methods of working, proposed site machinery and tillage equipment, materials and Health, Safety, Security and Environment (HSSE) requirements.” ‘Locations’ will be determined by the contractor and/or the Soil Clerk of Works (SCoW).</p> <p>With regards to NE’s requirement for “a full assessment of impacts within the Outline SMP”. The applicant has already provided a full assessment of construction activities on soils in Chapter 23 Geology and Ground Conditions (APP-078). It is not considered appropriate for a management plan to present the findings of an assessment of impacts.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
50	H90 & H12	The details of soil handling should be included within a Restoration Plan, accompanied by a detailed soil balance. The Outline SMP [APP-271] should note that topsoil and subsoil are to be stored separately	D1 – No change D2 – No change D3 – No change	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H90, as follows.</p> <p>“Post consent the detailed design for construction phasing will be undertaken, this will allow material balances to be undertaken. As part of the soil surveys soil resource plans</p>

Point	Ref from Appendix H [RR-045]	Taken from Natural England's Relevant and Written Representations ODO Appendix H - Onshore Ecology [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				<p>will be produced which detail areas covered by different soil types, depths etc. The planting and restoration of habitat types will be detailed in line with the OLEMS and Landscape Management Plan."</p> <p>The outline SMP [REP3-023] paragraphs 78 - 81 detail the separate storage or topsoil and subsoil.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
51	H91 & H12	A commitment should be added to the SMP [APP-271] avoid mowing and stripping in wet conditions.	<p>D1 – No change</p> <p>D2 – No change</p> <p>D3 – No change</p>	<p>The Outline SMP [REP3-023] document is presented in outline at this stage, prior to DCO consent and the appointment of the relevant responsible parties as set out in the SMP. At the point the relevant responsible parties are appointed, the final SMP will be produced which will include further details with regards to vegetation management in wet conditions.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
52	H92 & H12	The Outline SMP [APP-271] should include a measure to ensure the depth of decompaction reflects the depth of compaction and reference the guidance used. Where compaction is likely to take place further consideration should be given to providing a decompaction strategy to maximise the effectiveness of decompaction methods.	<p>D1 – No change</p> <p>D2 – No change</p> <p>D3 – No change</p>	<p>This comment has been addressed in the Applicant's response to NE relevant representations [PD1-071] comment H92, as follows.</p> <p>"The Outline SMP [REP3-023] document is presented in outline at this stage, prior to DCO consent and prior to the ALC surveys committed to in the SMP, with Chapter 23 Geology and Ground Conditions of the ES [APP-078] assessing the conditions as a 'worst-case scenario'. At the point the ALC surveys have been undertaken the site-specific soil profile information will be available and the final SMP will be produced which will include further details about soil profiles and decompaction depths and guidance. Thus ensuring that all construction practices provide the appropriate mitigation described in the assessment. "</p>
53	H93 & H12	Further information on the parameters to be used for restoration specifications of soil profiles should be provided. Details should include the target soil profiles to be reinstated and their pre development ALC grade where appropriate as determined by detailed ALC survey.	<p>D1 – No change</p> <p>D2 – No change</p> <p>D3 – No change</p>	<p>See response provided in Point 36.</p>
54	H94	For any ancient or veteran trees impacted by the Project, Natural England's standing advice should be referred to and commitments to mitigate impacts included within the OLEMS.	<p>D1 – No change.</p> <p>D2 – No change.</p> <p>D3 – No change.</p>	<p><b>Action taken:</b> In response to NE comments, the OLEMS [Ref REP3-027] has been updated to state that '<i>appropriate mitigation and compensation for any losses of veteran or ancient trees will be developed in line with Natural England's standing advice (Natural England, 2022a) and agreed with relevant stakeholders.</i>'</p> <p><b>Action planned:</b> No further action is required prior to consent.</p> <p><b>Outstanding issues:</b> Updates to the OLEMS have been made in accordance with NE comments. The Applicant believes this issue has evolved from a status of 'no change' to one of 'resolved'.</p>
55	H96	Natural England advises the Public Access management Plan (PAMP) is secured by an appropriate requirement within the DCO, with an Outline PAMP provided into examination.	<p>D1 – No change. Natural England advises this plan is secured within the DCO.</p> <p>D2 – No change.</p> <p>D3 – No change</p>	<p>An Outline Public Access Management Plan (PAMP) (REP2-041) has been submitted with the DCO application. A PAMP for each stage of works will be prepared and approved by the relevant highway authority in consultation with the local planning authority, as set out in Requirement 22 of the Draft DCO (AS1-024).</p>

Point	Ref from Appendix H [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix H - Onshore Ecology [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
56	New Issue D1	Ensure all designated sites are included within the Land Quality Assessment [AS1-059], and inform the HRA, where required.	D1 – Please see our Deadline 1 Appendix H1 response D2 – No Change D3 – No Change	<p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p> <p>This comment has been addressed in the Applicant's comments on Deadline 1 submissions [REP2-053], Natural England comment H1 Para 4, as follows.</p> <p><i>"Relevant Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites have been included in the Report to Inform Appropriate Assessment [AS1-096].</i></p> <p><i>Section 9.5.3.3 of the RIAA [AS1-096] already considers The Wash and Sea Bank Clay Pits SSSI, although the Sea Bank Clay Pits SSSI has been referred to as Wolla Bank Pit, which is located within the same site."</i></p> <p><i>The Applicant also draw attention to Figure 23.1.3.1 within 6.3.23.1 Chapter 23 Appendix 1 Preliminary Land Quality Risk Assessment which shows all designated sites considered with the Preliminary Land Quality Risk Assessment (AS1-059).</i></p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>
57	New Issue D3	All noise sensitive designated features of impacted SSSIs, SPAs, SACs, Ramsar sites and associated FLL should be clearly identified and their supporting habitats located for monitoring.	D3 – See our advice in Appendix H2.	<p>Appendix H2 [REP3-072] provides comments on the Noise and Vibration Management Plan (NVMP) (REP2-032).</p> <p>It is considered that this response has been addressed within Point 9, which also refers to responses H30, H31 and H2.</p> <p>With regards to monitoring this has also been addressed within Points 12 and 14.</p> <p>On this basis it is considered that the RAG status can be changed to Green at Deadline 4.</p>

## 1.9 I Onshore Ornithology

Table 1-9 Natural England's Risk and Issues Log Deadline 3 I Onshore Ornithology and the Applicant's current position

Point	Ref from Appendix I [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix I – Onshore Ornithology [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
1	I7, I15 & I1	The Applicant should present the review and analysis of two complete years of survey data within their conclusions before Natural England can form a position on the proposed impacts of the development.	D1 - Issue resolved within AS1-108 Response to S51 advice - 13.2 Addendum wintering bird survey 2023/24. Please see our Deadline 1 Appendix I1.	Issue resolved.



