



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

Outer Dowsing Offshore Wind Farm

**Appendix K3 to the Natural England Deadline 5 Submission**

**Natural England's Response to the Report on the Implications for European Sites  
(RIES) [PD-022]**

For:

The construction and operation of Outer Dowsing Offshore Wind Farm located approximately 54 km from the Lincolnshire Coast in the Southern North Sea.

Planning Inspectorate Reference: EN010130

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13<sup>th</sup> March 2025

## **Appendix K3 Natural England's Response to the Report on the Implications for European Sites (RIES) [PD-022]**

### **Introduction**

Natural England has reviewed the Report on the Implication for European Sites (RIES) [PD-022] for the Outer Dowsing Offshore Wind (ODOW) Farm Project. In Table 1, we provide answers to the question posed within the RIES.

### **General Comments**

Natural England acknowledges that only submissions up to Deadline 4 on 03 February 2025 have been considered in the RIES, therefore the RIES does not take account of updated advice on various aspects since then. Where we are able to, we have signposted to our updated advice. Natural England recommends that the RIES is updated at the end of the Examination before it is included within an ExA report to the Secretary of State (SoS). As previously advised to PINS and DESNZ, Natural England does not consider consultation on the RIES adequately discharges the statutory requirement to consult Natural England on Appropriate Assessments, as the RIES draws no AEoI conclusions.

If it is considered that the conservation objectives for any designated site interest feature will be hindered, or there is reasonable scientific doubt regarding this, then an Adverse Effect on Integrity (AEoI) cannot be excluded.

Please be advised that as a Statutory Nature Conversation Body (SNCB) our remit does not extend beyond advising on the ecological merits of proposals, thus excluding us from making comment on Imperative Reasons of Overriding Public Interest (IROPI) submissions.

**Table 1: Questions within the RIES (addressed to Natural England)**

RIES ID	RIES Question	Natural England Comment	RAG Status
<b>2.2 Potential Impact Pathways</b>			
Q.2	[To NE and the applicant]: Please provide an update on these matters ( <a href="#">Refer to points 2.2.3 – 2.2.10</a> ) to confirm whether this impact-pathway has been identified and addressed in the HRA screening report and RIAA?	Natural England is satisfied that this matter has been resolved and there is no impact pathway based on further information provided by the Applicant. Therefore, it does need to be addressed in the HRA and RIAA.	
Q.3	[To NE]: The applicant considers that the changes associated with the introduction of the ORBA do not alter the impact-pathways that have been considered in its assessment. Does NE agree that the change requests accepted by the ExA have no implications for the impact pathways considered for LSE?	<p>In relation to the ORBA and impact pathways to benthic and marine mammal Special Areas of Conservation (SACs) and seabird Special Protection Areas (SPAs) Natural England can confirm that the changes do not alter the impact assessment.</p> <p>However, we do highlight that other change requests relating to the removal of the northern export cable route option has removed a mitigation option to avoid impacts to Inner Dowsing Annex I sandbank, an interest feature of Inner Dowsing Race Bank North Ridge (IDRBNR) SAC.</p> <p>We refer the ExA to our advice at D4a regarding the potential displacement effects of the ORCP on the red-throated diver feature of the Greater Wash SPA. The Applicant has presented an updated assessment for red-throated diver in the updated RIAA considering the potential impact from the permanent presence of the ORCPs within the GW SPA [REP4-030]. NE has confirmed that should a condition be included within the deemed marine licence that commits to a seasonal restriction (November to March inclusive) on construction within the GW SPA <u>and a 2km buffer</u> around the SPA, NE is satisfied that the Project would not contribute to in-combination impacts to the red-throated diver feature of the GW SPA [REP4a-137].</p>	
<b>3.1 Conservation Objectives</b>			
Q.4	[To the applicant and NE]: <a href="#">[REP4-030]</a> , paragraph 108, sets out a single set of conservation objectives for the 7 benthic and subtidal ecology sites assessed for AEol. A similar approach is taken for sites in the marine mammals receptor group. Can the	Natural England is satisfied that the six conservation objectives listed in paragraph 115 of [REP4-030] (not 108 as referenced	

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	<p>applicant confirm the conservation objectives applied to all these sites, and provide appropriate references to where this information derives from? Can NE confirm that it is satisfied with the approach of applying the same conservation objectives to all of these sites?</p>	<p>by the ExA ), are appropriate for application to the following benthic and subtidal ecology designated sites:</p> <ul style="list-style-type: none"> <li>• Inner Dowsing Race and North Ridge SAC</li> <li>• North Norfolk Sandbanks and Saturn Reef SAC (note there are only 3 conservation objectives for this SAC but these are included in the Applicant's list in [REP4-030])</li> <li>• The Wash and North Norfolk Coast SAC</li> <li>• Humber Estuary SAC</li> </ul> <p>Natural England is also satisfied with a similar approach being taken for the marine mammal designated sites namely;</p> <ul style="list-style-type: none"> <li>• Southern North Sea SAC</li> <li>• The Wash and North Norfolk Coast SAC</li> <li>• Humber Estuary SAC</li> <li>• Berwickshire and North Northumberland Coast SAC</li> </ul> <p>For the Humber Estuary, Gibraltar Point, and The Wash Ramsar sites, Natural England considers the Conservation Advice packages for the overlapping European Marine Site designations to be, in most cases, sufficient to support the management of the Ramsar interests.</p> <p>All information on each designated site can be found on [REDACTED] page, with the conservation objectives listed within the Conservation Advice packages.</p>	
<b>3.2 Examination Matters: Subtidal and intertidal benthic ecology matters</b>			
Q.7	<p>[To NE and MMO]: Noting responses to each point in <a href="#">[PD1-071]</a> with the methodology used, please advise whether this satisfies concerns? If not, please set out how/if this is likely to be achieved before the end of the examination.</p>	<p>Natural England is satisfied with the Applicants responses and that these have now been included in relevant documents appendices and signposted to within the main body of those documents. Natural England can therefore confirm that we</p>	

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		have adequate information and clarification to address the methodology concerns raised in the relevant written representations. However, we draw your attention to our Deadline 5 response Appendix C6 in relation to determining impacts on supporting habitats/processes for Annex I reef in IDRBNR SAC.	
Q.8	[To NE and MMO]: Having reviewed the requested images, are MMO satisfied. Can NE respond whether it also requested or was provided with the images and if so, whether it to is also content?	We advise that this is a question for MMO, as Natural England did not request the Applicant provide images of Annex I <i>Sabellaria spinulosa</i> aggregations	
Q.9	[To NE and MMO]: Should there remain a disagreement in relation to methodology, analysis and/or conclusions, please set these out, referring back to any references within previous submissions to the examination for ease of reference.	Natural England is satisfied with the Applicants responses and that these have now been included in relevant documents appendices and signposted to within the main body of those documents. Natural England can therefore confirm that no disagreements in relation to the methods or analysis remain. Please see our advice in Appendix C6 at Deadline 5. We do however advise that many areas where the presence of Annex I reef was uncertain (given the evidence initially presented) now fall within the extent of areas which should be given due regard in respect of supporting habitat for Annex I <i>Sabellaria spinulosa</i> reef. Please see Deadline 3 Appendices C2, C3 and C6. Therefore, the conclusions remain outstanding.	
<b>3.2 Examination matters: Subtidal and intertidal benthic ecology matters [Maximum Design Scenario (MDS)/ Worst Case Scenario]</b>			
Q.10	[To NE]: Having reviewed the figures provided by the Applicant in <a href="#">[PD1-071,C55]</a> and <a href="#">[REP3-054]</a> are NE content with these and confident that these are consistent within the application documentation. If not, what further information in relation the WCS and its applicability to the assessments is required?	Natural England sought clarity from ODOW at Deadline 4a Appendix D1 and for marine processes on the WCS/MDS scenario. Hopefully, this will be provided by the Applicant Deadline 5 and we will respond at Deadline 6.	
<b>3.2 Examination matters: Subtidal and intertidal benthic ecology matters [Cumulative effects assessment/In-combination assessment]</b>			
Q.12	[To NE]: Provide comment on explanations provided by the applicant?	Natural England continues to advise that the Applicant should adopt the seven-tier system for all receptors to inform the level of data available to use within the cumulative effect assessment (CEA) and/or in-combination assessments. This is best practice and is standard advice for all projects including those which have been recently consented. Similarly, we	

