

# Outer Dowsing Offshore Wind

## The Applicant's Written Summary of Oral Case Put at the Issue Specific Hearing 6 held on 13 February 2025

### Deadline 4a

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## Acronyms & Definitions

### Abbreviations / Acronyms

Abbreviation / Acronym	Description
BMV	Best and Most Versatile
DCO	Development Consent Order
ECC	Export Cable Corridor
EIA	Environmental Impact Assessment
ES	Environmental Statement
HND	Holistic Design Network
IAQM	Institute of Air Quality Management
NESO	National Energy Systems Operator
NGSS	National Grid Substation
oCoCP	Code of Construction Practice
OFH	Open Floor Hearing
OnSS	Onshore Substation
OTNR	Offshore Transmission Network Review
SMP	Soil Management Plan

### Terminology

Term	Definition
The Applicant	GT R4 Ltd. The Applicant making the application for a DCO. The Applicant is GT R4 Limited (a joint venture between Corio Generation (and its affiliates), Total Energies and Gulf Energy Development (GULF)), trading as Outer Dowsing Offshore Wind. The Project is being developed by Corio Generation, TotalEnergies and GULF.
Cumulative impact	Impacts that result from changes caused by other past, present or reasonably foreseeable actions together with the Project.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for a Nationally Significant Infrastructure Project (NSIP).
Effect	Term used to express the consequence of an impact. The significance of an effect is determined by correlating the magnitude of the impact with the sensitivity of the receptor, in accordance with defined significance criteria.
Environmental Impact Assessment (EIA)	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment Requirements of the EIA Regulations, including the publication of an Environmental Statement (ES).
Environmental Statement (ES)	The suite of documents that detail the processes and results of the EIA.

Term		Definition
Export cables		High voltage cables which transmit power from the Offshore Substations (OSS) to the Onshore Substation (OnSS) via an Offshore Reactive Compensation Platform (ORCP) if required, which may include one or more auxiliary cables (normally fibre optic cables).
High Alternating Current (HVAC)	Voltage Current	High voltage alternating current is the bulk transmission of electricity by alternating current (AC), whereby the flow of electric charge periodically reverses direction.
Impact		An impact to the receiving environment is defined as any change to its baseline condition, either adverse or beneficial.
Landfall		The location at the land-sea interface where the offshore export cables and fibre optic cables will come ashore.
Link boxes		Underground metal chamber placed within a plastic and/or concrete pit where the metal sheaths between adjacent export cable sections are connected and earthed.
Mitigation		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. Mitigation measures can be embedded (part of the project design) or secondarily added to reduce impacts in the case of potentially significant effects.
National Grid Onshore Substation (NGSS)		The National Grid substation and associated enabling works to be developed by the National Grid Electricity Transmission (NGET) into which the Project's 400kV Cables would connect.
Onshore Export Cable Corridor (ECC)		The Onshore Export Cable Corridor (Onshore ECC) is the area within which, the export cables running from the landfall to the onshore substation will be situated.
Onshore substation (OnSS)		The Project's onshore HVAC substation, containing electrical equipment, control buildings, lightning protection masts, communications masts, access, fencing and other associated equipment, structures or buildings; to enable connection to the National Grid
Outer Offshore (ODOW)	Dowsing Wind	The Project.
Order Limits		The area subject to the application for development consent, The limits shown on the works plans within which the Project may be carried out.
The Planning Inspectorate		The agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs).
Pre-construction and post-construction		The phases of the Project before and after construction takes place.

Term	Definition
The Project	Outer Dowsing Offshore Wind, an offshore wind generating station together with associated onshore and offshore infrastructure.
Project design envelope	A description of the range of possible elements that make up the Project's design options under consideration, as set out in detail in the project description. This envelope is used to define the Project for Environmental Impact Assessment (EIA) purposes when the exact engineering parameters are not yet known. This is also often referred to as the "Rochdale Envelope" approach.

## 1 Introduction and Document Purpose

1. This document is provided in line with the Examining Authority's (ExA's) Rule 8(3) letter (PD-022) request for submission of *"Post-hearing submissions including written summaries of oral case put at hearings during w/c 10 February 2025"*.
2. Issue Specific Hearing 6 ("**ISH6**") for the Outer Dowsing Offshore Wind Farm took place on 13 February at 10am and was held in person and virtually via Microsoft Teams.
3. The ISH6 broadly followed the agenda published by the Examining Authority (the ExA) on 5 February (the Agenda) (EV11-001).
4. Summaries of oral submissions of parties other than the Applicant are provided only to the extent necessary to give the Applicant's submissions necessary context.

## 2 Written Summary of Oral Case Put at the Issue Specific Hearing 6

Table 2.11: Written Summary of the Applicant's Oral Case at ISH6

Agenda Item	ExA Question / Context for discussion	Applicant's Response
<b>3.1 Welcome and Introductions</b>		
3.1	The ExA opened the hearing, introduced themselves, made opening remarks and invited parties present to introduce themselves.	<p>Hereward Phillpot KC (<b>HPKC</b>) introduced himself as instructed by Shepherd and Wedderburn LLP, on behalf of for GT R4 Ltd, stating that he would introduce speakers over the course of the day and provide a complete list thereafter which is now provided below:<sup>1</sup></p> <ul style="list-style-type: none"> <li>a. <b>Item 3.2:</b> Phil New, Offshore Environmental Impact Assessment Technical Lead, GoBe Consultants</li> <li>b. <b>Item 3.2:</b> James Miles, Principal Ornithology Consultant, GoBe Consultants,</li> <li>c. <b>Item 3.2:</b> Mark Lewis, Senior Ornithology Consultant, GoBe Consultants</li> <li>d. <b>Item 3.2:</b> Jake Laws, HRA &amp; Derogation Manager, Outer Dowsing</li> <li>e. <b>Item 3.2:</b> Emma Reid, Director, Shepherd and Wedderburn</li> <li>f. <b>Item 3.3:</b> Greg Tomlinson, Offshore Consents Manager, Outer Dowsing,</li> <li>g. <b>Item 3.3:</b> Jon Ongley, Construction Manager Outer Dowsing</li> <li>h. <b>Item 3.3:</b> Rachael Sinclair, Principal Scientist, SMRU Consulting</li> <li>i. <b>Item 3.4:</b> Angie de Burgh Associate Director, GoBe Consultants</li> <li>j. <b>Item 3.4:</b> Anna Kalish, Marine Processes Senior, GoBe Consultants</li> <li>k. <b>Item 3.5:</b> Adam Foster, Head of Renewables, Anatec</li> <li>l. <b>Item 3.5:</b> Ali MacDonald, Principal Risk Analyst, Anatec</li> <li>m. <b>Item 3.6</b> Chris Jenner, Development Manager, Outer Dowsing</li> </ul>

<sup>1</sup> Speakers who spoke against multiple items are listed only once against the first item on which they spoke.