Point	Ref from Appendix I [RR-045]	Taken from Natural England's Relevant and Written Representations ODO Appendix I – Onshore Ornithology [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
2	I8, I9 & I2	Much greater detail of data and discussion on potential cropping management practices should be presented for functionally linked land (FLL) including temporal and spatial extent of cropping patterns of every arable field where foraging range of species of interest overlap with the order limits and suitable buffer.	Issue resolved within PD1-093 15.11 Additional clarifications relating to Natural England's Relevant Representations (Appendix I Onshore Ornithology). Please see our Deadline 1 Appendix I1.	Issue resolved.
3	I10 & I11	The method for assessing potential noise disturbance responses of designated species focuses on minimum compliance thresholds rather than specific species disturbance responses. The Applicant has not assessed whether land already established as functionally linked for designated overwintering bird species would also be within the decibel levels exceedance threshold. The Applicant should assess the disturbance response of each designated bird species specifically. Please see Tab H for our advice.	D1 - No change. Cross reference to Tab H for any update. D2 – No change. D3 - No change. Please see Appendix H2 for advice regarding noise.	<p>This has been addressed in the Applicant's responses to Natural England's Relevant Representations (PD1-071) and the Applicant's comments on Deadline 3 submissions – Natural England Appendix H2 (document reference 21.3).</p> <p>As described in PD1-071 it is the Applicant's understanding that IRZs identify buffers from a SSSI boundary within which certain types of development may have an impact on the designated site. The publicly available information does not give details of areas of known FLL.</p> <p>Distribution and abundance surveys have been undertaken over two wintering bird seasons and across the entirety of the Order Limits in order to identify areas of potential FLL. Section 22.8.1.3 of Chapter 22 (APP-077) and Section 9.5.3.2 of the RIAA (AS1-097) assess the potential noise and visual disturbance impact to birds utilising potential FLL.</p> <p>The assessment was undertaken for each species considering the potential disturbance impacts to birds within 400m. The 400m buffer was agreed through consultation as the reasonable upper limit at which birds may be impacted by disturbance. The assessment considered each species' sensitivity to disturbance and their distribution within the survey area. The overall conclusions of the assessments determined that with relevant seasonal restrictions and seasonal localised working commitments on construction operations, there would be no significant residual effects or AEol.</p> <p>It is possible that Natural England's comments regarding the assessment approach refer to Chapter 26 Noise (APP-081), however the assessment of construction disturbance to potential functionally linked land (FLL) was presented in Chapter 22 Onshore Ornithology [APP-077].</p> <p>It is therefore considered that this issue is resolved, as the Applicant has confirmed that the assessment of construction disturbance to each species has been presented within Chapter 22 (APP-077).</p> <p>The Applicant's comments on Deadline 3 submissions – Natural England (Appendix H2)(document reference 21.3) provides responses to the additional advice referenced in the RAG column.</p>
4	I13	Further evidence is required to demonstrate that trenchless crossing would be successful in each of the proposed locations. And, where sufficient confidence in the success of the measures cannot be established, alternative mitigation measures are presented.	D1 - No change. Natural England notes the Applicants response in [PD1-107]. No commitment has been made by the Applicant to seek alternative mitigation if trenchless techniques are not appropriate. D2 – No change. D3 – No change.	At this stage of the design process, the Applicant does not foresee any issues with the trenchless crossings as committed to, however in the event that it is established during the detailed design phase carried out post consent that proposed trenchless crossings are not feasible the Applicant will provide details of alternative mitigation within the final CoCP to be produced in accordance with the outline CoCP, as secured under Requirement 18 of the draft DCO (document reference 3.1 version 7), to which NE as the relevant SNCB have been included as a consultee.

Point	Ref from Appendix I [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix I – Onshore Ornithology [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				As the detailed engineering design progresses and under certain circumstances e.g. unforeseen ground conditions, the Applicant will need to consider revising the method adopted for the Trenchless Crossing. This will be in line with the final crossing agreements with the relevant asset owner prior to the commencement of construction installation works.
5	I14 & I3	A separate outline overwintering Annex I bird species mitigation management plan (including pink-footed geese) document should be submitted into examination to be agreed as part of the consent and secured within the DCO. This should include the additional information on the project's current mitigation strategy as well as further measures to mitigate impacts to Annex I bird species using functionally linked land.	D1 - No change. D2 – No change. D3 – No change. Please see our advice in Appendix I2.	<p>This has been addressed in the Applicant's responses to Natural England's Relevant Representations (PD1-071) and the Applicant's comments on Deadline 3 submissions – Natural England Appendix I2 (document reference 21.3).</p> <p>The Applicant's response to relevant representations (PD1-071), NE Reference I3, states:  <i>"The season two winter bird survey addendum [AS1-108] provides details of the distribution and abundance surveys for pink-footed goose, including a review of any changes required to the assessment or mitigation measures for this species.</i></p> <p><i>The season two results show that between zero and three flocks of pink-footed goose were recorded per visit across the approximately 70km long onshore survey area. Flocks typically moved location between visits. Flocks were recorded feeding and loafing in fields with bare soil, cereal and stubble. On the basis of a small number of flocks, moving around between fields and utilising common field types, the localised working restriction remains a suitable mitigation measure.</i></p> <p><i>The Applicant notes that Natural England's guidance on mitigation for pink-footed goose is tailored to situations where the species is primarily feeding on sugar beet, which is not the case within the survey area. A sample study of 1,000ha of land within the onshore Order Limits (Dalcour Maclaren) which was undertaken in 2023 recorded only ~2% sugar beet (See 15.11 Additional clarifications relating to Natural England's Relevant Representations (Appendix I Onshore Ornithology)). The season two wintering bird surveys recorded pink-footed geese utilising bare ground, cereals and stubble rather than sugar beet. Therefore, the suggested mitigation strategy is not applicable to the Project".</i></p> <p><i>The Applicant's comments on Deadline 3 submissions – Natural England Appendix I2 (document reference 21.3), Ref I1 para 2, states:  "The primary mitigation measures for potential disturbance to these qualifying features of The Wash SPA and Ramsar across the ECC are avoiding trench excavation works and a seasonal localised working restriction. Works will be restricted to 1.4% of the cable corridor at any one time during the core winter period, as described in Section 3.7.5.5 of the OLEMS (document 8.10, version 5).</i></p> <p><i>Justification for this approach was summarised in the Applicant's comments on Deadline 1 Submissions [REP2-053], I1 para 2 (second winter season survey results) and I1 para 4 (cropping). This explains that the seasonal localised working restriction is appropriate on the basis of the widespread distribution of the four species across the survey area, that they were typically recorded utilising a particular field on only one survey visit and that the most utilised crop types were also the most common and</i></p>