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		recommend that an overlay map should be produced to display the location and footprint of projects scoped into the CEA from across the wider region and receptors and designated sites within the Project's Zone of Influence. Based on the Applicant's submissions, we now believe that it is unlikely we are going to reach agreement with the Applicant on this issue.	
Q.13	[To NE]: Set out how the inclusion of submitted, permitted and under construction projects in Tier 1, as undertaken by the applicant affects the conclusions of the assessment. It would assist the ExA to understand in further detail, for each of the tiers, the implications for the assessment in relation to the alternative methods.	<p>The approach to tiering projects set out in NE's best practice advice for OWF impact assessments advises that Tier 1 projects should be included if i) at the time baseline characterisation/surveys were undertaken, the windfarm was not built, and/or ii) any ongoing impacts post-construction are occurring.</p> <p>This is particularly of concern for the Greater Wash SPA red-throated diver population and Annex I sandbank feature of IDRBNR SAC, as post-construction monitoring indicates that existing windfarms are having ongoing impacts, greater than predicted, which are impacting upon the favourable condition status of the sites and hindering the conservation objectives. This is important context for decision making. Further information is included in the Supplementary Advice on Conservation Objectives (SACOs) for these sites.</p>	
Q.14	[To NE]: What further information do NE deem necessary to enable agreement of the in-combination assessment conclusions (if any)?	Whilst we can't be sure what is required because of the difference in approach here, we believe the risk of projects and their impacts being fully/partially omitted and/or evidence gaps materially changing our advice for this project is low. And due to the difference of opinion between the Applicant and Natural England in relation to AEoI both alone or in-combination there is unlikely to be agreement. Please see Appendix D1 of our Deadline 4a response.	
<b>3.2 Examination matters: Subtidal and intertidal benthic ecology matters [Crown Estate Round 4 Plan Level HRA]</b>			
Q.15	[To NE]: What further information do NE deem is required to be provided by the applicant to meet the requirements of the Round 4 Plan Level HRA?	As previously identified in our Relevant/Written Rep [RR-045] Point C45 this issue remains unclear to Natural England. We note that an AEoI was not predicted for IDRBNR SAC at the plan level due to avoidance of the site. We would therefore	

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		welcome further engagement in the remainder of the examination from the Crown Estate as the competent Authority for the Round 4 Plan Level HRA to address outstanding issues relating to potential seabed lease requirements for ODOW and implications of the current predicted AEOIs of IDRBNR SAC.	
<b>Table 3.1 Issues raised in the Examination to date by the ExA and Ips in relation to the applicant's assessment of effects on integrity (alone and in-combination) – Subtidal and intertidal benthic ecology</b>			
Q.17	[To NE]: Confirm that it is content that the restore objective has been taken into account in the HRA assessment?	Natural England is not content that the IDRBNR SAC restore objective has been appropriately considered within the RIAA, noting the Applicant's position is that they do not believe that an AEoI will occur from the project Alone or in-combination. We reiterate that our advice remains unchanged due to the the conservation objectives already being hindered and that we do not believe that the impacts of ODOW are immaterial both alone and in-combination.	
Q.18	[To NE]: What are the implications, in its view, on the conclusions in the HRA should further updates not be forthcoming from the applicant?	Natural England will provide a final position on this at Deadline 6 once further information in relation to impacts on supporting habitats/processes for Annex I reef from the placement of cable protection is known.	
Q.19	[To NE]: It appears to the ExA that the matter raised by NE <a href="#">[RR-045,NE3]</a> related to ensuring that the assessment included all habitat loss/ change within the SAC as a result of the proposed development along with incombination effects. In <a href="#">[REP4-113]</a> , point NE3 appears to relate to the assessment of impact on the nearshore. Can NE clarify the concern raised in relation to NE3 on its Risks and Issues Log?	<p>Natural England can confirm that the matter raised by NE in both <a href="#">[RR-045]</a> and <a href="#">[REP4-113]</a> related to concerns that the mitigation hierarchy had not been fully applied when considering impacts of lasting habitat loss/change due to the placement of cable protection within IDRBNR SAC.</p> <p>It appears that the Applicant has submitted a response in <a href="#">[REP4-113]</a> relating to nearshore cable protection which is a different matter of concern. Natural England's most recent advice in relation cable nearshore cable protection has been provided in <a href="#">[Appendix D1 to the Natural England Deadline 4a submission [REP4a-136]]</a>, which in summary states: "<i>We welcome the Applicant's commitment in the use of removable concrete mattresses, however, further clarification is needed on the anticipated maximum length of cable protection within the nearshore, location relative to MLWS (Mean Low Water</i></p>	

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		<i>Springs), and water depth to address our concerns in relation to disruption to sediment transport. In addition, in this dynamic environment how certain is the Applicant that the mattresses will remain in situ during storm events and that fishing activities will not dislodge them? “</i>	
Q.20	[To NE]: The ExA note NE’s request <a href="#">[REP4-144]</a> for the assessment for habitat and loss to be revisited. NE is requested to provide the ExA with an updated position on the following:	Natural England’s updates are provided below in Q.21, Q.22 and Q.23 and Appendix C6 to Deadline 5 response on the Applicant’s <a href="#">[REP4a-122]</a> . We will provide a final position on this at Deadline 6.	
Q.21	[To NE]: confirm whether the view remains that the assessment provided does not adequately assess habitat loss/change including disturbance.	Natural England’s position remains unchanged and the assessment provided does not adequately assess habitat loss/change including disturbance in particular relating to supporting habitat/processes for Annex I Reef. Please see Appendix C6 to Deadline 5 Equally we note that the Applicant may be considering the removal of cable protection from an engineering perspective and not one from an environmental so whilst removable it is possible there is potential for a layer of protection to remain, or a trench is created, and the interest feature is removed as well as the cable protection. Therefore, recovery is not guaranteed and less likely where rock armouring is placed as cable protection.	
Q.22	[To NE]: List specifically what measures are being requested of the applicant to take to address this.	<p>To resolve this issue we advise the ExA that the Applicant revises their assessment of physical habitat / loss change as set out in our Relevant Representations <a href="#">[RR-045]</a>, specifically. Natural England advises the assessment of physical habitat loss needs to be considered separately from physical disturbance in considering LSE/AEoI on Annex I sandbanks as the receptors have different levels of sensitivity to each of these pressures. Alternatively, the worst case sensitivity (i.e. to habitat loss) should be used and considered when determining LSE and or AEoI.</p> <p>As per Natural England’s recent advice in Appendix D1 to the Natural England Deadline 4a Submission <a href="#">[REP4a-136]</a>, further</p>	

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		clarification is required to quantify the cable protection required within IDRBNR SAC.	
Q.23	[To NE]: Confirm whether the view that AEol on the sandbanks qualifying feature from habitat loss/change due to the placement of cable protection cannot be excluded remains.	Natural England notes that the Applicant's position on the significance of the impacts of the proposed ODOW OWF is that an AEol can be excluded for all benthic features of the IDRBNR SAC both alone and in-combination. For the avoidance of doubt and for audit trail purposes Natural England highlights that our advice continues to differ from the Applicant's in relation to the significance of the impacts on IDRBNR SAC Annex I Sandbank and Annex I Reef features from the placement of cable protection. We advise as with other recently consented projects which propose to have similar 'lasting' impacts to that of ODOW that the conservation objectives of the site will be hindered by the project alone and therefore an Adverse Effect on Integrity cannot be excluded. Therefore, our advice provided within our Relevant and Written Representation [RR-045] remains unchanged.	
Q.24	[To NE]: Can sandbank monitoring be achieved through the post-construction monitoring required under condition 19 (2)(b), Part 2, Schedules 10 and 11 of the DCO or does NE remain of the view, that specific monitoring should be secured through the outline IPMP. In the event that the mitigation was unsuccessful, what actions would NE expect the applicant to take?	We welcome and acknowledge that post-construction monitoring is secured under condition 19 (2)(b), Part 2, Schedules 10 and 11 of the DCO. However, the IPMP secures the specific monitoring requirements to test specific hypotheses including validating ES predictions of construction (and operational) impacts to, and recovery of, sandbanks, sandbank faunal communities, sandwaves, and designated areas of seabed. However, more extensive bathymetric data will be needed to allow more accurate and confident assessment of bedform migration directions and rates. This should be included in the post-construction monitoring together with benthic faunal, particle size and organic carbon monitoring. It may also be necessary to undertake volumetric or seabed difference analysis to map and quantify changes in seabed levels. We also advise that monitoring may be required until full recovery of seabed features has occurred and can be agreed between the Applicant, SNCB and MMO as the relevant regulator. We also advise flexibility over the duration	