Agenda Item	ExA Question / Context for discussion	Applicant's Response
		n. <b>Item 3.6</b> Simon Gandy, Technical Director, SLR Consulting o. <b>Item 3.6:</b> Scott McCallum, Partner, Shepherd and Wedderburn LLP
3.1	Alasdair Auld introduced himself as head of safeguarding, NATS En Route; Alex Tresadearn introduced himself as acting on behalf of the "Ørsted IP"s. <sup>2</sup>	
<b>3.2 Offshore and Intertidal Ornithology</b>		
<b>Environmental Impact Assessment considerations</b>		
3.2	The ExA set out the following opening remarks:  a. The ExA did not believe any Interested Parties were present – including from the MMO, RSPB, or Natural England – either in the room or online who wished to speak on this agenda item  b. The ExA asked if those watching now or later would respond in a timely matter to action points which emerged. The ExA pointed out that attendance by MMO, RSPB and Natural England would be advantageous but noted the number of NSIP Examinations occurring at the same	Post-hearing note: As set out in the Applicant's Covering Letter, the Applicant has – where possible – replied to RIES questions at Deadline 4a and will complete its responses at Deadline 5. These responses are provided in Appendix 4 of The Applicant's Response to Actions Points recorded at ISH5 and ISH6 (Document 22.9)

<sup>2</sup>

Post hearing note: This term is defined in written submissions by these Interested Parties including, for instance, page 1 of REP3-062

Agenda Item	ExA Question / Context for discussion	Applicant's Response
	<p>time, creating a high workload for those involved.</p> <p>c. The ExA referred to the Report on the Implications for European Sites ("<b>RIES</b>") being published on Monday and that it would seek clarification from parties on certain matters. The ExA flagged that response to the RIES by <u>Deadline 4a</u> would be appreciated but the deadline remained as Deadline 5.</p> <p>d. The ExA set out that the agenda was not hugely detailed because it had not received the Deadline 4 responses, before moving onto agenda item specific questions.</p>	
3.2	The ExA asked about the key changes to documents submitted at Deadline 4 related to Agenda Item 3.2	<p>HPKC introduced Phil New to lead on these items with further input from other experts.</p> <p>Phil New ("<b>PN</b>") set out that, from an offshore ornithology perspective, an updated Report to Inform Appropriate Assessment ("<b>RIAA</b>") was submitted at D4 primarily to deal with incorporating updates from the introduction of the Offshore Restricted Build Area ("<b>ORBA</b>") and updates based on Natural England's position, and updated information particularly regarding Red-Throated Diver which was based on direct bilateral meetings with Natural England and methodologies agreed in such meetings regarding Red-Throated Diver in particular, which PN hoped would allow Risk and Issues points to be resolved.</p> <p>PN also, when asked, clarified a typo (being a reference to 17 February 2025 which should have been to 17 January 2025).</p>

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3.2	ExA asked about the submission of Chapter 12 of the Environmental Statement (“ES”) and when that could be expected	<p>PN set out that ES updates would take place at Deadline 5, that the MRSea appendix (Appendix 12.6) was updated at D4 to deal with a key request from Natural England and that the ES updates were typically a matter of administration (for the benefit of those reading) rather than the introduction of new information.</p> <p>PN set out that Natural England has stated that it was not able to draw conclusions on the cumulative assessment until it saw updated chapters but that the Applicant was not able to advance this, in general, ahead of Deadline 5 but that the Applicant was happy to look on an individual basis for particular chapters of the ES to see whether they could be provided at D4, which the EXA confirmed would be of great assistance</p>
3.2	The ExA asked about the Collision Risk Modelling (“CRM”) prediction changes and whether the ES Migratory Bird Collision Risk has been, or required to be, updated?	<p>PN set out that, within the RIAA at D4, this information was updated but that the Appendix 12.5 itself would be provided in the ES update which would be expedited to the best extent possible.</p> <p>Post-hearing note: the following Offshore Ornithology ES chapter and appendices has been updated at Deadline 4a in line with this request:</p> <ul style="list-style-type: none"> <li>a. 6.1.12 Chapter 12 Offshore and Intertidal Ornithology</li> <li>b. 6.2.12 Chapter 12 Offshore and Intertidal Ornithology Figures</li> <li>c. 6.3.12.1 Chapter 12 Appendix 1 Intertidal and Offshore Ornithology Technical Baseline</li> <li>d. 6.3.12.2 Chapter 12 Appendix 2 Collision Risk Modelling</li> <li>e. 6.3.12.3 Chapter 12 Appendix 3 Displacement Assessment</li> <li>f. 6.3.12.4 Chapter 12 Appendix 4 Population Viability Analysis</li> <li>g. 6.3.12.5 Chapter 12 Appendix 5 Migratory Collision Risk Modelling</li> </ul>

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		<ul style="list-style-type: none"> <li>h. 6.3.12.7 (previously 19.8) Chapter 12 Appendix 7 Levels of precaution in the assessment and confidence calculations for offshore ornithology</li> <li>i. 6.3.12.8 (previously 19.9) Chapter 12 Appendix 8 Consideration of bioseasons in the assessment of guillemot</li> <li>j. 6.3.12.9 (previously 19.10) Chapter 12 Appendix 9 Rates of displacement in guillemot and razorbill<sup>3</sup></li> </ul>
3.2	<p>The ExA raised a number of potential errors or points of clarification:</p> <ul style="list-style-type: none"> <li>a. First, the ExA referred to Table 12.25 (page 101). The final two columns of that refer to construction phase increase whereas previous table columns refer to O+M.</li> <li>b. Second, the Applicant asked about pages 64 – 65 of REP4-065 (Tables 7.1 – 7.2) and whether the compensation being based on “high” and “low” compensation figures should be the other way around.</li> <li>c. Third, the ExA asked about bioseasons and guillemot and Natural England’s comment that the total figure should be 117.9 rather than 88.8 (page 11 of REP4-139).</li> </ul>	<p>The Applicant responded as follows:</p> <ul style="list-style-type: none"> <li>a. PN set out that the Applicant would consider Table 12.25 as part of its update to Chapter 12;</li> <li>b. Mark Lewis (“ML”) set out that the Applicant would consider whether the “high” and “low” figures were the wrong way around and update the ExA at Deadline 4a;</li> <li>c. ML confirmed the Applicant would provide its response in writing at D4a.</li> </ul> <p>The ExA recorded Action Point 2 and Action Point 3 for this information to be updated. The Applicant has now addressed these points in the manner described in the Applicant’s Response to Actions Points recorded at ISH5 and ISH6 (document 22.9).</p> <p>PN further stated that an Appendix to ExQ2 which should accompany Q2 HRA 2.9 which would be provided at Deadline 4a. The Applicant has provided this appendix in the version of The Applicant's Responses to the Examining Authority's Written Questions 2 (Document 21.2) submitted at Deadline 4a.</p>

<sup>3</sup>

Post hearing note: Please see 22.1 Applicant’s Deadline 4a Covering Letter for the explanation of the re-submission of Documents 6.3.12.7 – 9.

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3.2	<p>The Applicant was asked about the assessment and methodology questions in Natural England's Risk and Issues log (REP4-144):</p> <ul style="list-style-type: none"> <li>Natural England's "red" concern is around the effect of the ORCP on RTD and to a lesser extent Common Scoter and noted updated information in the RIAA.</li> </ul> <p>The ExA asked whether the Applicant was confident that the information now provided will deal with Natural England's outstanding concerns.</p>	<p>PN set out that the updated information in the RIAA is considered by the Applicant to reinforce the information provided on no Adverse Effect on Integrity ("AEoI") on RTD, and echoed the ExA view that Common Scoter is of less concern to Natural England. The information provided is based on consideration of potential additional habitat loss.</p> <p>PN made clear that the effect on the Greater Wash associated with presence of the ORCP relates to the question of pre-existing disturbance and overlap with other disturbance. The Applicant hopes that its responses on this issue resolve the matter.</p>
3.2	<p>ExA asked about methodological issues generally related to REP2-057 which the Applicant submitted to provide explanation of its view of levels of precaution.</p> <p>The ExA expects that the Applicant would be responding to these points in due course in any case but asked whether there was anything we wished to highlight at this stage</p>	<p>PN set out that the primary position is set out in REP2-057 and REP3-049, where the Applicant has provided its explanation of the fact that (i) its assessment is precautionary and (ii) the precaution built in by Natural England results in an assessment which is overly-precautionary and creates values which are unrealistic and are not representative of reality.</p> <p>One example relates to bioseasons where the Applicant noted that the advice provided by Natural England to the Applicant requires an additional bioseason than that required in relevant guidance (referred to below) typically used by Natural England. The Applicant further noted that this approach to bioseasons was first required by Natural England in its Relevant Representations and the Applicant had not been asked to include the additional bioseason in pre-application consultation.</p>