Point	Ref from Appendix I [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix I – Onshore Ornithology [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				<i>widespread within the Order Limits plus 400m. Alternative foraging resource will therefore remain available”.</i>
6	I16 & I5	The proposal for minimising temporary loss of functionally linked land through reinstatement of topsoil and cover crop requires further detail. Greater detail should be provided on reinstatement methods employed to mitigate temporary loss of land functionally linked to designated sites.	D1 - No change. Natural England notes the Applicants response in [PD1-107] D2 – No change. D3 – No change. Please see our advice in Appendix I2.	<p>This has been addressed in the Applicant's responses to Natural England's Relevant Representations (PD1-071).</p> <p>The Applicant's response to relevant representations (PD1-071) states:  <i>“The ‘where practical’ in this instance refers to the fact that in some circumstances the Project may be in the position that the land can be handed back to the landowner to continue agricultural practices earlier than anticipated in which case there will be no opportunity to plant a cover crop.</i></p> <p><i>Under this circumstance these areas of land are being reinstated to previous use and this habitat is no longer impacted. Where a cover crop is required; this will be in the form of a grass or clover mix variety which will be confirmed following the Applicants pre-commencement soil surveys (details on these surveys are outlined in the Outline Soil Management Plan (document 8.1.3, Version 2)”.</i></p> <p>Additionally, paragraph 87 of the Code of Construction Practice (document 8.1 version 5) states that the reinstatement will take place as soon as possible after duct installation and paragraph 91 of the Outline Soil Management Plan (document 8.1.3 version 3) states that:</p> <p><i>“The concept of ‘partial restoration’ during the construction of the Onshore ECC may be considered where practicable. ‘Partial restoration’ will involve reinstatement of the land above the cables upon completion of the trenching works, where possible, this land would be returned to agricultural use. The haul road and land required for soil storage or access would be retained for use until the completion of the construction works”</i></p> <p>Natural England have referred the Applicant to their advice in Appendix I2 at Deadline 3, however it is not clear which part of their advice they refer to, as no reference has been identified to reinstatement and provision of a cover crop within Appendix I2.</p>
7	I17, I1 & I3	Natural England is currently unable to provide our position on the impact assessment conclusion of No AEol for the impacts of temporary habitat loss and disturbance to land functionally linked to designated populations of pink-footed geese. Two years of overwintering bird survey data are required to provide a robust baseline against which to assess project impacts. The Applicant should adopt suitable measures to reduce their impact and mitigations measures secured within a separate specific Annex I bird species mitigation management plan submitted into examination.	D1 – Progressed. Whilst the 2nd year of bird data has been provided Natural England has identified risks which require further mitigation. Please see our Deadline 1 Appendix I1 response. D2 – No change. D3 - No change. Please see our advice in Appendix I2.	<p>The Applicant's response to relevant representations (PD1-071), NE Reference I1, states:  <i>“A season two wintering bird survey addendum (AS1-108) was produced which documents the methods and results from the second season of wintering and passage bird surveys, covering the period from September 2023 to April 2024. The impact assessment and mitigation measures documented in the EIA (APP-077) and RIAA have been reviewed and amendments have been presented in the Addendum (AS1-108) and RIAA (AS1-097). Mitigation measures have been amended following review of the season two data, specifically to extend the seasonal restriction around The Haven to include a soft start to works in April in order to minimise disturbance to dark-bellied brent geese. Following review of the data from the season two surveys, with inclusion of the additional mitigation, it is concluded that the assessment of significant effects in the EIA and the conclusion on adverse effects on site integrity in the RIAA, in relation to onshore ornithology, have not changed”.</i></p> <p>In addition, the response provided to Point 5 is also applicable.</p>