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		<p>of the monitoring, to allow the results of monitoring surveys to inform the requirement for future surveys or the implementation of management measures.</p> <p>We advise that depending on the outcome of the monitoring, it will be for the MMO as the regulators to determine adaptive management requirements in consultation with relevant interested parties.</p>	
Q.25	[To the applicant and NE]: Set out the evidence relied upon in relation to re-colonisation and recovery of the sandbanks	<p>Natural England advises that all pressures on sandbanks should be assessed in the first instance by using and interpreting MarESA sensitivity assessments (Tillin <i>et al.</i>, 2010; Tillin, Tyler-Walters <i>et al.</i>, 2014; Tyler-Walters <i>et al.</i>, 2018) in light of associated pressure benchmarks. The MarESA sensitivity assessment is based on a detailed review of available evidence on the effects of pressures on marine species or habitats and provides a subsequent scoring of sensitivity against a standard list of pressures, and their benchmark levels of effect. Descriptors of resultant change or damage (intolerance/resistance); recovery (recoverability or resilience) and resultant ranks of sensitivity and, or, vulnerability can be used to predict impacts within given marine habitats and inform success criteria for recovery.</p> <p>Natural England also welcome the use of evidence gleaned from post construction monitoring of other OWFs where relevant.</p>	
Q.27	[To NE]: Provide a view as to its agreement of the quote provided by the applicant “the Advice on Operations for the IDRBNR SAC, identifies a national target for recovery of Sabellaria spinulosa reef rather than a site specific target. Considering the relatively small impact from the Project and the availability of other habitat for reef formation, alongside the lack of evidence from the site specific surveys of the presence of Sabellaria spinulosa aggregations which would qualify as Annex I reef, the applicant is	Whilst Natural England can agree that no Annex I reef was identified during the baseline studies; there is the possibility that Annex I reef will be identified in pre-construction surveys (as is acknowledged within the Applicants latest [8.3 Offshore In Principle Monitoring Plan V2 (Tracked)]).	

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	confidence that the potential for an AEol to this qualifying feature can be ruled out'.	Natural England also advises that an AEOI can't currently be excluded in areas of supporting habitat and processes for Annex I reef where cable protection is placed within IDRBNR SAC. We draw the ExA attention to the fact the restore conservation target for Annex I Reef is for this site and reference to national targets within the AoO and SACO is for context only. Natural England anticipates that updates to the RIAA will be required, together with a number of other application documents following Natural England's advice provided at Deadline 5 Appendix C6 and Deadline 6.	
Q.30	[To NE]: Provide an updated position on this matter, in relation to the impacts on the IDRBNR SAC, noting that it is a matter which is listed as 'no change' in <a href="#">[REP4-114]</a> .	Natural England's concerns remain regarding the impact of the presence of the two ORCPs in the (southern) ORCP area on the Inner Dowsing sandbank (and thus IDRBNR SAC). Currently there is insufficient detail in the wave blockage and hydrodynamic blockage modelling results figures (Figures 1.1-1.3) in [PD1-082] to fully assess the extent and scale of any impacts to Inner Dowsing sandbank (and the SAC). We would, therefore, wish to see a more detailed map showing the predicted wave, hydrodynamic and sediment transport regime changes due to the presence of the ORCPs within Inner Dowsing sandbank, along with a more detailed bathymetric map of the area. This will help inform our understanding of any morphological impacts to Inner Dowsing sandbank.	
Q.35	[To NE]: The ExA note a lack of progress in relation to agreement on this matter, it is noted that during the examination further information has been provided to clarify the MDS/WCS. NE are therefore requested to set out what further information it requires from the applicant.	Natural England notes in updated O&M maintenance plan (tracked) [REP4a-93] that there is no differentiation between activities occurring within IDRBNR SAC and the remaining ECC. We advise that the Applicant needs to follow best practice by providing the total number of events, for each activity, their likely frequency, duration, and WCS total area of impact per event. Where an MPA may be affected the WCS impact for each MPA needs to be established (including area, volume, frequency, number of events etc.) This information should be included within the named plan/document. Until this is provided, we are unable to advise if further mitigation measures are required to minimise impacts to accept levels.	

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Q.36	[To NE]: The ExA note a lack of progress in relation to agreement on this matter, it is noted that during the examination further information has been provided to clarify the MDS/ WCS. NE are therefore requested to set out what further information it requires from the applicant.	Please see response to Q35 above. We also draw the ExA attention to the other OWF NSIPs recently determined and in examination where information on the level of O&M activities within benthic MPAs has been provided within an Outline O&M plan.	
Q.38	[To NE]: Set out what further information it requires to enable a conclusion on AEol to be provided in relation to this matter.	Please see our response to Q27. We do not believe that an AEol can be excluded from the placement of external cable protection	
Q.39	[To NE]: Comment on the mitigation secured through the Outline Cable Specification and Installation Plan <a href="#">[REP4- 082]</a> and set out any further concerns or confirm agreement that this matter is resolved.	Natural England notes within the updated Cable Specification and Installation Plan [REP4a-097] Section 5.2 Para. 22 that there is a commitment to ' <i>...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 S. spinulosa 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...</i> ' with all reference to a boulder plough being removed. Therefore, we can confirm that issues in relation to boulder clearance have been resolved. And request that all documents are also updated to reflect this commitment.	
Q.40	[To NE]: Clarify whether it is in possession of MDS seabed disturbance parameters for: a) boulder clearance b) pre-lay grapnel run c) UXO clearance If so, is it content with the information provided.	<p>The Applicant has stated that 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 as presented within [APP-062]. They have not been quantified in the marine processes impact assessment.</p> <p>Natural England advises that where an ES is provided, there should be a full assessment of the realistic worst-case scenario in relation to potential environmental impacts of the project. Therefore, we advise that the total area of impact, habitats impacted, likely location, area of MPA affected (extent and location), should be provided to inform not only the EIA, but also the HRA.</p>	

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Q.41	[To NE]: Confirm whether it deems this to be an EIA or HRA matter.	As discussed above, this is an EIA for marine process receptors, but an HRA matter for ecological receptors.	
Q.42	[To NE]: Provide full reference details for Larsen et al. 2019.	Larsen, S. M.; Roulund, A. and McIntyre, D. L (2019). Regeneration of Partially Dredged Sandwaves, <i>Coastal Sediments</i> , 3026-3039.	
Q.45	[To NE]: Comment on where concerns relating to this matter remain.	Natural England welcomes the Applicant's commitment to removable external cable protection, which depending on the outcome of ongoing discussions on 'life time of the project' downgrades the impacts from permanent to lasting. However, our advice on AEoI of the IDRBNR SAC Annex I sandbanks features remains unchanged due to the lasting habitat change/loss with no chance of recovery whilst cable protection is in situ. This is consistent with our advice and Secretary of State determination for Hornsea Project 3, Norfolk Vanguard, Norfolk Boreas, and Sheringham and Dudgeon Extension projects.	
Q.46	[To NE]: Can NE confirm that its concerns relating to this matter are EIA or HRA matters.	For marine processes, this is an EIA matter. However, the presence of cable protection in shallow nearshore water could cause morphological change through alteration of the nearshore hydrodynamic regime or sediment transport pathways which, in turn, could affect Annex I benthic and/or coastal ecological receptors of the Lincolnshire Coast designated sites and The Wash.	
Q.47	[To NE]: The ExA notes that NE [REDACTED] is awaiting information from the applicant. Can NE provide the applicant with detail on the information that it requires noting that detail design information, it has been stated, is not available currently.	<p>We welcome the Applicant's commitment to use removable concrete mattresses. However, we require further clarification on the MDS parameters for the proposed nearshore cable protection and the WCS shallow water depths and proximity to the coastline.</p> <p>For example, the Applicant states that "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</p>	

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		<p>therefore unlikely to exceed 0.35m in height (0.35m being 5% of 7.1m)."</p> <p>Whilst in the updated CSIP [REP4-083] the Applicant states that "If any 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. In [REP4-079], the Applicant has provided general dimensions for concrete mattresses (i.e. m x 3m x 0.3m), but it is unclear if these values represent the Maximum Design Scenario (MDS).</p> <p>Therefore, Natural England seeks clarification from the Applicant on (a) the anticipated maximum length, height, area and volume of cable protection across the nearshore and (b) its location relative to MLWS and the water depth across the proposed cable protection area (i.e., it's extent across the nearshore).</p>	
Q.50	[To NE]: Confirm whether comments made in <a href="#">[REP4-143]</a> relate to HRA as well as EIA.	The comments that were made in [REP4-143] relate to EIA. However, secondary scour impacts and any associated remedial actions could affect Annex I benthic ecological receptors which would make this an HRA matter also.	
Q.51	[To NE]: Set out what it requires from the applicant to progress this matter.	Natural England notes that currently there is uncertainty regarding the thickness of the mobile sediment layer, scour potential, and seabed mobility across the study area. We also acknowledge the lack of numerical evidence and the use of Hornsea One as an analogue with comparable conditions. In [APP-276], the Applicant has committed in Table 3.1 to a full seafloor swath bathymetry survey <i>"to assess any changes in bedform topography and such further monitoring or assessment...to ensure that cables have been buried or protected. For this purpose..."</i> the Applicant will <i>"identify the sample of adjacent wind turbines with greatest potential for scour."</i> We advise that this needs to go further, not least because of the highly mobile nature of the seabed, need for further information on bedform migration rates and direction	