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		<p>ML clarified the relevant guidance document the Applicant was referring to (being <i>Furness, 2015</i>) and stated that the bioseasons request has not been accompanied by any further evidence.</p> <p>ML further provided that additional bioseasons require the Applicant to “sum” the impact given that assessments are made “per bioseasons”. The additional impact this results in is exacerbated by the fact that there is particularly high levels of apportionment in additional bioseasons that the bioseasons, the result being speculative and highly precautionary assessment.</p>
3.2	The ExA asked whether of the various layers of precaution, it is the bioseasons one which the Applicant believes is most unrealistic	<p>James Miles clarified that the issues is the additive effect of all the levels of precaution taken together, namely:</p> <ul style="list-style-type: none"> <li>a. The number of bioseasons used; which include April; adding an additional bioseasons</li> <li>b. Then using the peak numbers within each bioseasons, especially cumulatively or in combination with other projects which assumes the birds are in every single offshore wind farm in the North Sea at the same time;</li> <li>c. Every bird in the area is a breeding bird from the FFC SPA;</li> <li>d. Every bird in the array is an adult bird.</li> </ul> <p>James Miles stated that the Applicant's assessment uses figures which are based on literature and consideration of connectivity; foraging ranges; and other evidencing factors. In doing so, the Applicant's approach has built in evidenced precaution whereas the Natural England approach has built in overprecaution.</p> <p>The Applicant emphasised that it had agreed methodology on many issues with Natural England but this question of displacement effect on auks was a key outstanding issue.</p>

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3.2	The ExA asked about the prospect of whether agreement may be reached on the question of philopatry.	The Applicant set out that it noted that the Natural England Deadline 4 response reserved a position on this and hoped that some progress could be made on philopatry at least
3.2	The ExA noted the Applicant's position that the levels of precaution discussed entailed a "multiplier effect" but asked which part of the Natural England assessment contained the greatest level of precaution in terms of increasing the levels of predicted mortality or whether, it was a question of all of them combining.	ML stated that it was difficult to say which had the biggest effect but may be the way in which Natural England use peaks for the purpose of informing bio season populations.
3.2	<p>ExA asked for clarification in relation to figures within the Without Prejudice Guillemot Compensation Plan (REP4-057):</p> <p>a. Table 2.1 sets out differences between the possible Guillemot compensation requirements based on the Applicant and Natural England's preferred methods of calculation (the "Hornsea Four method" as opposed to the "Hornsea Three stage 2" method using upper 95% confidence interval).</p> <p>b. The figures come out as 18.2 or 375.3 individuals impacted respectively.</p>	PN confirmed that that was correct.

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	The ExA asked whether the 375.3 figure is based on all the differences in methodology set out in table 2.2 of REP4-057.	
3.2	<p>The ExA stated that</p> <ul style="list-style-type: none"> <li>a. In the RSPB's Response to ExQ2 (REP4-146) a number of research papers are referred to and the ExA has not asked for all of them to be provided;</li> <li>b. However Masden et al (2015) and Searle et al (2023) would appear to be important.</li> </ul> <p>The ExA asked RSPB to submit these at Deadline 4 (Action Point 4).</p>	<p>Post-hearing note:</p> <p>The Applicant has provided the two papers requested in order to assist the Examining Authority and will provide further commentary as appropriate at Deadline 5.</p> <p>The Applicant notes that the papers identify causes of uncertainty in assessment and advocates for next steps to be taken in reducing the level of uncertainty in assessments to improve decision-making. The Applicant does not dispute that there are uncertainties in the assessments – this is an inherent feature of environmental assessments, is recognised in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 through the requirement to identify <i>“details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved, which the Applicant has done throughout the assessment.</i></p> <p>The Applicant and Natural England disagree on the level of precaution which should be applied in order to address these uncertainties. The Applicant maintains that it has applied an appropriate level of precaution throughout the assessment, proportionate to the level of uncertainty in the assessment. In this regard the Applicant makes the following observations.</p> <p><i>Searle et al (2023) states at page 2:</i></p>

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		<p><i>"In impact assessments, following the precautionary principle, the degree of precaution applied should be proportional to the extent of scientific uncertainty, but due to mistreatment of uncertainty, precaution may often be applied incorrectly."</i></p> <p>The Applicant agrees with this statement and confirms that it has applied a suitable level of precaution across the assessments.</p> <p><i>Searle et al</i> goes on to explain the challenges with layering precaution on precaution, as the Applicant has highlighted throughout the Examination at page 9 (emphasis added):</p> <p><i>"End-to-end propagation of uncertainty</i></p> <p><i>Additional structural uncertainty may arise within the framework either if there are impacts other than those currently considered within the assessment process or if components between the tools interact. For example, displacement and collision risks are assessed independently and their impacts are added together, which ignores any biological interaction between the movement and the behavioural processes that underpin displacement and collision effects. <b>At present, precaution can be magnified through this process, with precautionary outcomes from each stage of the assessment (Figure 2) compounded together.</b>"</i></p> <p>Finally, <i>Searle et al</i> concludes by warning of the consequences of failing to correctly recognise and quantify the level of uncertainty in models and data and that this results in <i>"poorly informed decision-making where the rationale is unclear, rather than providing transparent, objective, evidence-based decision-making informed by proportionate risk assessment. It is therefore imperative that we undertake ornithological [offshore</i></p>

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		renewable energy development] <i>impact assessments with properly quantified uncertainty to inform the appropriate degree of precaution.</i> "
Habitats Regulations Assessment considerations, including the applicant's derogation case and proposed compensation measures		
3.2	The ExA asked the Applicant to set out its position on the Marine Recovery Fund (" <b>MRF</b> "), citing the recent national policy paper the <i>Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance</i> published 29 January 2025	PN made clear that the Applicant's compensation documents set out the ability to use the Marine Recovery Fund (" <b>MRF</b> ") if appropriate.
3.2	ExA referred to the Written Ministerial Statement (" <b>WMS</b> ") on the MRF and the possible timing for the use of the MRF as a compensation method (the end of the year)  Section 6 of the Without Prejudice Razorbill Compensation Plan set out that the Applicant would prefer the use of strategic compensation. Assuming the MRF comes into effect, the ExA asked how the Applicant decide whether to use project-specific or strategic compensation	HPKC introduced Jake Laws, the Applicant's HRA and Derogation Manager to answer the question.  Jake Laws set out that: a. Until the MRF comes into effect as a measure, the Applicant does not have a choice other than to pursue project-specific measures (noting they are on a without prejudice basis); b. It is difficult to pin a time on when the Applicant could make a decision before consent granted but we do have a method within the DCO to use the MRF should the opportunity arise; c. In summary, there is uncertainty about the availability of the proposed measures but that we expect that DESNZ and DEFRA are working on this at pace.
3.2	The ExA asked about Schedule 22 of DCO and its reference to contribution to the ANS and whether part-site specific; part-MRF measures could be used.	Ms Reid set out that Schedule 22 of the DCO is split into various parts which follow the same structure. Ms Reid described Part 1 Paragraph 4 as an example: This refers to a Kittiwake compensation implementation and monitoring plan, which is based on the strategy for Kittiwake compensation set out in the Kittiwake compensation plan which