Point	Ref from Appendix I [RR-045]	Taken from Natural England's Relevant and Written Representations ODOW Appendix I – Onshore Ornithology [RR-045]	Natural England's Consultations, Actions, Progressions and RAG	Deadline	The Applicant's Current Position
					<p>The Applicant's comments on Deadline 1 submissions (REP2-053), Appendix I1 summary of advice section, states:</p> <p><i>"The Applicant is pleased to note Natural England's acceptance of the second season of winter bird survey data. The Applicant will consider additional advice on the mitigation measures. The Applicant's position is that the assessment of adverse effects on The Wash SPA/ Ramsar was carried out appropriately and that the proposed measures are adequately tailored to maintain integrity of the SPA/ Ramsar. More details are provided in the individual responses below, further to previously submitted responses to Natural England Relevant Representation (RR-045 Natural England Appendix I Onshore Ornithology) (PD1-071) (I1-I5), and in relation to Habitat Regulation Assessment (H47-H49). This includes the additional information requested by Natural England in relation to crop preferences in 13.2 Addendum Winter Bird Survey 2023-2024 (AS1-108) and crop availability and rotation in Additional Clarifications Relating to Natural England's Relevant Representations (Appendix I) (PD1-093). This shows that the most common crop types utilised by the five key qualifying species were found to be bare/ploughed land, cereal crops, grass and stubble (fallow land). PD1-093 evidences that these crops are common and widespread within the Order Limits plus 400m buffer, which is reflected in the widespread distribution of pink-footed goose, lapwing, golden plover and curlew. Therefore, the mitigation set out in the EIA and RIAA specifically regarding a localised working restriction is sufficient, as it means that alternative foraging resource will remain available".</i></p> <p>The Applicant's comments on Deadline 3 submissions – Natural England Appendix I2 (document reference 21.3), Reference I1 paragraph 2, has been stated in relation to Point 5 above. In addition, the RIAA has been updated at Deadline 4 to include the second winter season survey results.</p>
8	I18	The proposed additional mitigation measures to reduce the potential noise disturbance at the landfall construction of the noise bund suggests construction of the mitigation in March, August, or September. Natural England advises that March is also avoided as this month overlaps with known presence of designated passage and overwintering bird species.	<p>D1 – Natural England will provide further advice on updated Schedule of mitigation and AS1-096 at Deadline 2.</p> <p>D2 – No Change. We will provide further advice at Deadline 3 to take into account any changes in project design parameters.</p> <p>D3 – Issue Progressed. See Appendix I2. Natural England notes from the Schedule of Mitigation update [PD1-058/059] that construction of the landfall noise bund will be limited to the months of August and September between the breeding and non-breeding bird seasons. For this issue to be resolved, this commitment must also be reflected in the OLEMS, as it currently states creation of the bund may also take place in March.</p>		<p>The Applicant's response to relevant representations (PD1-071), NE Reference I18, states:</p> <p><i>"This is noted. ODOW confirms that March will also be avoided for construction of the mitigation bund at the landfall, as documented in the Outline Landscape and Ecology Management Strategy (OLEMS) (8.10, Version 3). However, during this period, ODOW will focus on completing the 'soft start' works. These preparatory works, which include ground preparation, land drainage, fencing, signage, access haul road, material storage, and establishment of laydown for welfare, are crucial for ensuring a smooth start to the Bund work".</i></p> <p>The Applicant's comments on Deadline 3 submissions – Natural England Appendix I2 (document reference 21.3), Reference I1 paragraph 4, states:</p> <p><i>"This point has been addressed in the current version of the OLEMS(document 8.10, version 5). Paragraph 154 states "Construction of the bund, will be undertaken within the months of August/ September between the core breeding and non-breeding seasons. March will be avoided for constructing the mitigation bund at the landfall. However, ODOW will focus on completing the 'soft start' works during this period. These preparatory works, which include ground preparation, land drainage, fencing, signage, access haul road, material storage, and establishment of laydown for welfare, are crucial for ensuring a smooth start to the Bund work"."</i></p>
9	I19	The Applicant should ensure that two years of characterisation survey data are used at the time of consent to ensure the greatest likelihood of	D1 – Progressed. Please see our Deadline 1 response Appendix I1. Natural England		The Applicant's response to relevant representations (PD1-071), NE Reference I19, states:



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		preferred brent geese habitat within the ECC are under mitigation measures. A pre-construction survey should be undertaken to ensure that the mitigation measures remain fit for purpose. This should be secured in the In Principle Monitoring Plan.	welcomes the additional mitigation measures for dark-bellied brent geese. However, Natural England's advises further comments are made. D2 – No change. D3 – No change. Please see our advice in Appendix H2.		<p><i>"Data from the second season of winter and passage bird surveys is presented in an addendum (AS1-108). Based on these results, the mitigation for brent goose has been amended, to extend the seasonal restriction at The Haven to include a soft start to works in April, as detailed in Section 4.1 of the addendum (AS1-108) and is included in Section 3.7.5.5 of the OLEMS (document 8.10, Version 3). It is considered that two years of baseline survey is sufficient to identify the appropriate areas to implement a seasonal restriction for brent geese. For other key qualifying species with a widespread distribution, it is recognised that their distribution will shift in relation to the crop rotation, but the mitigation remains the same, which includes the localised working restriction, as explained in response to I5. Therefore, no pre-construction surveys for non-breeding qualifying species are proposed"</i></p> <p>The Applicant's comments on Deadline 1 submissions (REP2-053), Appendix I1 ID I1 paragraph 5, states: <i>"The Applicant is pleased to note that Natural England welcomes this additional mitigation measure.</i></p> <p><i>With regards to vegetation clearance, as stated in OLEMS paragraph 152: "Within the October to March seasonally restricted area works would be limited to vegetation clearance and maintenance, in order to avoid clearance during the nesting bird season and to minimise the risk of birds establishing nests within the working area. Usual agricultural operations will continue. Essential non-intrusive survey works would also be permitted within the seasonally restricted periods"</i></p> <p><i>Vegetation clearance and maintenance work will be undertaken in those sections of the seasonally restricted area where trenched works will take place. These sections are presented on Figure 22.4 (APP-113) and are located further away from the River Haven. Nonetheless, the Applicant commits to employing an Ecological Clerk of Works (ECoW) to undertake a survey for brent geese prior to vegetation clearance works commencing in a discreet area. No clearance works will commence whilst brent geese are present within 400m of the area to be cleared. Once clearance works have commenced, they will continue until works have been completed in that location. This commitment will be added to the OLEMS. An updated OLEMS will be submitted at Deadline 3"</i></p> <p><i>In relation to dark-bellied brent geese occurring outside of the seasonal restricted area, AS1-108 paragraph 50 states "A notable flock was recorded in a new location in ECC 10, further away from the cluster around The Haven, on a single occasion, utilising cereal fields. It is considered that the existing mitigation, including a commitment to localised working, will minimise disturbance impacts outside of the hotspot at the Haven"</i></p> <p>It is unclear which part of the advice in Appendix H2 Natural England are referring the Applicant to in their Deadline 3 update, as H2 provides comments on the outline noise and vibration management plan. It is assumed that Natural England instead mean to refer to Appendix I2, Reference 1 paragraph 1. <i>The Applicant's comments on Deadline 3 submissions – Natural England Appendix I2 (document reference 21.3), Ref I1 para 1, states:</i></p>