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		and the mobile bed layer thickness, and scour potential. Therefore, we require that this is adequately captured in the Outline OOMP so it is clear that these post construction geophysical surveys are being used to validate assessments made within the Environmental Statement. Moreover, given the high value of the sandbank system in IDRBNR SAC, in particular, we advise that it is important to ensure that the risk of potential impacts are managed as far as possible and that appropriate monitoring to detect changes and trigger any necessary counter measures is secured.	
Q.54	[To NE]: Confirm progress on this matter and confirm that this is the only outstanding benthic matter in relation to The Wash and North Norfolk Coast SAC, The Wash Ramsar site. Confirm whether its concerns relating to this matter are EIA or HRA matters.	Please see our advice to Q.47 above.	
Q.55	[To NE]: The ExA notes that NE [REDACTED] that it is awaiting information from the applicant. Can NE provide the applicant with detail on the information that it requires noting that detail design information, it has been stated, is not available currently.	Please see our advice to Q.47 above.	
<b>3.1 Examination Matters – Annex II Marine Mammal Matters [Use of iPCoD]</b>			
Q.58	[To NE]: Confirm whether it is content that a cumulative assessment in iPCoD modelling is not possible for ODOWF.	Natural England's previous advice regarding cumulative assessment in iPCoD modelling still stands. It is recommended that ODOW produces an iPCoD modelling report for cumulative impacts. We consider this to be possible within the iPCoD model and note that other offshore wind projects have been able to undertake this work.	
Q.59	[To NE and the applicant]: Confirm whether reference to the cumulative assessment and the limitations to this approach also relate to in-combination assessment for HRA.	Natural England acknowledges the limitations in providing in-combination assessments (for ES, HRA and iPCoD) at this stage in the project; however, providing an assessment at this stage, even if the information included is an estimate and has assumptions built in to it, will provide the best available prediction of impacts for the project in-combination with other projects.	
<b>3.1 Examination Matters – Annex II Marine Mammal Matters [Mitigation: Noise abatement systems (NAS) and SNS SAC SIP]</b>			

RIES ID	RIES Question	Natural England Comment	RAG Status
Q.61	[To NE and the MMO]: Are NE and the MMO in agreement that the applicant has secured the use of “best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods in the first instance”, if not, what would be required to enable agreement with this statement?	Natural England considers the Applicant should commit to using NAS prior to consent and welcomes the use of Best Endeavours to then identify and source the most appropriate noise abatement system or noise mitigation technology for the project during the post-consent and pre-construction phases. We do not consider that a commitment to the use of Best Endeavours constitutes a commitment to use NAS. Further advice regarding the use of Best Endeavours can be found in Appendix E3 to our Deadline 5 submission.	
<b>Table 3.2: Issues raised in the Examination to date by the ExA and Ips in relation to the applicant’s assessment of effects on integrity (alone and in-combination) – Annex II Marine Mammals</b>			
Q.62	[To the applicant and NE]: Confirm the position in relation to: a) Potential to breach the 20% daily noise threshold project alone b) Potential to breach the 20% noise threshold in-combination c) The ExA’s understanding that the Applicant deems that mitigation through the SIP enables a conclusion of no AEol. d) The ExA’s understanding that NE deem that NAS mitigation is required alongside SIP to enable a conclusion of no AEol.	<ul style="list-style-type: none"> <li>a) Current information predicts the project alone will not breach the 20% noise threshold</li> <li>b) Current information predicts that the 20% noise threshold is likely to be breached for the project in-combination with other projects</li> <li>c) Natural England does not agree that mitigation through the SIP is sufficient to conclude no AEol</li> <li>d) Natural England deems that NAS mitigation, alongside management through the SIP is needed to conclude no AEol</li> </ul>	
Q.62	[To NE]: Provide comment on the requests as set out in NE’s risks and issues log submitted at D4 and include commentary on how this matter is to be progressed within the examination.	<p>Natural England’s previous advice regarding in-combination assessment in iPCoD modelling still stands. It is recommended that ODOW produces an iPCoD modelling report for in-combination impacts.</p> <p>With regard to the Applicant’s response to Point 2 in tab E of Natural England’s Risk and Issues Log [REP4-113], regarding iPCoD modelling advice to the Five Estuaries DCO Examination, Natural England would highlight that we provide advice on a case-by-case basis based on, amongst other factors, consideration of the assessment methodologies and</p>	

RIES ID	RIES Question	Natural England Comment	RAG Status
		the predicted impacts outlined in the EIA and HRA for any individual project and therefore it is reasonable that our advice may differ between projects.	
Q.63	[To NE]: Confirm following comments in <a href="#">[REP4-135]</a> that is able to conclude no AEol from piling on the harbour seal qualifying feature of the WNNC SAC alone and in-combination.	Natural England is satisfied that the underwater noise from piling at the ORCP will not cause a barrier effect at the WNNC SAC; however since >5% of harbour seals within the MU will be disturbed, and this is a declining population, Natural England does not agree with the conclusion of no AEol from the project alone or in combination, for the harbour seal qualifying feature of the WNNC SAC.	
Q.64	[To NE]: Provide an update on its view of AEol in relation to UXO on the harbour seal qualifying feature of the WNNC SAC alone and in-combination.	Natural England is unable to confidently assess the impacts from UXO clearance until the UXO clearance licence application is received. There are numerous details, such as the number, location and size of UXOs that will determine the impacts from the campaign and have not been provided.	
Q.65	[To the applicant and NE]: The ExA requests an update on progress on this matter.	Natural England does not support the Applicant's conclusion of no AEol from the project alone or in combination for the grey seal qualifying feature of the Humber Estuary SAC. Natural England is still waiting for the Applicant to conduct iPCoD modelling for the project in combination with other projects as a tool to support the Applicant's conclusions.	
Q.66	[To the applicant and NE]: The ExA requests an update on progress on this matter.	Natural England is still waiting for the Applicant to conduct iPCoD modelling for the project in combination with other projects as a tool to support the Applicant's conclusions.	
<b>3.2 Examination Matters – Offshore and Intertidal Ornithology Matters [Highly pathogenic avian influenza (HPAI)]</b>			
Q.67	[To NE and the RSPB]: The Applicant has responded to concerns relating to consideration of HPAI in its assessment in <a href="#">[REP2-053]</a> and <a href="#">[REP3-069]</a> . Please comment on whether its explanations have provided sufficient information to understand the implications of this to the assessment of effects in the RIAA.	<p>Natural England considers there to be an outstanding difference in opinion with the Applicant with regards to the significance of the impacts from the latest HPAI outbreak, and the need to consider the potential long-term impacts on seabird populations when carrying out the assessments of effects in the RIAA.</p> <p>Natural England do not agree with the Applicant's assertion that populations will recover quickly from impacts of HPAI, and</p>	

RIES ID	RIES Question	Natural England Comment	RAG Status
		<p>that recovery has already been evidenced at several colonies, noting that the most severe outbreak of HPAI in wild birds ever recorded began in 2021, with severe impacts on seabird populations in 2021, 2022 and 2023. There has therefore not been time to fully assess the long-term impacts of this outbreak on seabird populations, as has been made clear in assessments such as that by Tremlett et al (2024). We also note that, at the time of writing, this outbreak continues globally and, in the UK, and future impacts on UK seabird populations cannot be ruled out.</p> <p>Natural England also does not agree that “<i>consideration of long-term variability in bird populations through stochastic events is beyond the scope of any Environmental Impact Assessment (EIA)</i>” nor that it is outwith the scope of the assessments within the RIAA. As outlined in our Best Practice Advice (Parker et al. 2022), when interpreting the outputs of PVAs in order to make integrity judgements, “<i>population metrics need to be considered with reference to the site trend, population status and SPA conservation objective for HRA, or to the relevant reference population trend and conservation status of the species for EIA. As it is not known what the growth rate of a specific feature of a colony will be over the next 30 years, this uncertainty should be considered when judging the significance of predicted impacts against the conservation objectives for the features.</i>” This includes consideration of the PVA metrics against a realistic assessment of the current and potential future population trends (growth rates and population sizes), and this in turn should consider, using expert judgement, how stochastic events such as further HPAI outbreaks and climate change may influence these trends. The Applicant has stated within the Environmental Statement Offshore and Intertidal Ornithology Chapter [AS1-041] under Section 12.4.4 Future</p>	