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	The ExA further asked whether any payment into the MRF would cover adaptive management.	<p>must be submitted following consultation with the Kittiwake Compensation Steering Group. That plan must include one of a number of options, where one of those options is the artificial nesting structure, and another one is payment of contribution into the MRF.</p> <p>Regarding the question of whether part payment and part implementation of a project specific measure could be put forward, that would require the approval of the Secretary of State, following consultation with the relevant steering group.</p>
3.2	The ExA asked whether the MRF compensation measure would cover longer term management	<p>Ms Reid set out that it's difficult to know how MRF compensation would operate but noted that Schedule 22 of the DCO is designed to provide for adaptive management within the MRF and allows compensation in either case.</p> <p>Mr Laws set out that this position applies equally to auks or kittiwakes. For instance, there is an accepted measure in the MRF for predator eradication which would allow the Applicant to implement predator eradication on a project-alone and strategic basis.</p>
3.2	<p>The ExA asked about Natural England position set out in REP4-144, Tab G, which contains 10 outstanding concerns (noting some have overlap which may mean they do not provide 10 discrete subject areas).</p> <p>The ExA asked about one red item (point 13) which relate to the request for Summer 2024 studies on the "Southwest England sites".</p> <p>The ExA asked about any such studies which could be submitted regarding relevant factors</p>	<p>PN set out that</p> <ol style="list-style-type: none"> <li>from the Applicant's perspective there is not an intention to put in further information and that the data submitted in the 2024 campaign is sufficient to demonstrate that the measure would provide benefits if it was taken forward and that the Applicant is continuing to take forward discussions with potential delivery partners to further progress.</li> <li>updates will be provided into examination though this will not include further data and will instead relate to the deliverability of the measure.</li> <li>the information in the "additional measures" document (<i>REP4-065 7.7.6 Without Prejudice Additional Measures for Guillemot and Razorbill Evidence and Road Map</i>) comprises both site specific data about birds at colonies and disturbance data including</li> </ol>

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	such as visitor numbers or disturbance or, alternately, whether everything available has been submitted	anthropogenic disturbance and aviation predation and that the anthropogenic data is broken down by the type of disturbance and that has been linked to the proposed measures at each site. As a result, the proposed measures are based on the pressures seen.
3.2	<p>The ExA asked for an overview of the progress on issues set out in Natural England's Deadline 4 Risks and Issues Log (which the ExA noted only take into account the Applicant's position at D3) and specifically with reference to the compensation measures which are "red".</p> <p>The ExA asked whether the Log was a fair representation of where things stand and how confident the Applicant can be that the 10 red issues move to amber or green and which are the least likely to be resolved at the close of examination.</p>	<p>PN set out that Natural England's Deadline 4 summary was a fair summary of up to Deadline 3 but that the Applicant hopes that what we have submitted at D4 will go a long way to deal with outstanding issues.</p> <p>PN set out that the issues least likely to be resolved by close of examination were:</p> <ol style="list-style-type: none"> <li>Lead in times before measures;</li> <li>The quantum to be delivered by the project.</li> </ol> <p>Further to these key issues, PN set out that Natural England have a number of concerns regarding the Plemont Predator Eradication measure in Jersey which the Applicant has provided more information on in Deadline 4 submissions which we say is incredibly robust, designed by international experts with experience of designing such programmes for both islands and enclosed areas on larger land and that while there may be outstanding areas of disagreement, the evidence the Applicant has provided is the best evidence for the measure.</p>
3.2	The ExA asked about the Plemont Predator Eradication measure and, based on Natural England's representations, suggested that Natural England's concerns appear to include that narrowing of the search area has resulted in smaller area for nesting potential within the site.	ML set out that despite area reduction, the remaining area still captures the sites which were historically used by the relevant species (Guillemot) and that we are confident that the area which will be fenced off can accommodate the 200 pairs of Guillemot the Applicant has referred to. A commentary to this nature has been included in the Applicant's response to Deadline 4 submissions (Document 22.3), with respect to Natural England's Appendix G2.

Agenda Item	ExA Question / Context for discussion	Applicant's Response
	<p>The ExA asked whether further information would be provided to Natural England on this point.</p>	<p>PN set out that for the benefit of designing the measure the Applicant has used historic peak counts which were recorded at the site, which we consider to be a very conservative way to calculate the kind of potential benefits of that site.</p> <p>When the historic data is plotted for the auks at the site, it suggests that when the surveys commenced the population was already declining therefore the Applicant is confident of the conservative nature of the figure and the ability to deliver the measure within the narrowed site area.</p>
3.2	<p>Regarding the compensation methodologies (Hornsea 4 ("HP4") vs Hornsea Three ("HP3") Stage 2 referred to above), the ExA noted that this applies to compensation methods such as the Artificial Nesting Structure ("ANS") but per paragraph 19 of REP3-049, caution should be applied when assessing species other than Kittiwake given the method has predominately been devised for looking at this receptor in relation to ANS .</p> <p>The ExA asked how applicable these methodologies are to guillemot or razorbill or indeed the secondary measures that aren't offering additional habitat (such as the South West England sites) and how has this been factored in for other measures which are not</p>	<p>ML set out that the HP4 method is entirely appropriate for calculating a requirement for auks when a measure creates new space for breeding birds to exploit. The method is also useful in terms of deriving an overall requirement from an impact.</p> <p>Should the Secretary of State determine them necessary, two of the Applicant's three proposed measures will be implemented at existing colonies or those with historical occupation. In these cases, it is more useful to determine what a measure can provide, rather than considering what the requirement is. As such, for the Plemont Seabird Reserve the calculation of potential compensation has been based upon the historic peak populations of guillemot and razorbill.</p> <p>At the suite of sites in south-west England where disturbance reduction measures would be implemented, the means of calculating the level of compensation potential is more complicated as the measures would be implemented at existing colonies. A full description of the methods used to calculate potential compensation is provided in Appendix 3, 22.9 The Applicant's Response to Actions Points recorded at ISH5 and ISH6.</p>

Agenda Item	ExA Question / Context for discussion	Applicant's Response
	directly applicable to Hornsea 4 or Hornsea Three Stage 2 method	
3.2	The ExA asked about the differences between the Hornsea Three and Four methods generally	The Applicant set out that both use the additional pairs required so the Applicant has “back calculated” that via the number of fledglings that can be produced to the increased productivity in the SW sites. This will allow the compensation deliverable from these measures to be compared with the requirements determined by the HP3 and HP4 methods, which give a requirement as a number of breeding pairs
3.2	The ExA sought information about updates to lead-in periods regarding ANS as they relate to auk species, citing the fact that the offshore ANS is being considered feasible compensation for guillemot and razorbill and asking whether the Applicant could indicate whether similar consideration has been given to reducing the lead in periods as has been done for kittiwake	<p>Jake Laws set out that lead-in reduction is less relevant for auks because if the Applicant is required to provide a compensation quantum beyond the Plemont Predator Eradication measure in Jersey, it has three methods by which it will do so which will result in over-compensation and reduce the need for any lead in times or indeed long lead in times for these species.</p> <p>The Applicant committed to respond in writing on this point under Action point 5. The response to this Action point is set out in Appendix 1 of the Applicant's Response to Actions Points recorded at ISH5 and ISH6 (document 22.9).</p>
3.2	The ExA asked the Applicant about compensation ratios, specifically whether ratios were needed to provide flexibility; at what stage the flexibility should be considered; and at what stage the compensation ratio should be secured; whether a 3:1 or 2:1 ratio was appropriate.	PN set out that, as set out in REP3-049, the use of a ratio is to deal with uncertainty in assessment and that the Applicant's view is that the already-discussed built in precaution means that a ratio is not necessary as there is sufficient certainty and precaution to disregard the need for a ratio to be applied. The Applicant noted that Natural England does not agree with that position.