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					<p><i>"The updates to the onshore ornithology mitigation measures were made in Version 2 of the Schedule of Mitigation [PD1-059]. These include extending the duration of the seasonal restriction at The Haven to include April (previously encompassed October to March). Works in April will be restricted to soft start works and no drilling will take place. Soft start works will entail site preparations and establishment of the haul road and work areas. It is assumed that comment Ref No. 1.1 refers to these soft start works in April.</i></p> <p><i>A further mitigation measure, to address the potential visual disturbance impact from soft start works, has been added to the OLEMS (document 8.10, version 5) submitted at Deadline 4, consisting of a commitment to provision of visual screening within the seasonally restricted area around The Haven in April".</i></p> <p>With the inclusion of these additional mitigation measures, it is considered that this issue can be marked as resolved (Green status).</p>
10	I20	In light of the comments above on mitigation, please amend the 8.13 Schedule of Mitigation [APP-287] document to address our advice.	<p>D1 - No change. A DCO update will be provided at Deadline 2.</p> <p>D2 – No change</p> <p>D3 – No change. Issue progressed. See response to item 8 above and Appendix I2.</p>		<p>The Applicant's response to relevant representations (PD1-071), NE Reference I20, states:</p> <p><i>"An updated Schedule of Mitigation (document 8.13, Version 2) has been updated and submitted alongside this response in line with the Applicant's responses to Natural England's comments".</i></p> <p>Where Natural England refer the Applicant to Point 8 above, please see the Applicant's response above, which addresses Appendix I2 Reference 1 paragraph 4 (construction of the mitigation bund).</p> <p>Appendix I2 Reference 1 paragraph 1 has been addressed in response to Point 9 above.</p> <p><i>The Applicant's comments on Deadline 3 submissions – Natural England Appendix I2(document reference 21.3), Reference 2 paragraph 2, states:</i>  <i>Please note that a version of the OLEMS [REP3-028] was submitted in December 2024. A further updated version (Version 5) has been submitted at Deadline 4 (document reference 8.10).</i></p> <p><i>It has not been stated which aspects do not align and therefore the three documents have been compared. The following misalignments have been corrected.</i></p> <p><i>RIAA (document reference 7.1, version 3):</i></p> <ul style="list-style-type: none"> <li><i>Note added that the landfall mitigation bund will be removed at the end of the construction phase.</i></li> <li><i>Updated the extent of the seasonally restricted area around The Haven.</i></li> <li><i>Clarified the months in which landfall bund construction works will be undertaken.</i></li> <li><i>Added the ECoW commitment for vegetation clearance within the seasonal restricted area.</i></li> <li><i>Added the clarification regarding provision of a cover crop.</i></li> </ul> <p><i>Schedule of Mitigation (document reference 8.13, version 4):</i></p>

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					<ul style="list-style-type: none"> <li>Added details regarding the landfall mitigation bund.</li> <li>Updated the extent of the seasonally restricted area around The Haven.</li> <li>Clarified the months in which landfall bund construction works will be undertaken.</li> <li>Added the ECoW commitment for vegetation clearance within the seasonal restricted area.</li> <li>Added details regarding the seasonal localised working restriction.</li> <li>Deleted duplicate commitments".</li> </ul> <p>Appendix I2 Reference 1 paragraphs 2 and 3 refer to additional mitigation for disturbance to birds utilising FLL, which has been addressed in response to Points 5 and 7 above.</p> <p>With the updates to the Schedule of Mitigation it is considered that this issue can be marked as resolved (Green Status).</p>
11	I21	Further site specific evidence on suitable alternative foraging habitat for dark bellied brent geese should be presented to corroborate the conclusions of No AEOL. The reassessment of the pink-footed geese impact pathway by utilising two years of data is required for a robust conclusion to be drawn. Upon inclusion of these data into the impact assessment, additional mitigation proposals may be required.	<p>D1 – Progressed. Natural England will provide further advice on updated Schedule of mitigation at Deadline 2.</p> <p>D2 – No change. Natural England will provide further advice on updated Schedule of mitigation at Deadline 3.</p> <p>D3 – No change. See our advice in Appendix H2.</p>		<p>The Applicant's response to relevant representations (PD1-071), NE Reference I21, states:</p> <p><i>"Please refer to the responses to I1 and I2 regarding the second season of non-breeding bird data and additional information on crop utilisation.</i></p> <p><i>The winter bird survey addendum (AS1-108) shows that brent geese recorded on arable land within the study area were utilising cereal fields only. Cereal crops are a common crop type in the area, as is evidenced by the season two survey results. Mitigation which will minimise the potential impact of temporary habitat loss includes the use of trenchless crossing techniques at The Haven, with the cable installation compounds set back from the edge of the river by approximately 100m. In addition, there is a commitment to leave arable cropland un-stripped where works are not due to take place that year and to return land to agriculture as soon as practicable following completion of works in a specific location. This means that within the 51 month schedule, temporary habitat loss with arable fields around The Haven will occur over three winter seasons with the reinstatement of land up to the haul roads intended in year 2, before the land is fully reinstated in year 3. Combined with the small area of land affected as described in APP-236, the conclusion of no AEOL of the Wash SPA in relation to dark-bellied brent goose and temporary habitat loss is valid.</i></p> <p><i>Regarding pink-footed goose, please refer to the response to I1, which references the season two addendum (AS1-108) and update to the assessment and mitigation measures".</i></p> <p>Natural England's update at Deadline 3 refers the Applicant to Appendix H2, however that relates to the outline noise and vibration management plan. Given that Natural England stated at Deadlines 1 and 2 that they would provide advice on the updated Schedule of Mitigation, it is assumed that their Deadline 3 update is meant to refer to Appendix I2. Natural England's advice on mitigation for dark-bellied brent goose (Appendix I2 Reference 1 paragraph 1) has been addressed above in relation to Point 9. Natural England's advice on mitigation for pink-footed goose (Appendix I2</p>