RIES ID	RIES Question	Natural England Comment	RAG Status
		Baseline that “the impact assessment will be carried out in a context of declining baseline population for a number of species”. Natural England maintain that this has not been carried through to integrity judgements within the RIAA.	
<b>Table 3.3: Issues raised in the Examination to date by the ExA and IPs in relation to the applicant's assessment of effects on integrity (alone and in-combination) – Offshore and Intertidal Ornithology qualifying features</b>			
Q.70	[To NE]: With the submission of the applicant's updated assessment including the RIAA [REP4-030] Are you now satisfied with the applicant's conclusions of no AEol in-combination effects on FFC SPA gannet?	<p>In light of the updated RIAA [REP4-030] and notwithstanding the minor calculation errors in the Applicant's assessment of the project alone displacement impacts as highlighted within Appendix F5 of our Deadline 5 submission, Natural England agrees with the Applicant's conclusions of no AEol alone on FFC SPA gannet.</p> <p>Natural England's in-combination conclusions are based on a predicted total impact mortality from collision and displacement combined of 151 to 242, with this range based on 60 – 80% displacement and 1% mortality rate for all projects apart from Hornsea Four for which a mortality range of 1-10% is applied (see Natural England's end of examination statement for Sheringham and Dudgeon Extension Projects [REP8-102] for the reasoning behind this). This range of impacts produces Counterfactuals of Growth Rate of 0.994 to 0.991 representing a reduction in growth rate of 0.6 to 0.9%. At this impact, the colony would be predicted to maintain its current size or increase for a growth rate scenario of <math>\geq 1\%</math>.</p> <p>As highlighted by the Applicant in the RIAA [REP4-030], the average growth rate at FFC SPA between 2000 and 2023 is 9.5%. Nonetheless, it is not known what the growth rate of the colony will be over the next 35 years, and FFC SPA is a relatively 'young' colony. Natural England carried out a review of population growth trends at a suite of long-established gannet colonies for the Hornsea Four examination, and concluded that long term the growth rate at FFC SPA will likely decrease to approximately 1.8 - 4.5%. Even when taking into</p>	

RIES ID	RIES Question	Natural England Comment	RAG Status
		account the uncertain population implications of HPAI, it would seem unlikely that the population growth rate for gannets at FFC SPA would decrease from approx. 10% per annum to under 1% in the next 35 years. However, this conclusion can only be drawn with reduced confidence until there is a greater understanding of the long-term impacts of HPAI. At this stage, our current position is that it is likely that AEOL can be ruled out on FFC SPA gannet in-combination with other projects.	
Q.71	<p>[To NE]: With the submission of the applicant's updated RIAA, please comment on your position in relation to:</p> <ul style="list-style-type: none"> <li>- Project alone disturbance and displacement effect on razorbill</li> <li>- In-combination disturbance and displacement effects on both razorbill and guillemot</li> </ul>	<p>The Applicant has submitted an updated assessment for razorbill at FFC SPA following Natural England's advised approach. This predicts an annual project alone impact of 58.7 to 78.3 razorbill based on a displacement rate of 60-80% and a mortality rate of 2% (68.9 at 70% displacement and 2% mortality. This in turn represents increase to baseline mortality of 0.91 to 1.22% (1.06%). The Applicant carried out a PVA on the predicted impact of 68.9 at 70% displacement and 2% mortality, which produced a CGR of 0.999 and a CPS of 0.953. This represents a reduction in growth rate of 0.1%. On this bases Natural England can advise that there is no adverse effect on integrity (AEOL) of the razorbill feature of the FFC SPA for the Project alone.</p> <p>In the Hornsea Four and Sheringham and Dudgeon Extensions, Natural England concluded that when considering the colony's current and likely future growth rates, and evidence of declines in productivity, an AEOL could not be ruled out for the razorbill and guillemot features of the FFC SPA. These considerations remain valid, and the Project will be contributing significant numbers to the in-combination impacts for these species at FFC SPA. Natural England's advice regarding in-combination displacement impacts to FFC SPA guillemot and razorbill therefore remains unchanged as that set out in our end of examination response during the HP4 Examination [REP7-104] and the Sheringham and Dudgeon Extensions Examination [REP8-102]. Namely that, because</p>	

RIES ID	RIES Question	Natural England Comment	RAG Status
		there are indications that the predicted level of mortality would mean the population could decline from current levels should the current population growth rate not be sustained, it is therefore not possible to rule out AEol of the guillemot and razorbill features of the FFC SPA for displacement impacts in-combination with other plans and projects.	
Q.73	[To NE and the RSPB]: as above to NE and RSPB, please confirm your position with the submission of the applicant's updated assessment <a href="#">[REP4-030]</a>	<p>Natural England agrees with the Applicants conclusion in the updated RIAA [4-030] that the predicted mortality from the Project alone would not result in an adverse effect on the breeding seabird assemblage qualifying feature of the FFC SPA.</p> <p>Natural England considers that the conclusions reached at both Hornsea Four and Sheringham and Dudgeon Extensions (unable to rule out AEol in-combination), together with the additional impacts from the Project and other Round 4 projects to kittiwake, guillemot and razorbill resulting in further potential reductions in population size for these key components of the FFC seabird assemblage, mean that Natural England are not able to rule out a conclusion of AEol for the in-combination impacts to the seabird assemblage at FFC SPA. However, we note that species specific compensation for the above-mentioned species, should those be agreed, would also meet the required compensation for the seabird assemblage as a whole, and no stand-alone compensation proposal is required.</p>	
Q.74	[To NE and the RSPB]: Provide your latest views on whether or not there would an AEol on the RTD qualifying feature of the Greater Wash SPA during any of the phases of the development.	<p>In Appendix F4 of our Deadline 4a submission, Natural England set out our current position with regards to impacts on red-throated diver feature of the Greater Wash SPA in light of the updated assessment provided by the Applicant within the updated RIAA [REP4-030] and the proposed Change 4 as set out within the Applicant's Change Notification dated 20 February 2025 [AS-032].</p> <p>In summary, and in light of the acceptance of the Applicant's change [REP4-124], we consider that although there is the</p>	

RIES ID	RIES Question	Natural England Comment	RAG Status
		<p>possibility that additional displacement effects in such areas could arise from the presence of the ORCP(s), this is unlikely to represent a substantial additional pressure on the distribution of divers within the SPA due to the likely displacement effect being exerted by the existing windfarms.</p> <p>Therefore, should a condition be included within the deemed marine licence for a seasonal restriction on construction works that refers to both the SPA <u>and a 2km buffer</u>, Natural England is satisfied that the Project alone would not contribute to in-combination impacts to the red-throated diver feature of the Greater Wash SPA.</p>	
Q.75	[To NE and the RSPB]: With the acceptance of the applicant's change <a href="#">[REP4-124]</a> reducing the overall height of the ORCP, please comment on your position in relation to disturbance and displacement effects on the red-throated diver qualifying feature of Greater Wash SPA. If concerns remain on the location of the ORCP and potential AEol, what do you consider the applicant needs to do to resolve these?	Please see our response to Q. 74 above.	
Q.76	[To NE]: Clarify whether concerns are resolved with the submission of the applicant's updated RIAA <a href="#">[REP4-030]</a> . Please respond specifically in relation to whether you consider the CRM for these qualifying features has been completed and therefore your position in relation to the applicant's conclusions of no AEol on the little gull, common tern and Sandwich tern qualifying features of the Greater Wash SPA.	Natural England can confirm that the outstanding concerns with regards to the CRM assessment for little gull, common tern and Sandwich tern, including with regards to the Nocturnal Activity Factor (NAF) used within the CRM, have been resolved for all species. Natural England can advise that AEol alone and in-combination can be ruled out for little gull, common tern and Sandwich tern at the Greater Wash SPA from the Project alone and in-combination.	
Q.77	[To NE and the RSPB]: Confirm whether you have any remaining concerns in relation to the applicant's conclusions of no AEol on the Farne Islands SPA (alone and in combination with other plans or projects)?	The Project's contribution to impacts on guillemot are an additional 1.9 to 2.6 birds based on a displacement rate of 60-80% and a mortality rate of 2% (2.2 at 70% and 2%). This represents an increase to baseline mortality of less than 0.1%. Similarly, project alone impacts for seabird assemblage components (puffin) is less than 1 individual (0.7). Therefore Natural England are satisfied that AEol can be ruled out for the	