### 3.3 Marine Mammals

Agenda Item	ExA Question / Context for discussion	Applicant's Response
3.3. Focusing on any outstanding areas of disagreement, including the sourcing and implementation of mitigation measures		
3.3	<p>The ExA asked for clarification regarding the Revised iPCoD Modelling Report (REP4-100) Tables 5 and 6.</p> <p>It asked the applicant asked to explain the difference between the figures presented (for instance the use of the 95% Confidence Interval (CI) and provide any other general comments on the revised iPCoD Report.</p>	<p>Rachael Sinclair explained that based on the 1000 iterations run by the model, the tables provide the mean, medium, and confidence intervals (CIs). Ms Sinclair clarified that the lower confidence interval represents 5% CI.</p>
3.3	<p>ExA asked about the commitment to use Noise Abatement Systems (“NAS”), citing REP4-084 where updates have been provided including in paragraphs 41 and 42.</p> <p>The ExA queried the “level of ambiguity” involved in the commitment, referencing the use of “could” and “may”, and asking why the commitment was not unequivocal.</p> <p>The ExA acknowledged that the Applicant was not at detailed design stage and that efficacies and specifics of available NASs are not yet known.</p>	<p>Greg Tomlinson referred to the updated DEFRA policy and guidance where the Applicant’s position is as set out in the updated Outline Plans submitted at Deadline 4 (including REP4-084; REP4-086) which includes the commitment to “best endeavours” to deliver noise reduction via NAS in line with updated DEFRA policy but that the Applicant is unable to say at this stage which NAS would be used for various reasons.</p> <p>Jon Ongley expanded that the Applicant could not commit to a particular technology because of the need to first perform a ground investigation and select installation vessels for piling.</p>



Agenda Item	ExA Question / Context for discussion	Applicant's Response
3.3	The ExA clarified that it was seeking to put forward the Natural England and / or MMO position which it understood to be focussed on the commitment to use NAS generally rather than using a specific NAS technology. The ExA's gut feeling was that Natural England / the MMO's position would be that the Deadline 4 wording does not go far enough to commit to NAS.	<p>HPKC referred to the Applicant's commitment to use "best endeavours" in paragraph 42 of the MMMP for Piling (REP4-084) which is in line with the commitment sought by DEFRA in the new policy set out in paragraph 41.</p> <p>HPKC stated that "best endeavours" is an onerous level of obligation, with legal significance behind it, which the Applicant committed to setting out in a short post-hearing note, which the ExA confirmed would be of assistance (Action Point 6).</p> <p>The Applicant has responded to this Action Point in Document 22.7 Clarification Note: Use of 'best endeavours' in the context of Policy Paper: Reducing Marine Noise.</p>
3.3.	The ExA asked about any issues with sourcing NAS which may affect lead-in times and affect Applicant confidence in the ability to use NAS.	<p>As background, PN set out that current projects in construction phase have been required to consider NAS only a few months out from construction which has led to sourcing issues but that this is an issue specific to construction phase projects rather pre-construction projects such as the Applicant's.</p> <p>Jon Ongley set out that conversations with NAS suppliers and the Applicant's technical team have given the applicant confidence about sourcing NAS and relevant lead in times.</p>
3.3	The ExA asked about the consultation process regarding the need for NAS and, by reference to Condition 13(f) of Schedule 10 of the dDCO, what the position would be if there was no agreement between the Applicant and the discharging authority	<p>HPKC said that this was a similar issue to the question raised in ISH5 regarding timescales for discharge and the consequences of non-discharge that the Applicant would respond to both in writing.</p> <p>Post hearing note: the explanation of how this is dealt with is provided in Document 22.4. In practical terms, it is likely that both parties would discuss and agree an extension to discharge period afforded to the MMO. Given arbitration provisions have been disapplied in relation to the MMO, arbitration would not be the ultimate consequence and instead ODOW would have to seek resolution through the court if the MMO was acting</p>

Agenda Item	ExA Question / Context for discussion	Applicant's Response
		<p>unreasonably, or indeed unlawfully. This is not a point the Applicant would ever expect to reach however, the point remains that the Applicant considers it is important to have reasonable timescales within the deemed Marine Licences.</p> <p>The Applicant has provided a detailed response to the matters raised by the MMO relating to timescales for the discharge of pre-construction plans at reference 1.3.20 of the Applicant's Comments on Deadline 4 Submissions (22.3). In addition, the Applicant has updated the drafting of conditions 14 and 22, Part 2, Schedules 10 and 11 and conditions 12 and 15, Part 2, Schedules 12-15 of the DCO to clarify the timescales for discharge of conditions.</p>
<b>3.4 Benthic Ecology, Intertidal and Subtidal Effects</b>		
<b>Environmental Impact Assessment considerations</b>		
3.4	The ExA asked generally about the updates provided at Deadline 4 in relation to Benthic Ecology, Intertidal and Subtidal Effects	PN set out that the primary update was the updated RIAA and related documents. Documents otherwise provided include a number of responses to Natural England positions at Deadline 3
3.4	<p>The ExA raised Marine Physical Processes, setting out that:</p> <p>a. In the Deadline 4 Natural England Risk and Issues Log (REP4-144; Table B), Natural England state that more detailed information is needed in</p>	Anna Kalish set out that Chapter 7 would be updated based on the numerical modelling undertaken for the ORBA at Deadline 5 which would reiterate that the updated modelling has indicated that there are no effects on the inter-tidal receptors arising in relation to installation,

Agenda Item	ExA Question / Context for discussion	Applicant's Response
	<p>relation to the Applicant's conclusion regarding wave, tidal and sediment transport regime and impacts on seabed morphology in the IDBRNR SAC.</p> <p>b. The ExA noted the submitting of the Applicant's responses to the Log (REP4-113) and its intention to update the Environmental Statement including the Marine Physical Processes at Deadline 5.</p> <p>The ExA asked whether the update would resolve outstanding concerns and, if not, what the Applicant would propose to do.</p>	<p>Ms Kalish further stated that relevant installation is to the west of the Inner Dowsing sandbank feature of the SAC and that the sand banks are oriented north to south whereas the predominate wave direction is from the north east and north, and as a result there is no pathway of effect on the sandbank from the location of the ORCP.</p>
3.4	<p>The ExA asked if the Applicant would be grateful if any ES documents could be updated at D4a in order to resolve the matter</p>	<p>Post-hearing update: as set out in the Applicant's Covering Letter (Document 22.1), the Applicant has provided at Deadline 4a the following ES Chapters related to Marine Physical Processes and Benthic Ecology:</p> <ul style="list-style-type: none"> <li>a. 6.1.7 Chapter 7 Marine Physical Processes</li> <li>b. 6.2.7 Chapter 7 Marine Physical Processes Figures (Parts 1 and 2)</li> <li>c. 6.3.9.2 Chapter 9 Appendix 2 Benthic Ecology Technical Report (ECC)</li> <li>d. 6.3.9.6 Chapter 9 Appendix 6 Envision Offshore Export Cable Corridor Sabellaria Spinulosa Reanalysis and Report (previously 15.13).</li> </ul>
3.4	<p>The ExA enquired about the issue of Invasive Non-native Species ("INNS"), stating that the MMO Deadline 4 response (Rep4-129, Table 5)</p>	<p>Angie de Burgh set out that discussion is on-going within the Project regarding opportunities to monitor monopiles in relation to INNS; that this has not yet been committed to but that this could be considered after the hearing on the basis that there</p>