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					<p>Reference 1 paragraphs 2 and 3) has been addressed above in relation to Points 5 and 7.</p> <p>In addition, an updated version of the RIAA has been submitted at Deadline 4 which includes the second winter season bird data.</p>
12	I22	Conclusions on temporary habitat loss considered no AEOI for Lapwing due to the <40% of arable fields which are being subject to temporary habitat loss. Natural England notes that this is based upon one year of survey data (peak flock count of 400). The Applicant should demonstrate that these conclusions remain valid considering the second year data which shows much higher abundances of this species identified along the onshore ECC route.	<p>D1 – Progressed. Please see our Deadline 1 response Appendix I1.</p> <p>D2 – No change.</p> <p>D3 – No change. Please see our advice in Appendix I2.</p>		<p>The Applicant's response to relevant representations (PD1-071), NE Reference I22, states:</p> <p><i>"Please refer to the response to I1 and I2, which references the season two addendum (AS1-108) and clarification note on cropping<sup>12</sup>. This shows that lapwing were recorded utilising crop types which are common within the Order Limits plus 400m as well as in the wider area and the area of temporary habitat loss forms only a very small proportion of those crop types in the area. Where localised distribution was identified, such as at Anderby Marsh, then targeted mitigation measures have been adopted including avoidance of those areas".</i></p> <p>The Applicant's comments on Deadline 1 submissions (REP2-053), Appendix I1 summary of advice section, are presented in relation to Point 7 above.</p> <p>Appendix I1 ID I1 paragraph 1 (REP1-066), states <i>"Natural England welcomes the provision of the second year of onshore bird survey data [AS1-108]. And confirms that a sufficient level of data has now been provided by the Applicant to characterise passage and over-wintering bird usage of FLL at the landfall and along the ECC."</i></p> <p>Whilst Appendix I1 ID 1 paragraph 2 (REP1-066) highlights that there was an increase in abundances in season 2, it goes on to say that there is a heightened sensitivity to disturbance, rather than discussing temporary habitat loss specifically.</p> <p>The Applicant's comments on Deadline 1 submissions (REP2-053), Appendix I1 ID 1 paragraph 4, states:</p> <p><i>"The Applicant's position is that the alternative suitable habitats of pink-footed goose, lapwing, golden plover and curlew will remain available, in relation to the area of temporary loss of agricultural habitat resulting from construction works along the cable corridor and considering an ongoing reinstatement of habitats.</i></p> <p><i>As presented in the Additional Clarifications Relating to Natural England's Relevant Representations (Appendix I) with regards to crop availability (PD1-093), the favoured crop types used by the five key qualifying species of The Wash SPA/ Ramsar were bare earth/ ploughed fields, cereals and grassland. Sample crop survey within the Order Limits plus 400m showed that fallow land, which includes bare ground/ ploughed and stubble fields is the second most common land use type (after wheat) covering an estimated 926 ha. Wheat and grass are the first and the third most common crop types within the Order Limits plus 400m with an estimated coverage of 2,915 ha and 700 ha respectively. All these crops were evenly distributed along Order Limits plus 400m with a total estimated area of 4,541 ha.</i></p> <p><i>Wheat and grass were also most common within sample crop polygons taken from the CROME database covering up to 18km from the Wash SPA/ Ramsar, with an average</i></p>



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					<p>14,141 ha of wheat and 12,251 ha of grass in the three reference years (2019, 2020 and 2021). Fallow and non-vegetated or sparsely vegetated land represented on average 8,149 ha in the three reference years.</p> <p>Therefore, the Applicant's position in relation to the temporary loss of FLL, including from potential disturbance displacement, is as set out in PD1-093 paragraph 11 that "the mitigation set out in the EIA and RIAA specifically regarding a localised working restriction is appropriate, as alternative foraging resource will remain available".</p> <p>No specific reference to temporary habitat loss can be identified in Natural England's Deadline 3 advice in Appendix I2. Reference 2 paragraph 1 does advise that the RIAA should be updated with the Season 2 data and to address Natural England's advice on mitigation measures. An updated version of the RIAA has been submitted at Deadline 4 which includes the Season 2 data including an updated assessment for temporary habitat loss, which demonstrates that the original conclusions remain valid. It is therefore considered that this point can be marked as resolved (Green status).</p>
13	I23	The conclusion of No AEol from the impact of temporary habitat loss utilises a summary of "generally 50% or less" of arable fields, where golden plover were identified in the first year survey, would be subject to temporary habitat loss. Considering the second year of baseline characterisation data which shows a general trend of greater abundances of individuals within flocks compared to the first year, Natural England advises that this conclusion is reviewed and justified with a full baseline characterisation data set.	<p>D1 – Progressed. Please see our Deadline 1 response Appendix I1.</p> <p>D2 – No change.</p> <p>D3 – No change. Please see our advice in Appendix I2.</p>		Please refer to the response to Point 12.
14	I24	The conclusion on temporary habitat loss for curlew relies on the same evidence as those drawn for lapwing. Advice and recommendation on lapwing above is also relevant to populations of curlew.	<p>D1 – Progressed. Please see our Deadline 1 response Appendix I1.</p> <p>D2 – No change.</p> <p>D3 – No change. Please see our advice in Appendix I2.</p>		Please refer to the response to Point 12.
15	I25 & I5	The project has adopted mitigation in the form of localised working and reinstatement programmes to reduce impacts of disturbance and temporary habitat loss on land functionally linked to features of protected sites, in particular The Wash SPA and Ramsar. These measures have been applied at a high level across the ECC without considering specific designated species distribution patterns, species specific disturbance distances and preferred foraging habitat distribution within the route. Further information on the mitigation measures in the context of these important factors should be included.	<p>D1 – Progressed. Please see our Deadline 1 response Appendix I1.</p> <p>D2 – No change.</p> <p>D3 – No change. Please see our advice in Appendix I2.</p>		<p>The Applicant's response to relevant representations (PD1-071), NE Reference I5, states:</p> <p><i>"Designated species distribution patterns have been considered in the design of the mitigation, as evidenced by the targeted measures included in specific locations to address 'hotspot' areas, including the seasonal restriction at and around the "The Haven" crossing and the screening and noise attenuation bund at the Landfall to protect birds within the coastal nature reserves. For other species utilising potential FLL, which have a widespread distribution and move between fields between visits, the localised working restriction is appropriate, as explained in Section 22.8.1.3 of APP-077 (e.g. for lapwing). The disturbance assessment, and therefore mitigation requirements, have taken account of species specific disturbance distances, as detailed for individual species in Section 22.8.1.3 of APP-077.</i></p> <p><i>The season two wintering bird survey addendum (AS1-108) provides additional information on the preferred foraging habitat within the survey area and the mitigation measures were reviewed to account for this, with amendments provided in the addendum."</i></p> <p>The Applicant's response to relevant representations (PD1-071), NE Reference I25, states:</p>