RIES ID	RIES Question	Natural England Comment	RAG Status
		<p>guillemot feature and puffin component of the seabird assemblage of Farne Islands SPA for the Project alone.</p> <p>Notwithstanding the above, Natural England have advised regulators that we cannot rule out an in-combination AEol on guillemot at the Farne Islands SPA due to the substantial impacts of the Berwick Bank OWF, and the Project will be contributing to this impact, albeit their contribution is small. Therefore, we are unable to rule of AEol for guillemot at the Farne Islands SPA in-combination with other projects. We note that the Applicant's proposed without-prejudice measures for guillemot, once fully agreed and if suitably scaled, would also meet the required compensation for guillemot at Farne Islands SPA.</p>	
Q.78	[To NE]: Confirm the nature of any remaining concerns in relation to Coquet Island SPA following acceptance of the ORBA.	<p>The Applicant has provided an in-combination assessment for puffin as a named assemblage component at Coquet Island SPA which shows an increase to baseline mortality of 1.053% and a CGR of 0.999 representing a decrease in population growth rate of 0.1%. The Project is outside of foraging range (mean maximum foraging range + 1SD) for Sandwich tern at Coquet Island and therefore was only considered for impacts during the non-breeding season, of which the estimated mortality is less than 1 (0.) representing an increase to baseline mortality of less than 0.001%.</p> <p>Therefore Natural England are satisfied that AEol can be ruled out for both puffin and Sandwich tern at Coquet Island SPA alone and in-combination, and that there are no outstanding concerns with regards to this SPA.</p>	
<b>3.2 Examination Matters – Onshore Ecology Matters</b>			
Q.80	[To NE]: Confirm your position in relation to the applicant's conclusions on all the qualifying features assessed for AEol by the applicant in Table 12.2 <a href="#">[REP4-030]</a> at the following sites (onshore ecology):	<p>Please see our advice on Table 12.2 below for onshore ecology and onshore ornithology matters only.</p> <p>For our advice on the Greater Wash SPA please see advice provided as part of Offshore Ornithology. For The Wash and</p>	

RIES ID	RIES Question	Natural England Comment	RAG Status
	<ul style="list-style-type: none"> <li>• Greater Wash SPA</li> <li>• The Wash and North Norfolk Coast SAC</li> <li>• Gibraltar Point SPA and Ramsar site</li> <li>• Saltfleetby, Theddlethorpe Dunes and Gibraltar Point SAC</li> <li>• Humber Estuary SPA and Ramsar site</li> <li>• North Norfolk SPA and Ramsar site</li> </ul>	<p>North Norfolk Coast SAC please also see our advice to Offshore Ornithology, marine mammals and marine processes. For Humber Estuary SAC also see advice to marine mammals.</p> <ul style="list-style-type: none"> <li>• The Wash SPA – currently we are working with the Applicant to secure mitigation measures to remove the risk of an AEol occurring whilst birds are located in functionally linked land. Of particular concern is Pink-Footed Goose. Until this is secured we are unable to advise beyond reasonable scientific doubt no AEol. See our advice in Appendix I3.</li> <li>• The Wash Ramsar – , <i>Phoca vitulina</i>, Pintail, <i>Anas acuta</i>, Turnstone, <i>Arenaria interpres</i> and Wetland invertebrate assemblage not listed in Table 12.2.</li> <li>• Gibraltar Point SPA and Ramsar site - no concerns raised.</li> <li>• Saltfleetby, Theddlethorpe Dunes and Gibraltar Point SAC - no concerns raised.</li> <li>• Humber Estuary SPA and Ramsar site - River and sea lamprey not listed for the Ramsar. These should be included for consideration. But not concerns raised</li> <li>• Humber Estuary SAC – listed under Migratory Fish for river and sea lamprey – no concerns raised.</li> <li>• North Norfolk SPA and Ramsar site – no concerns raised other than for pink-footed goose.</li> </ul>	
<b>Table 3.4: Issues raised in the Examination to date by the ExA and IPs in relation to the applicant's assessment of effects on integrity (alone and in-combination) – Onshore ecology</b>			
Q.81	[To NE]: The applicant's updated RIAA contains <a href="#">[REP4-030]</a> , table 6.1] updates to the mitigation measures to minimise disturbance to birds using FLL. Comment on the updated measures and whether you consider that sufficient measures are now in place to address your concerns?	Natural England believes that considerable progress has been made in relation to mitigation measures for PFG, and we refer the ExA to our Deadline 5 Appendix I3 for our latest position.	

RIES ID	RIES Question	Natural England Comment	RAG Status
Q.82	[To NE and the applicant]: Provide an update on your discussions with respect to these sites and qualifying features, including comment on progress with a possible derogation case	Natural England believes that considerable progresses has been made, and we refer the ExA to our Deadline 5 Appendices H7 and I3 for our latest position AEOI for The Wash and Ramsar.	
<b>3.3 Summary of Examination outcomes in relation to adverse effects on integrity</b>			
Q.83	[To NE]: Table A.1, annex 1 represents the ExA's current understanding of conclusions of AEoI and the position of NE. With reference to this table, please provide an update, by site and by qualifying feature, of your position in relation to the applicant's conclusions.	Please refer to our update to Table 12.2	
<b>4. Derogations from the Regulations</b>			
<b>4.4 Compensatory Measures – Compensatory measures for Annex I Sandbank</b>			
Q.84	[To NE and the applicant]: Comment on any implications the WMS and DESNZ guidance published on 31 January 2025 have for the applicant's proposed benthic compensation options.	Natural England welcomes the WMS is it further secures the delivery of strategic compensation in the form of MPA designation and/or extension and set out guidance for the deliver mechanisms. Please see Appendix D1 of our Deadline 4a response [REP4a-136].	
Q.86	[To NE]: The ExA note that NE's [RR-045,C50] makes specific reference to the aggregate licences requiring impacts to Annex I reef to be avoided. Is the same true for Annex I Sandbanks?	The potential implications of aggregate extraction within Annex I sandbanks is currently under review to ensure consistency between marine industries. It should be noted that advice on other industries including OWF is to avoid MPAs and where that is not possible implement mitigation measures to suitably reduce pressures.	
Q.87	[To NE]: Specifically advise the ExA on why this is not a measure that it supports.	Natural England's advises that the Hornsea Project Three Debris removal Field and Summary Reports confirm the SNCB advice to DESNZ 'BEIS' (most recently in our January 2022	

RIES ID	RIES Question	Natural England Comment	RAG Status
		response) that the proposed measures would not provide meaningful compensation, and supports the <a href="#">SNCB paper</a> regarding the ineffectiveness of marine debris removal as a compensation measure in offsetting AEol from the placement of cable protection.	
Q.88	[To NE and the applicant]: Provide an update on views on the inclusion of this measure.	Given the aim of the Awareness campaign is to reduce litter entering the marine environment with no ability to demonstrate the success of the campaign and that the campaign would offset the impacts from the placement of cable protection our advice is as per the marine debris removal campaign	
<b>4.4 Compensatory Measures – Creation of biogenic reef for sandbank compensation</b>			
Q.89	[To NE]: NE are requested to provide a view on the creation of biogenic reef being a suitable measure for AEol on sandbank qualifying features.	As previously advised the restoration and/or creation of Annex I reef as compensation for impacts on Annex I Sandbanks does not align with DEFRA's <a href="#">Best Practice guidance for developing compensatory measures in relation to Marine Protected Areas Guidance (2021)</a> or the policies that will inform the updated guidance. Equally the national site network would not be maintained for Annex I Sandbank features. It is our understanding that the biogenic reef measure has been proposed as a without prejudice option to compensate for impacts to Annex I reef features if required. But even as a measure for compensating for impacts on Annex I reef we have raised concerns re limitations with the Applicant's proposed Oyster Restoration as it should not be to detriment of another Annex I feature, and the ecological functionality of bivalve reef is different to the of annelid worms, with the exception of blue mussels which have been shown in The Wash to be an intrinsic part of Annex I <i>Sabellaria spinulosa</i> reef life cycle. Whilst Natural England agrees that currently there is no Annex I reef present along ECC within IDRBNR SAC there may be at the time of construction and there remains a risk that micro-siting may not be an option. Equally Natural England highlights oyster restoration should not occur	