Agenda Item	ExA Question / Context for discussion	Applicant's Response
	indicates that the MMO remains concerned about the spread of INNS.	<p>could be clear opportunities to drop down videos which could accompany existing commitments.</p> <p>PN set out that, in any case, the Applicant's position is that there are no significant effects relating to the receptor because the hard infrastructure being constructed by the Applicant is not a novel presence in the area, meaning it does not serve as the only potential vector which would increase the risk of INNS. The relative risk of the construction of the project in terms of the spread of INNS is therefore negligible.</p>
3.4	<p>The ExA reiterated the MMO concern in relation to INNS and asked whether the monitoring discussed may be discussed and committed to during Examination.</p> <p>The ExA asked for the MMO and the Applicant to provide an update on its position on INNS at Deadline 5 (Action Point 7).</p>	<p>HPKC set out that there is no decision made on the part of the Applicant to commit to the monitoring in principle given the lack of significant risk to justify it as set out by PN.</p> <p>HPKC set out that this question would be considered by Deadline 4a.</p> <p>PN further clarified that a biosecurity plan including relevant monitoring would be implemented should gravity base foundations ("<b>GBS</b>") only be used by the Applicant as part of its construction on the basis that GBS provide both the largest surface area and most novel structure and therefore the highest uncertainty of the potential for supporting the spread of INNS.</p> <p>Post-hearing updates:</p> <ol style="list-style-type: none"> <li>The Applicant has updated the Offshore In-Principle Monitoring Plan (document reference 8.03 submitted at Deadline 4a) to include monitoring of INNS.</li> <li>The Applicant has revised the Outline Project Environmental Management Plan (Document Reference 8.04, V2 submitted at Deadline 4a) to incorporate a biosecurity plan, which will be implemented for all foundation types, rather than being limited to just GBS.</li> </ol>

Agenda Item	ExA Question / Context for discussion	Applicant's Response
3.4	The ExA referenced the MMO position (Deadline 4 response; REP4-129) that sediment transfer has not been fully assessed in relation to scour development. The ExA asked the Applicant to set out where in the ES this is considered.	<p>Anna Kalish set out that potential impacts from sediment mobilisation due to erosion during initial scour is not considered to be a project consequence due to the installation of scour protection where required for engineering purposes as set out in APP-062.</p> <p>Ms Kalish added that, should scour protection not be installed, the sediment mobilised by the resultant scour processes would be within that of the envelope of seabed clearance activities.</p>
3.4	The ExA asked whether this point could be discussed with the MMO. The ExA took Action Point 8 in which the Applicant would provide further information regarding potential impacts from sediment mobilised due to erosion occurring during scour development. The ExA took Action Point 9 to request the MMO respond to the Applicant's position at Deadline 5.	<p>The Applicant stated that it was not sure whether the relevant experts would be present but that it could be raised as a point to discuss further where possible.</p> <p>The Applicant's response to Action Point 8 is provided in the Applicant's Response to Actions Points recorded at ISH5 and ISH6 (document 22.9).</p>
3.4	The ExA referenced the outline benthic reef mitigation plan, (REP2-043) and asked what the relevant principles were on which the final plan was to be based.	Angie De Burgh set out that the principles were to focus on the outcomes of the pre-construction survey monitoring which is referenced in the in-principle monitoring plan and which will inform a full coverage geophysical survey where construction is to occur, within the order limits. The Applicant will microsite around <i>Sabellaria spinulosa</i> reef where it is found within and outwith the SAC, the Applicant has committed to avoidance where practicable.
3.4	The ExA asked about the question of supporting habitat and referenced row 17 of Tab C of the Natural England Risk and Issue Log (REP4-144).	Angie De Burgh provided the following update on the issue of supporting habitat for <i>S. spinulosa</i> reef:



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	<p>The ExA referenced that micrositing was not the only form of Benthic mitigation in Natural England's view.</p> <p>The ExA asked whether the Applicant would be doing anything during the Examination to address Natural England's view.</p>	<ul style="list-style-type: none"> <li>a. The Applicant has undertaken the mapping exercise of supporting reef with a view to defining areas where removable cable protection could be deployed based on the advice provided by Natural England;</li> <li>b. The Applicant will submit the mapping exercise to Natural England at the earliest opportunity within the next few days, with a view to seeking agreement on the interpretations of the methodology and results;</li> <li>c. And the Applicant hopes that agreement can be reached by Deadline 4a or 5 at latest.</li> </ul> <p>PN set out that the Applicant's position – as to the red item in row 17 specifically – that the biogenic reef mitigation plan relates to formed reef rather than having mitigation measures associated with supporting habitat where measures associated with supporting habitat will be secured through the outline scour protection and cable protection management plan and the outline cable specification installation plan as appropriate to ensure linkage between active/present reef and supporting habitat was clearly delineated</p> <p>PN further set out that the MMO meeting discussed by the Applicant is now scheduled for the 24<sup>th</sup> February rather than the 17<sup>th</sup> February as previously stated.</p>
3.4	The ExA took Action Point 10 in relation to supporting habitat.	The Applicant's response to Action Point 10 is set out the Applicant's Response to Actions Points recorded at ISH5 and ISH6 (document 22.9).
Habitats Regulations Assessment Considerations, including the applicants proposed compensation measures		
3.4	The ExA asked about the UK Government's recent WMS and interim guidance ( <i>Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim</i>	<p>Jake Laws provided the following overview:</p> <ul style="list-style-type: none"> <li>a. The WMS and guidance relates to the Applicant's preferred (without prejudice) compensation measures (being Marine Protected Area Extension) and therefore the Applicant welcomes the position;</li> </ul>

Agenda Item	ExA Question / Context for discussion	Applicant's Response
	<p><i>guidance</i> published 29 January 2025) and its relevance for Benthic Compensation documents.</p> <p>The ExA asked the Applicant to set out the position it would take on its compensation measures in light of this.</p> <p>The ExA recorded Action Points 11.</p>	<p>b. The WMS gives confirmation that the compensation method will be delivered by Defra;</p> <p>c. However, until and unless the Secretary of State makes a decision and the details of the MRF is available, it is prudent and necessary for the Applicant to retain some other compensation measures.</p> <p>The Applicant has set out this position in writing in response to Action Point 11 which is provided in the Applicant's Response to Actions Points recorded at ISH5 and ISH6 (document 22.9).</p>
3.4	The ExA referenced Natural England's response to HRA 2.14 where Natural England mentioned that it does not believe there is merit in progressing non-SAC Extension compensation measures and asked for the Applicant's comment.	Jake Laws reiterated that given the uncertainty around timing, cost, and quantity of any MPA extension and, in spite of Natural England's disagreement, it's prudent and necessary for the Applicant to retain other appropriate compensation measures could be deliverable.
3.4	The ExA recorded Action Point 12 for Natural England to respond on this issue.	
3.4	<p>ExA asked about the outstanding EIA issues embodied by Natural England's Appendix K (REP4-143) among other documents. The ExA generally asked if the Applicant could respond to these points at the earliest opportunity and highlight any issues which are likely to remain.</p> <p>More specifically, the ExA asked whether at Deadline 4a – for those issues where Natural</p>	HPKC agreed to take these points away. The Applicant has responded to Natural England's Appendix K in The Applicant's Comments on Deadline 4 Submissions (Document Reference 22.3, submitted at Deadline 4A).