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					<p><i>"As the localised working restriction has been designed to mitigate potential disturbance impacts to birds with a widespread distribution, limiting that to a maximum of 1.4% of the onshore order limits at any one time is appropriate (as secured in paragraphs 159-163 of the OLEMS (document 8.10, Version 3)). Should discrete work sites be aggregated close together then the overall area of land affected by disturbance would be less than if potential disturbance buffers from discrete work sites did not overlap. Therefore, it would not be appropriate to set a minimum distance between discrete sites".</i></p> <p>The Applicant's comments on Deadline 1 submissions (REP2-053), Appendix I1 ID 1 paragraph 4, are presented in relation to Point 12 but which are also applicable here, state:</p> <p><i>"The Applicant's position is that the alternative suitable habitats of pink-footed goose, lapwing, golden plover and curlew will remain available, in relation to the area of temporary loss of agricultural habitat resulting from construction works along the cable corridor and considering an ongoing reinstatement of habitats.</i></p> <p><i>As presented in the Additional Clarifications Relating to Natural England's Relevant Representations (Appendix I) with regards to crop availability (PD1-093), the favoured crop types used by the five key qualifying species of The Wash SPA/ Ramsar were bare earth/ ploughed fields, cereals and grassland.</i></p> <p><i>Sample crop survey within the Order Limits plus 400m showed that fallow land, which includes bare ground/ ploughed and stubble fields is the second most common land use type (after wheat) covering an estimated 926 ha. Wheat and grass are the first and the third most common crop types within the Order Limits plus 400m with an estimated coverage of 2,915 ha and 700 ha respectively. All these crops were evenly distributed along Order Limits plus 400m with a total estimated area of 4,541 ha.</i></p> <p><i>Wheat and grass were also most common within sample crop polygons taken from the CROME database covering up to 18km from the Wash SPA/ Ramsar, with an average 14,141 ha of wheat and 12,251 ha of grass in the three reference years (2019, 2020 and 2021). Fallow and non-vegetated or sparsely vegetated land represented on average 8,149 ha in the three reference years.</i></p> <p><i>Therefore, the Applicant's position in relation to the temporary loss of FLL, including from potential disturbance displacement, is as set out in PD1-093 paragraph 11 that "the mitigation set out in the EIA and RIAA specifically regarding a localised working restriction is appropriate, as alternative foraging resource will remain available".</i></p> <p>It is unclear which parts of Natural England's Deadline 3 advice in Appendix I2 refer to this point specifically, but it is assumed that it is Reference 1 paragraphs 2 and 3 in particular. That advice is responded to in Points 5 and 7 above.</p>
16	I26	The conclusion of No AEol from temporary disturbance due to construction activity to populations of golden plover, which are designated interest features of the Humber Estuary SPA, The Wash Ramsar and part of The Wash SPA assemblage, is based upon 1 year of survey data. Assessment of impact should be based upon two years of	<p><b>D1 – Progressed. Please see our Deadline 1 response Appendix I1.</b></p> <p><b>D2 – No change.</b></p> <p><b>D3 – No change. Please see our advice in Appendix I2.</b></p>		<p>The Applicant's response to relevant representations (PD1-071), NE Reference I26, states:</p> <p><i>"Please refer to the response to I1, which references the addendum (AS1-108) within which paragraphs 62-65 summarises the season two results, compares these with season 1 and discusses mitigation measures. Golden plover were recorded at low</i></p>

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		baseline characterisation data and set against population trends of the species and the conservation objectives of the sites where they are designated.			<p>frequency and typically were only recorded in a specific location on a single visit. They were also recorded from field types which are common across the survey area. Therefore the primary mitigation remains the same, which is to limit the works to localised areas at any one time during the winter season when the plover flocks are present and thereby minimise the potential disturbance impact, as alternative habitat will remain available. Information on population trends and conservation objectives for golden plover are set out and considered within the impact assessment within this subsection for 'Feature 3: golden plover', paragraphs 1225 to 1236 of APP-236."</p> <p>The Applicant's comments on Deadline 1 submissions (REP2-053), Appendix I1 ID 1 paragraph 2, state:  <i>"The Applicant acknowledges that the size of the individual flocks of The Wash SPA/ Ramsar designated pink-footed geese, golden plover, lapwing and curlew recorded during the Winter Bird Survey 2023/24 were larger than in 2022/23 (AS1-108). However, the Applicant's position is that the proposed mitigation, in the form of seasonal and localised working commitments, remains sufficient.</i></p> <p><i>This takes into account the following:</i></p> <ul style="list-style-type: none"> <li><i>A total of 27 and 23 records of pink-footed goose were recorded in 2022/23 and 2023/24 winter bird surveys respectively during 14 visits between September and March (2022/23) and during 16 visits between September and April (2023/24). This is on average 1.9 flocks per visit in 2022/23 and 1.4 flocks per visit in 2023/24 along the 70km Order Limits plus 400m, ranging between zero and three flocks per visit. In 2023/24 season when larger flocks were recorded, pink-footed goose were recorded during only seven visits (out of 16) and within nine ECC sections (out of 14) with most of the sighting locations recorded only once. This suggests that pink-footed goose were using the Survey Area infrequently, utilising evenly distributed and widely available food resources.</i></li> <li><i>Apart from golden plovers, which were recorded during only six of 16 visits during the 2023/24 season, lapwing and curlew were recorded throughout the season and all three species were widespread across the whole Survey Area. However, there was only one visit when more than ten golden plover flocks were recorded, and two and four visits when more than 15 flocks of lapwing and curlew were recorded respectively. This suggests that these species typically utilise very few fields at any one time in the context of the whole 70km Survey Area. In most cases, flocks were recorded at specific locations only once suggesting that the three species have widespread distributions utilising widely available food resources along the Survey Area.</i></li> <li><i>The survey results are considered in the context of the 70km Order Limits, the proportion of the cable corridor where work will be carried out at any one time and availability of alternative habitat within the Order Limits and in the wider area:</i> <ul style="list-style-type: none"> <li><i>As stated in the EIA report (APP-077) paragraph 250: "...works between November to February inclusive will be carried out by several small teams at discrete locations along the route, such as joint bay or link box installation, trenchless crossings, cable installation (pulling of cables through pre-installed ducts) and other non-intrusive earth</i></li> </ul> </li> </ul>