RIES ID	RIES Question	Natural England Comment	RAG Status
		<p>in areas of supporting habitat for Annex I Sabellaria reef due to further hinderance of the restore conservation objectives as set out in our Deadline 3 Appendix C3 advice. In addition, we also highlight that the lasting habitat loss/change resulting from the placement of cable protection on supporting habitats/processes may in itself require compensation for Annex I reef because the restore conservation objectives are being hindered. Please see our Deadline 5 Appendix X advice.</p> <p>We also draw your attention to our response at Appendix X at Deadline 4a</p>	
<b>4.4 Compensatory Measures – Seagrass bed habitat creation/ restoration</b>			
Q.90	[To NE]: Can the applicant confirm whether it is progressing with this measure.	We believe that his question is for the Applicant and not Natural England	
<b>4.4 Compensatory Measures – Compensatory measures for Annex I Sandbank</b>			
Q.91	[To NE]: Clarification is sought from NE as to whether the comments noted in paragraph 4.4.44 above relating to Annex I sandbank qualifying features and is equally applicable to Annex I reef qualifying features.	In relation to Annex I reef compensation our advice on MPA designation and extension and marine debris removal are the same as for Annex I sandbank. However, in relation to reef creation please see response to Q89.	
<b>4.4 Compensatory Measures – Creation of biogenic reef</b>			
Q.92	[To NE]: Please provide views on this measure.	Please see response to Q89. The SNCBs preference remains that strategic compensation is progressed for both impacts on Annex I Sandbanks and Annex I reefs	
<b>4.4 Compensatory Measures – Compensation measures for ornithological qualifying features</b>			
Q.93	[To NE and the Applicant]: Comment on any implications the WMS and DESNZ guidance published on 31 January 2025 have for the applicant's proposed kittiwake compensation.	The Written Ministerial Statement principally relates to benthic compensation measures and so is not relevant to seabird compensation. However, the DESNZ interim guidance also provides advice to developers who are developing their own avian compensation packages on how to ensure that their consent documents include the option to switch to sourcing their avian compensation through the Marine Recovery Fund (MRF) when it is in place. Applicants wishing to use offshore Artificial Nesting Structures (offANS) as a compensation measure ahead of the MRF being operational will need to	

RIES ID	RIES Question	Natural England Comment	RAG Status
		<p>deliver the measure themselves, as the Applicant is proposing. Nevertheless, the Applicant may also wish to include a provision in the DCO allowing for a contribution to be made into the MRF in substitution for delivering the offANS measure themselves, should the MRF have relevant measures available at that time.</p>	

**Table A.1 from Annex 1 of the RIES: European sites and qualifying features for which the Applicant concluded LSE could not be excluded (alone or in combination with other plans or projects) and position on conclusions of AEoI**

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
North Norfolk Sandbanks and Saturn Reef SAC	Reefs Sandbanks which are slightly covered by seawater all of the time	Suspended sediment / deposition	Suspended sediment / deposition	Suspended sediment / deposition	N	N	N	N
		Indirect pollution	Indirect pollution	Indirect pollution	N	N	N	Y
		Accidental pollution	Accidental pollution	Accidental pollution	N	N	N	Y
		INNS	INNS	INNS	N	N	N	Y
		Changes to physical processes	Changes to physical processes	Changes to physical processes	N	N	N	N
Inner Dowsing, Race Bank, and North Ridge SAC	Reefs Sandbanks which are slightly covered by seawater all of the time	Physical Habitat loss/ disturbance	Physical Habitat loss/ disturbance	Physical Habitat loss/ disturbance	N	N	N	N
		Suspended sediment / deposition	Suspended sediment / deposition	Suspended sediment / deposition	N	N	N	N
		Indirect pollution	Indirect pollution	Indirect pollution	N	N	N	Y

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
		Accidental pollution	Accidental pollution	Accidental pollution	N	N	N	
		INNS	INNS	INNS	N	N	N	
		Changes to physical processes	Changes to physical processes	Changes to physical processes	N	N	N	
		EMF	EMF	EMF	N	N	N	
The Wash and North Norfolk Coast SAC	Sandbanks which are slightly covered by sea water all of the time	Suspended sediment / deposition	Suspended sediment / deposition	Suspended sediment / deposition	N	N	N	N
	Mudflats and sandflats not covered by seawater at low tide	Indirect pollution	Indirect pollution	Indirect pollution	N	N	N	Y
		Accidental pollution	Accidental pollution	Accidental pollution	N	N	N	Y
		INNS	INNS	INNS	N	N	N	Y
	Large shallow inlets and bays Reefs <i>Salicornia</i> and other annuals colonizing mud and sand	Changes to physical processes	Changes to physical processes	Changes to physical processes	N	N	N	N

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
	Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> )							
		Loss of habitats within the SAC	Loss of habitats within the SAC	Loss of habitats within the SAC	N	N	N	Y
		Disturbance to otter	Disturbance to otter	Disturbance to otter	N	N	N	Y
		Habitat loss for otter	Habitat loss for otter	Habitat loss for otter	N	N	N	Y
	Harbour seal ( <i>Phoca vitulina</i> )	Underwater noise	Underwater noise	Underwater noise	N	N	N	N
		Vessel disturbance	Vessel disturbance	Vessel disturbance	N	N	N	Y
		Collision risk	Collision risk	Collision risk	N	N	N	Y
		Changes to prey	Changes to prey	Changes to prey	N	N	N	Y
		Disturbance to haul out sites	Disturbance to haul out sites	Disturbance to haul out sites	N	N	N	Y

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
Humber Estuary SPA	Great Bittern (non-breeding and breeding) Shelduck (non-breeding) Marsh harrier; (breeding) Hen harrier (non-breeding)	Habitat loss	Habitat loss	Habitat loss	N	N	N	Y
	Avocet (non-breeding and breeding) Golden plover (non-breeding) Knot (non-breeding)	Disturbance of birds outside the SPA	Disturbance of birds outside the SPA	Disturbance of birds outside the SPA	N	N	N	Y

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
	Dunlin (non-breeding) Ruff (non-breeding) Black-tailed godwit ( <i>L. limosa</i> ) (non-breeding) Bar-tailed godwit (non-breeding)	Pollution	Pollution	Pollution	N	N	N	Y
	Redshank (non-breeding) Little tern (breeding) Waterbird assemblage	Air quality impacts	Air quality impacts	Air quality impacts	N	N	N	Y
Humber Estuary Ramsar site	Dune systems with humid dune slacks	Suspended sediment / deposition	Suspended sediment / deposition	Suspended sediment / deposition	N	N	N	Y
		Indirect pollution	Indirect pollution	Indirect pollution	N	N	N	Y
		Accidental pollution	Accidental pollution	Accidental pollution	N	N	N	Y

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
		INNS	INNS	INNS	N	N	N	
		Changes to physical processes	Changes to physical processes	Changes to physical processes	N	N	N	
	Grey seal ( <i>Halichoerus grypus</i> )	Underwater noise	Underwater noise	Underwater noise	N	N	N	N
		Vessel disturbance	Vessel disturbance	Vessel disturbance	N	N	N	Y
		Collision risk	Collision risk	Collision risk	N	N	N	Y
	Criterion 5 – assemblages of international importance (waterfowl, non-breeding season);	Habitat loss	Habitat loss	Habitat loss	N	N	N	Y
	Criterion 6 – species/populations occurring at levels	Disturbance of birds outside the SPA	Disturbance of birds outside the SPA	Disturbance of birds outside the SPA	N	N	N	Y

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
	of international importance Shelduck Golden plover Knot Dunlin Black-tailed godwit ( <i>L. limosa</i> )	Pollution	Pollution	Pollution	N	N	N	Y
	Bar-tailed godwit; and Redshank	Air quality impacts	Air quality impacts	Air quality impacts	N	N	N	Y
Humber Estuary SAC	Estuaries Mudflats and sandflats not covered by seawater at low tide Sandbanks which are slightly covered	Suspended sediment / deposition	Suspended sediment / deposition	Suspended sediment / deposition	N	N	N	Y
		Indirect pollution	Indirect pollution	Indirect pollution	N	N	N	Y
		Accidental pollution	Accidental pollution	Accidental pollution	N	N	N	Y
		INNS	INNS	INNS	N	N	N	Y

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
	by sea water all the time <i>Salicornia</i> and other annuals colonizing mud and sand Atlantic salt meadows	Changes to physical processes	Changes to physical processes	Changes to physical processes	N	N	N	Y
	Sea lamprey ( <i>Petromyzon marinus</i> ) River lamprey ( <i>Lampetra fluviatilis</i> )	Underwater noise	Underwater noise	Underwater noise	N	N	N	Y
	Grey seal ( <i>Halichoerus grypus</i> )	Underwater noise	Underwater noise	Underwater noise	N	N	N	N
		Vessel disturbance	Vessel disturbance	Vessel Disturbance	N	N	N	Y
		Collision risk	Collision risk	Collision risk	N	N	N	Y
Gibraltar Point SPA	Grey plover (Non-breeding)	Habitat loss	Habitat loss	Habitat loss	N	N	N	Y
		Disturbance of birds	Disturbance of birds	Disturbance of birds	N	N	N	Y