Agenda Item	ExA Question / Context for discussion	Applicant's Response
	<p>England are asking for additional assessment work to be carried out, further information to validate EIA assumptions and support conclusions – the ExA wished the Applicant to set out whether and when such work would be done and if not why not. Where issues relate to the need to secure commitments, the ExA asked the Applicant to set out how it intends to secure them.</p>	
3.4	<p>The ExA requested all parties generally to be very clear on the fundamentals of their disagreement and agreement in the limited time left.</p> <p>The ExA recorded Action Point 13 requesting NE and MMO provide responses to any and all relevant points discussed.</p>	
<b>3.5 Shipping and Navigation</b>		
<b>Navigational Risk Assessment</b>		
3.5	<p>The ExA enquired about the Applicant's Navigational Risk Assessment ("<b>NRA</b>"), (noting it would be dealt with against in Item 3.6) referencing the Ørsted IP's request (in SN 1.1 REP4-149) that certain Ørsted IP infrastructure be included in the Applicant's Oil and Gas Platform Allision and Marine Access Study</p>	<p>No response was requested or provided by the Applicant at this stage.</p>

Agenda Item	ExA Question / Context for discussion	Applicant's Response
	<p>(APP-172) and the Applicant's Helicopter Access Report (APP-175)</p> <p>Alex Tresadern ("AT") on behalf of the Ørsted IPs provided some high level commentary but noted that his technical expert was not present and asked to deal with the point in writing.</p> <p>The ExA recorded Action Point 14 for the Ørsted IPs.</p>	
3.5	<p>The ExA asked the Ørsted IPs about the external review of the Applicant's NRA – whether it had been reviewed externally or whether there were matters which still required to be reviewed.</p> <p>AT stated that this review has not yet been commissioned but that whether the Ørsted IP's thought this necessary would depend on whether the Applicant expanded the scope of its NRA assessments.</p> <p>The ExA asked whether this point could be replied to by Deadline 5 to allow other parties</p>	<p>HPKC stated that he was grateful for the ExA's reference to the question of timing and referenced the issue of fairness which may arise from late submission of documents which require consideration.</p> <p>Adam Foster confirmed that the Applicant position is that the NRA undertaken is comprehensive and complete and covers everything required by the Maritime and Coastguard Agency ("MCA") under MGN 654 and that the MCA agrees (REP1-044) that the NRA process has been followed and that the Applicant has provided a comprehensive overview of risk.</p> <p>Mr Foster further set out that, regarding the previous draft SoCG with the MCA, all items previously marked as outstanding are now agreed and the Applicant expects to provide a completed SoCG with the MCA at D5 confirming that the consultation, methodologies and conclusions are in line with MCA's view. Mr Foster confirmed that similar positive</p>

Agenda Item	ExA Question / Context for discussion	Applicant's Response
	and the Applicant to respond in the course of the Examination.	discussion has been had with Trinity House and CoS and expect to be able to provide SoCG with each at D5.
<b>3.6 Oil, Gas and Other Offshore Infrastructure</b>		
<b>Wake Loss Technical Note</b>		
3.6	The ExA asked the Applicant about the Wake Loss note, referenced its understanding that the methodology intended to match the Ørsted IP's methodology used for an equivalent study in a separate Examination and asked how the methodology may differ	HPKC set out that the technical expert is not available to attend today so that we will need to provide a response at Document 4a (Action Point 15).  The Applicant's position on Action Point 15 is provided in The Applicant's Wake Loss Methodology Clarification Note (document reference 22.12 submitted at Deadline 4a).
3.6	The ExA referred to Section 5 of the Wake Loss Note which identifies a payback of 0.5% and 1% for Greenhouse Gas ("GHG"),  The ExA asked the Applicant to provide why it has used 0.5% and 1% rather than the actual wake loss for individual wind farms (which it understood to be set out in Table 4.1 of the Note).	Simon Gandy set out that: a. Table 4.1 provides a range of anticipated impacts on nearby windfarms. None of which make an impact as large as 1%. The calculations looked at 0.5% and 1% of all the windfarms on the basis that this provided a "more pessimistic" and "most pessimistic" assessment; b. Within this the GHG carbon payback was very small.  When asked by the ExA Mr Gandy confirmed that this resulted in a precautionary approach being taken by the Applicant.
3.6	The ExA asked the Ørsted IPs for comment. AT provided that: a. The Ørsted IPs were grateful for the analysis done; b. But note that it is "low on methodology" on and how it compared to the analysis done	HPKC set out that in the absence of any industry standard for such an assessment; this would be an appropriate matter for the parties to discuss in the first instance before written submissions are provided to the ExA.

Agenda Item	ExA Question / Context for discussion	Applicant's Response
	<p>by the Ørsted IPs in the Mona Offshore Windfarm Examination;</p> <p>c. The Ørsted IPs wished to note that it had made the same assumptions of 100 WTGs (referred to on page 12 of the Note) and that the Ørsted IPs' own analysis indicate a "material difference" to that set out for the Applicants;</p> <p>d. The Ørsted IPs would be happy to meet next week to discuss the detail with the Applicant;</p> <p>e. The Ørsted IPs offered to provide its analysis of the Wake Loss Note by Deadline 4a.</p>	
Updates on co-operation and agreements		
3.6	<p>The ExA set out that the Ørsted IP's response to ExQ2 stated that a HP4 co-operation agreement is required in relation to SNS SAC and the Site Integrity Plan.</p> <p>The ExA asked whether if the Applicant acknowledges co-operation is required with other OWFs and what would prevent a Cooperation Agreement being put in place at this time.</p>	<p>Greg Tomlinson set out that such an agreement is not necessary because the Applicant; HP4 and other nearby windfarms are members of Southern North Sea Offshore Wind Forum ("<b>SNSOWF</b>") and this forum has proven to be successful in terms of managing underwater noise and co-ordination for projects undertaking piling activity through the SIP process in the Southern North Sea and that relevant coordination can be facilitated through that group.</p>

Agenda Item	ExA Question / Context for discussion	Applicant's Response
3.6	The ExA asked Ørsted IPs why that isn't sufficient. AT confirmed that he would taken instructions and provide a response in writing.	
3.6	The ExA asked the Applicant why Protective Provisions ("PPs") for the Ørsted IPs were not considered necessary.	HPKC answered that this relates to distance between the Applicant's Project and the Ørsted IPs and therefore the degree, extent, and nature of their interaction and whether that justifies PPs. HPKC noted their ability to instead enter into proximity agreements which can sensibly provide coordination to the extent necessary.
3.6	<p>AT set out that the provision of PPs goes back to the question of the wake loss note and the Ørsted IPs views of what the wake impacts are.</p> <p>AT stated that it may be that the discussion with the Applicant mean that the PPs desire is fleshed out and explained more given the proximity agreements do not include wake loss issues</p>	
3.6	<p>ExA referenced the Ørsted IP's position set out in its response to SN 1.1 REP4-149 that certain Ørsted IP infrastructure be included in the Applicant's Oil and Gas Platform Allision and Marine Access Study (APP-172) and the Applicant's Helicopter Access Report (APP-175).</p> <p>The Applicant was requested to provide its position on these points.</p>	<p>Ali Macdonald and Adam Foster provided an overview Applicant's position on the questions of helicopter access; marine access; marine allision and committed to providing the information in writing, a technical note on which will be provided at Deadline 5. In summary, no notable impacts are expected in terms of helicopter access; marine access; and marine allision to the Ørsted IP infrastructure:</p> <p>a. Regarding helicopter access: there is not expected to notable impact on access or egress from the Hornsea Reactive Compensation Stations ("RCSs") platform based on proximity of 5.7 nautical miles ("nm") from the array area. By way of recent precedent, a distance of 3.14 nm is used in Hornsea Project Four's protective</p>



Agenda Item	ExA Question / Context for discussion	Applicant's Response
		<p>provisions based on the distance between Hornsea Project Four and the Babbage platform;</p> <p>b. Regarding marine access: the two issues are</p> <ul style="list-style-type: none"> <li>i. (1) routine operation and maintenance (“O+M”) vessel routing to the Hornsea assets: where the Applicant’s vessel traffic data (captured in relevant documents) shows that vessels general transit from ports in the Humber meaning they travel north of the Applicant’s array area and therefore the Applicant is not anticipating any impact in terms of routine O+M transits;</li> <li>ii. (2) access for rigs, jack ups and heavy lift vessels: there are numerous examples of large vessel operations occurring in far less sea room than will be present in the Applicant’s case. The example of the Walney Extension project in the Irish Sea shows a number of oil and gas wells within the wind farm array, at proximity of around 1 nm. At the Applicant’s distance of 5.7nm the Applicant is not expecting any impact on the ability of these activities to take place On the linked question of access for these vessels, there are multiple routes that can be used to access the Hornsea One and Two RCS so the Applicant is not expecting any particular impact of the ability of those assets to access the RCSs, given any such transits would be expected to be infrequent and planned well in advance.</li> </ul> <p>c. Regarding marine allision: the 5.7nm proximity means that the Applicant is not expecting any notable increase in allision risk. The Applicant would expect a decrease in the number of vessels in direct proximity to the Hornsea One and Two RCS on the basis that relevant routing will be pushed further west away from the Applicant’s array and therefore the RCSs. There may be an increase in vessels numbers within the general proximity of the RCSs but there are multiple local</p>