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					<p>works (e.g. cable testing). Assuming a works area of 100m at these sites and 10 active sites, this would account for approximately 1,000m of works or (1km/70km) or 1.4% of the cable corridor at any one time. Activity on the remaining 98.6% of the corridor will be confined to the operatives taking daily access to the work site where this involves the use of a haul road and moving the drilling plant to the next site once the work at any location is complete”.</p> <ul style="list-style-type: none"> <li>○ As stated in the updated Outline Landscape and Ecological Management Strategy (OLEMS) (AS1-103) paragraph 153: “For conventional cross-country construction methodologies involving soil handling, the primary construction period is March – October. During November to February period, works will continue at trenchless crossing sites and joint bays that can be accessed by temporary haul roads and hard-standings. No trenched excavation works for duct installation will be undertaken throughout November – February”.</li> <li>○ As stated in the updated (OLEMS) (AS1-103) paragraph 149: “The additional mitigation for The Wash SPA and Ramsar, comprising a seasonal restriction to construction activity, to avoid works during the period of October to March inclusive within 400m of The Wash SPA, will reduce the potential disturbance impact to this species”.</li> <li>○ As stated in the Additional Clarifications Relating to Natural England's Relevant Representations (Appendix I) with regards to crop availability (PD1-093) the most utilised types of crop by the four qualifying features discussed here were also the most common and widespread within the Order Limits plus 400m.</li> </ul> <p>Natural England advises that it is particularly true that there are more birds reliant on FLL in the following locations: the ECC running parallel to A52 and then around the RSPBs Freiston and Frampton nature reserves, the Rivers Witham (the Haven) and Wellend. These areas encompass the majority of the Order Limits and only exclude the section between Skegness and the landfall, which is the section furthest away from The Wash SPA and Ramsar. This description therefore corresponds with the description in the Season 2 Addendum (AS1-108), which describes a widespread distribution across the survey area for pink-footed goose, golden plover, lapwing and curlew.</p> <p>Natural England advises that with more birds being reliant on FLL there is a heightened sensitivity to disturbance. The proposed mitigation remains effective however, as they will ensure that only a small area relative to the foraging ranges of these species is affected at any one time and alternative foraging habitat remains available (as evidenced in PD1-093).</p> <p>In summary, the Applicant's position is that the proposed mitigation measures in relation to FLL are sufficient to maintain the integrity of the Wash SPA/ Ramsar because: (a) a total of 98.6% of the 70km cable corridor will be left without construction activity at any one time between November and February; (b) a very small proportion of fields within the Order Limits plus 400m are utilised by the four species at any one time; (c) potential disturbance will be temporary and highly localised; and (d) large</p>



Point	Ref from Appendix I [RR-045]	Taken from Natural England's Relevant Representations ODOW Appendix I – Onshore Ornithology [RR-045]	Natural England's Deadline Consultations, Actions, Progressions and RAG	The Applicant's Current Position
				<p>areas of alternative foraging habitats exist within the Order Limits and the wider area (within foraging range of the estuary)."</p> <p>It is unclear which parts of Natural England's Deadline 3 advice in Appendix I2 refer to this point specifically, but it is assumed that it is Reference 1 paragraphs 2 and 3 in particular. That advice is responded to in Points 5 and 7 above.</p>
17	I27	A conclusion of No AEol for the impact of temporary disturbance to populations of designated pink-footed geese using FLL is reliant on one year of baseline characterisation data and the availability of alternative foraging habitat. To have confidence in the impact conclusion, Natural England needs to understand the abundance and distribution from 2 years of baseline characterisation data. The Applicant should demonstrate how much of this land could be subject to temporary disturbance within the foraging range and subsequently whether an impact would require mitigating.	<p>D1 – Progressed. Please see our Deadline 1 response Appendix I1.</p> <p>D2 – No change.</p> <p>D3 – No change. Please see our advice in Appendix I2.</p>	<p>The Applicant's response to relevant representations (PD1-071), NE Ref I27, states: "Please refer to the response to I3." The response to I3 is provided in response to Point 5 above, however has been re-stated here for completeness "The season two winter bird survey addendum (AS1-108) provides details of the distribution and abundance surveys for pink-footed goose, including a review of any changes required to the assessment or mitigation measures for this species.</p> <p>The season two results show that between zero and three flocks of pink-footed goose were recorded per visit across the approximately 70km long onshore survey area. Flocks typically moved location between visits. Flocks were recorded feeding and loafing in fields with bare soil, cereal and stubble. On the basis of a small number of flocks, moving around between fields and utilising common field types, the localised working restriction remains a suitable mitigation measure.</p> <p>The Applicant notes that Natural England's guidance on mitigation for pink-footed goose is tailored to situations where the species is primarily feeding on sugar beet, which is not the case within the survey area. A sample study of 1,000ha of land within the onshore Order Limits (Dalcour Maclaren) which was undertaken in 2023 recorded only ~2% sugar beet (See 15.11 Additional clarifications relating to Natural England's Relevant Representations (Appendix I Onshore Ornithology)). The season two wintering bird surveys recorded pink-footed geese utilising bare ground, cereals and stubble rather than sugar beet. Therefore the suggested mitigation strategy is not applicable to the Project."</p> <p>Natural England's Deadline 1 advice does not map directly to address this point. The Applicant's response to Deadline 1 advice has been presented in relation to other Points above, due to the overlap in content, particularly Point 7 (mitigation), Point 15 (crop preferences) and Point 16 (disturbance impact).</p> <p>It is assumed that Reference 1 paragraphs 2 and 3 of Natural England's Deadline 3 advice refer to this point. That advice is responded to in Points 5 and 7 above.</p>
18	New Issue D1	There is disagreement between Natural England and Applicant on the impact assessment for Dark Bellied Brent Geese, Pink Footed Goose, Lapwing, Curlew and Golden Plover. Additional focus will need to be on mitigation measures	<p>D1 – New Issue identified at Deadline 1, see Appendix I1.</p> <p>D2 – No change.</p> <p>D3 – No change.</p>	<p>The Applicant's comments on Deadline 1 submissions (REP2-053), Appendix I1 summary of advice section, has been addressed in Point 7 above.</p> <p>Reference 1 paragraphs 2 and 3 of Natural England's Deadline 3 advice refer to this point. That advice is responded to in Points 5 and 7 above.</p>

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