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
	Sanderling (Non-breeding)	outside the SPA	outside the SPA	outside the SPA				
	Bar-tailed godwit (Non-breeding)	Pollution	Pollution	Pollution	N	N	N	Y
	Little tern (Breeding)	Air quality impacts	Air quality impacts	Air quality impacts	N	N	N	Y
Gibraltar Point Ramsar site	Red Data book invertebrates – including: <i>Haliphus mucronatus</i> (a water beetle, aquatic)  <i>Brachytron pratense</i> (hairy dragonfly, aquatic)	Habitat loss	Habitat loss	Habitat loss	N	N	N	Y
		Pollution	Pollution	Pollution	N	N	N	Y

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
		Air quality impacts	Air quality impacts	Air quality impacts	N	N	N	
	Criterion 5: Waterfowl Criterion 6: Grey plover, sanderling, bar-tailed godwit, dark-bellied brent goose	Disturbance of birds outside the Ramsar site	Disturbance of birds outside the Ramsar site	Disturbance of birds outside the Ramsar site	N	N	N	Y
The Wash SPA	Bewick's swan (non-breeding) Shelduck (non-breeding) Wigeon (non-breeding) Gadwall (non-breeding)	Habitat loss	Habitat loss	Habitat loss	N	N	N	Y N (curlew, golden plover)

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
	Pintail (non-breeding) Common scoter (non-breeding) Goldeneye (non-breeding) Oystercatcher (non-breeding) Grey plover (non-breeding) Knot (non-breeding) Sanderling (non-breeding) Dunlin (non-breeding) Black-tailed godwit (breeding) Bar-tailed godwit (Non breeding) Curlew (Non-breeding)							

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
	Redshank (Non-breeding) Turnstone (Non-breeding) Common tern (Breeding) Little tern (Breeding) Waterbird assemblage							
The Wash SPA	Pink-footed goose (non-breeding) Dark-bellied brent goose (non-breeding)	Habitat loss Disturbance of birds within and outside the SPA Pollution Air quality impacts	Habitat loss Disturbance of birds within and outside the SPA Pollution Air quality impacts	Habitat loss Disturbance of birds within and outside the SPA Pollution Air quality impacts	N	N	N	N
		Disturbance of birds within and outside the SPA	Disturbance of birds within and	Disturbance of birds within and	N	N	N	N

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
			outside the SPA	outside the SPA				
		Pollution	Pollution	Pollution	N	N	N	
		Air quality impacts	Air quality impacts	Air quality impacts	N	N	N	
The Wash Ramsar site	Saltmarshes Estuaries Major intertidal banks of sand and mud Shallow water Deep channels	Suspended sediment / deposition	Suspended sediment / deposition	Suspended sediment / deposition	N	N	N	Y
		Indirect pollution	Indirect pollution	Indirect pollution	N	N	N	Y
		Accidental pollution	Accidental pollution	Accidental pollution	N	N	N	Y
		INNS	INNS	INNS	N	N	N	Y
		Changes to physical processes	Changes to physical processes	Changes to physical processes	N	N	N	Y
	Criterion 5 – bird assemblages of international importance	Habitat loss	Habitat loss	Habitat loss	N	N	N	Y
		Disturbance of birds within and outside the SPA	Disturbance of birds within and	Disturbance of birds within and				N for disturbance to curlew, lapwing, pink-

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
	Criterion 6 – bird species/ populations occurring at levels of international importance	Pollution Air quality impacts	outside the SPA Pollution Air quality impacts	outside the SPA Pollution Air quality impacts				footed goose, golden plover and dark-bellied brent goose
	Species with peak counts in spring/autumn: Redshank Curlew	Disturbance of birds within and outside the SPA	Disturbance of birds within and outside the SPA	Disturbance of birds within and outside the SPA	N	N	N	N
	Oystercatcher (wintering)	Pollution	Pollution	Pollution	N	N	N	Y
	Grey plover (wintering) Knot Sanderling Species with peak counts in winter: Black-headed gull Eider Bar-tailed godwit Shelduck	Air quality impacts	Air quality impacts	Air quality impacts	N	N	N	Y

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
	Dark-bellied brent goose Dunlin Pink-footed goose Golden plover Lapwing Species with peak counts in spring/autumn: Black-tailed godwit and ringed plover							
Southern North Sea SAC	Harbour porpoise	Underwater noise	Underwater noise	Underwater noise	N	N	N	N
		Vessel disturbance	Vessel disturbance	Vessel disturbance	N	N	N	N
		Collision risk	Collision risk	Collision risk	N	N	N	N
		Indirect pollution	Indirect pollution	Indirect pollution	N	N	N	N
		Accidental pollution	Accidental pollution	Accidental pollution	N	N	N	Y

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
		Changes to prey	Changes to prey	Changes to prey	N	N	N	
		Habitat loss	Habitat loss	Habitat loss	N	N	N	
Berwickshire and North Northumberland Coast SAC	Grey seal	Changes to prey	Changes to prey	Changes to prey	N	N	N	Y
		Vessel Disturbance	Vessel Disturbance	Vessel Disturbance				
		Collision risk	Collision risk	Collision risk	N	N	N	Y
		In-combination	In-combination	In-combination	N	N	N	Y
		Underwater noise	Underwater noise	Underwater noise	N	N	N	Y
Alde-Ore Estuary SPA	Lesser black-backed gull	Collision risk	Collision risk	Collision risk	N	N	N	Y
Greater Wash SPA	Red-throated diver	Disturbance and displacement	Disturbance and displacement	Disturbance and displacement	N	N	N	Y – subject to an appropriate condition in

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		C	O&M	D	C	O&M	D	
								the DCO/dML.
	(Offshore) Common scoter	Disturbance and displacement	Disturbance and displacement	Disturbance and displacement	N	N	N	Y
	(Onshore) Sandwich tern Common tern Little gull	Habitat loss Disturbance of birds within the SPA Pollution	Habitat loss Disturbance of birds within the SPA Pollution	Habitat loss Disturbance of birds within the SPA Pollution	N	N	N	Y
North Norfolk Coast SPA	Sandwich tern	Collision risk	Collision risk	Collision risk	N	N	N	Y
	Pink-footed goose	Habitat loss	Habitat loss	Habitat loss	N	N	N	Y
	Dark-bellied Brent goose	Disturbance of birds outside the SPA	Disturbance of birds outside the SPA	Disturbance of birds outside the SPA	N	N	N	N (Pink-footed Goose)
North Norfolk Ramsar site	Pink-footed goose	Habitat loss	Habitat loss	Habitat loss	N	N	N	Y
	Dark-bellied Brent goose	Disturbance of birds	Disturbance of birds	Disturbance of birds	N	N	N	N (Pink-footed Goose)

Designated site	Qualifying feature(s) screened in	Potential for likely significant effect (LSE)			Applicant's conclusion on AEoI (alone or in combination)			Agreement with NE
		C	O&M	D	C	O&M	D	
		outside the SPA	outside the SPA	outside the SPA				
Flamborough and Filey Coast SPA	Herring gull	Collision risk	Collision risk	Collision risk	N	N	N	Y
	Gannet							
	Kittiwake	Collision risk	Collision risk	Collision risk	N	Y	N	Y
Flamborough and Filey Coast SPA	Guillemot	Disturbance and displacement	Disturbance and displacement	Disturbance and displacement	N	N	N	Y (project alone for gannet, guillemot, razorbill and seabird assemblage (puffin))
	Razorbill							
	Gannet							
	Seabird assemblage (Puffin)							N for project in-combination for razorbill, guillemot and seabird assemblage

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		C	O&M	D	C	O&M	D	
Coquet Island SPA	Puffin	Disturbance and displacement	Disturbance and displacement	Disturbance and displacement	N	N	N	Y
Farne Islands SPA	Kittiwake	Collision risk	Collision risk	Collision risk	N	N	N	Y
	Guillemot Seabird assemblage	Disturbance and displacement	Disturbance and displacement	Disturbance and displacement	N	N	N	Y for project alone guillemot and seabird assemblage, and for project incombination seabird assemblage.  N for project in-combination for guillemot.
Scottish SPAs	Gannet Kittiwake	Collision risk	Collision risk	Collision risk	N	N	N	Scottish SPAs are outside NE's remit

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		C	O&M	D	C	O&M	D	
	Guillemot Razorbill Puffin	Disturbance and displacement	Disturbance and displacement	Disturbance and displacement	N	N	N	As above.
Saltfleetby-Theddlethorpe Dunes and Gibraltar Point SAC	Annex I habitats: Embryonic shifting dunes Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') Fixed coastal dunes with herbaceous vegetation ('grey dunes') Priority feature Dunes with <i>Hippophae rhamnoides</i> , Humid dune slacks	Loss of habitats within the SAC or reduction in habitat quality	Loss of habitats within the SAC or reduction in habitat quality	Loss of habitats within the SAC or reduction in habitat quality	N	N	N	N