Agenda Item	ExA Question / Context for discussion	Applicant's Response
		examples – which the Applicant will set out in writing – of busier sea routes holding more vessels which are operating perfectly safely from a NRA perspective.
3.6	AT set out that the Ørsted IPs would consider these points and respond in writing given the absence of their technical input	HPKC highlighted that if the Ørsted IPs were to submit a competing NRA, the Applicant would require to have time to respond to it. The Ørsted IPs providing this information sooner rather than later – if required – would therefore be very helpful.
3.6	The ExA referred to the fact that neither Race Bank Wind Farm Limited or Lincs Wind Farm Limited were named in the Cable Specification and Installation Plan or Outline Vessel Management Plan and asked the Applicant for its position on this.	<p>Scott McCallum set out that the answer in short is that the plans will be signed off by the appropriate regulatory bodies under the relevant conditions and that these licences have appropriate consultation mechanisms and therefore it is not necessary for individual wind farms to be named as it would lead to an unworkable condition if you sought to name each party who may be affected.</p> <p>Post-hearing note: The Applicant's position on this issue is further set out in Document 22.3, The Applicant's Comments on Deadline 4 Submissions ("Ørsted's Deadline 4 Submission Response").</p>
3.6	AT stated that this issue could be taken away and considered further.	
3.6	<p>Over the course of the above discussion related to the Ørsted IPs, the ExA took the following action points:</p> <p>Action Point 16; Action Point 17; Action Point 18.</p>	The Applicant's response to its Action Points (Action Point 17) is provided in the Applicant's Response to Actions Points recorded at ISH5 and ISH6 (document 22.9).
<b>3.7 Civil and Military Aviation and Communication</b>		
<b>3Mitigation for Primary Surveillance Radar (PSR) Neatishead and Staxton Wold</b>		

Agenda Item	ExA Question / Context for discussion	Applicant's Response
3.7	The ExA referred to apparent disagreement between the Applicant and Defence Infrastructure Organisation (“DIO”) (REP4-131) regarding whether relevant mitigation would be availability before 2030.	<p>Chris Jenner set out that:</p> <ul style="list-style-type: none"> <li>a. This matter is subject to discussions under Non-Disclosure Agreement (“NDA”), limiting the degree of the detail which can be provided at this stage;</li> <li>b. The Applicant has been in discussion with the MoD regarding the long-term radar solution which will address relevant impacts as referenced in REP4-131;</li> <li>c. There are ongoing discussions under NDA where we are hopeful to provide an update about delivery timescales in due course.</li> </ul>
3.7	ExA asked when the Applicant would be in a position to provide this update.	<p>Scott McCallum stated that the Applicant is pushing for meetings with the DIO and, as soon as it can, will provide clarification on what it can say in the Examination.</p> <p>However, Mr McCallum made clear that it is a matter of common ground that mitigation options are in progress and the MoD will be delivering these options at the expense of government and there will be mitigation available which will be secured via the dDCO in a suspensive requirement, the wording of which would either be agreed with the MOD failing which would be provided by the Applicant in line with recent precedent Offshore Windfarm precedent.</p>
3.7	In relation to this discussion, the ExA took Action Points 19.	<p>Post-hearing note: The Applicant's position in relation to Action Point 19 is provided in Document 22.9 The Applicant's Response to Actions Points recorded at ISH5 and ISH6 which notes the Applicant's attempts to engage with DIO. The Applicant has not yet had a response to its communications and has drafted a requirement in the version of the dDCO submitted at Deadline 4a (Document 3.1) which it stands ready to discuss with DIO at its convenience.</p>

### 3.7 Mitigation for PSR Cromer and Claxby

Agenda Item	ExA Question / Context for discussion	Applicant's Response
3.7	<p>The ExA asked Mr Auld (NATs En-Route Plc) whether it considered the drafting of Requirement 32 (the Applicant's civil aviation requirement related to these receptors) to be appropriate.</p> <p>Mr Auld stated that NATS is comfortable that the development is mitigatable and that there has been on-going discussion about mitigation delivery. He referenced "hiccups" regarding the MoD position on NATS' proposed mitigation where NATs will be working with the Applicant to ensure the MoD is content.</p> <p>Mr Auld stated that NATS is comfortable that it will be able to provide DCO wording soon.</p> <p>ExA asked Mr Auld about timescales for discussion and Mr Auld stated that his discussions are with 78 squadron (whose remit relates to MoD air traffic control) who have not been involved in discussions with Applicant via DIO but have a interest in how NATS operate their radar systems. NATS therefore require to deal with the various parties to get the complete air traffic picture.</p>	

Agenda Item	ExA Question / Context for discussion	Applicant's Response
	<p>The ExA responded to state that with the Examination moving towards a close, a resolution is required</p> <p>The ExA took Action Point 20 for NATS en Route.</p>	
<b>3.7 Holbeach Air Weapons Ranges</b>		
3.7	<p>ExA referred to maximum height of plant or equipment for onshore works in relation to DIO's responses to further written questions related to Requirement 18. The ExA asked for any Applicant view on this issue.</p>	<p>The Applicant stated that it would be unlikely to require equipment 15 metres above ground level on and the project would be unlikely to have any significant impact on the operation or the capability of the air weapons range. The Applicant suggested that a generic plant height limitation would be appropriate across project but that this plant height could be set out across the CoCP and reiterated that plant above 15 m is unlikely outside the OnSS. The Applicant stated that it was happy for the MOD to be a consultee under Requirement 18. The Applicant would update this under Action Point 21.</p> <p>Post-hearing note: The Applicant has provided an update to Requirement 18 in the draft DCO submitted at Deadline 4a (3.1) to address this.</p>
<b>3.7 Wide Area Multilateral ("WAM") network</b>		
3.7	<p>Please note that though the question of the WAM networks was not discussed specifically, the Applicant's above answer related to the Holbeach Air Weapons Range applies equally to the WAM networks.</p>	
<b>3.8 Actions arising from the Issue Specific Hearing</b>		
3.8	<p>The ExA set out the actions arising.</p>	<p>The Actions, and the Applicant's responses, are set out in Section 3 of this Hearing Summary. A comprehensive list of Actions across ISH5 and ISH6 are also provided in the Document 22.1 (the Applicant's Covering Letter). Further detail and written explanation in</p>

Agenda Item	ExA Question / Context for discussion	Applicant's Response
		response to Actions is provided in The Applicant's Response to Actions Points recorded at ISH5 and ISH6 (Document 22.9).
<b>3.9 Any other matters arising</b>		
3.9	The ExA referred to the updated Design Approach Document (REP4-075; table 3.1) and noted that the Applicant has made a commitment to construct 50% of foundation from GBS. The ExA stated that it was not clear whether this commitment is for the project as whole or just for the ORCPs.	The Applicant committed to responding at Deadline 4a under Action Point 22. The Applicant's response is set out in The Applicant's Response to Actions Points recorded at ISH5 and ISH6 (Document 22.9).
<b>4. Next Steps</b>		
4.	The ExA set out next steps including that Written Summaries of oral submissions are requested at Deadline 4a.	
<b>5. Closing</b>		
5	The ExA made closing remarks including thanking participants and closed the meetings.	