

Outer Dowsing Offshore Wind

(Draft) Statement of Common Ground with Natural England C Benthic & Intertidal Ecology

Deadline 6

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1.0	November 2024	Deadline 2	GoBe	Outer Dowsing	Shepherd & Wedderburn	Outer Dowsing
2.0	April 2025	Deadline 6	GoBe	Outer Dowsing	Shepherd & Wedderburn	Outer Dowsing

The Applicant initially prepared this Statement of Common Ground (SoCG) in November 2024, due to resource constraints Natural England advised the Applicant they were not able engage with the Applicant in relation to a SoCG until the last examination deadline (Deadline 6). Following further engagement with Natural England it was agreed that the Applicant would revise the format of the SoCG to follow that preferred by Natural England and issue the document to Natural England for review week commencing 24th March 2025. The Applicant issued this SoCG to Natural England on the 25th March 2025. Natural England returned this SoCG with significant alterations, which regrettably left insufficient time for the Applicant and Natural England to engage and enter into a final form of SoCG. This draft SoCG is provided as returned to the Applicant by Natural England on 2nd April 2025.

Annex C Benthic and Intertidal Ecology

1. The Applicant has considered the potential impacts of the Project seaward of Mean High Water Springs (MHWS) and on specific receptors above MHWS on benthic and intertidal ecology receptors, during the construction, operation and maintenance and decommissioning phases as set out in Chapter 9 Benthic and Intertidal Ecology (REP5-019).
2. Benthic and intertidal receptors were included within the Benthic and Marine Ecology, Coastal Processes and Compensation & Derogation panel as part of the EPP. Minutes of the meetings held as part of the EPP can be found in Appendix 5.1.15 of the Consultation Report submitted as part of the Project's application for development consent (APP-052).
3. Table 1 sets out areas of agreement (common ground), areas where discussions are ongoing and areas where it has not been possible to reach agreement and discussions are no longer being pursued relating to Benthic and Intertidal Ecology. This is reflecting Tab C of the Natural England Risk and Issues Log.

Table 1: Benthic and Intertidal Ecology

Ref	Applicant Position	Stakeholder Position	Status
	Study Area		
NE B 1	The Applicant considers an appropriate study area has been included in the assessment.	This was discussed and agreed during the EPP, as detailed in Annex A of Evidence Plan Process Consultation (APP-052).	Agreed
	Baseline Data		
NE B 2	The Applicant considers they have used relevant and appropriate desk-based data and project site specific survey data and analyses to inform a robust and appropriate baseline characterisation.	NE had concerns around the data, analytical approach and methods which were used to provide a baseline of the extent and distribution of Annex I <i>S. spinulosa</i> reef. However, following reanalysis of the data and further clarification, NE agree that there is sufficient evidence.	Agreed
	Assessment Methodology		
NE B 3	The Applicant considers that an appropriate assessment methodology has been used for the basis of the assessments.	This was discussed and agreed during the EPP, as detailed in Annex A of Evidence Plan Process Consultation (APP-052).	Agreed
	Maximum Design Scenario/ Worst Case Scenario		
NE B 4	The Applicant has provided an appropriate WCS for cable protection. The Applicant's position on the points raised by NE is set out in Tab C rows 1, 2 and 3 of the Applicant response to Deadline 5 submissions (document reference 23.2). The Applicant has progressed these issues by providing the items listed below during the Examination but has not been able to reach full agreement with NE. <ul style="list-style-type: none"> commitment to removable cable protection in areas of supporting habitat for Annex I <i>Sabellaria spinulosa</i> reef. Provided NE with an assessment of supporting habitat for <i>S. spinulosa</i> in a technical note submitted at Deadline 4a. Clarifications on cable protection provided in numerous responses to NE. The Applicant has set out on 1.3.19 of Table 4 of the Applicant's Comments on Deadline 4 Submissions (REP4a-115) why an Outline Decommissioning Plan is not necessary and notes that this approach is consistent with recently consented offshore wind farm DCOs.	NE requested clarification on the cable protection design within and outwith the IDRBNR SAC and whether additional protection over the project lifetime, or secondary scour has been included for the maximum design scenario (MDS)/ worst case scenario (WCS) (Risk and Issues Log Annex C, ID 1). NE welcome the Applicant's commitment for removable cable protection in areas of supporting habitat for Annex I <i>Sabellaria spinulosa</i> reef and Annex I Sandbank but continues to advise an Outline Decommissioning Plan is submitted into Examination. However as set out in our final position at Deadline 6 : "Whilst we welcome that ODOW have committed to installing removable cable protection within areas identified as potential supporting processes and habitat for Annex 1 Sabellaria spinulosa Reef within IDRBNR SAC, and agree this demonstrates adoption of the mitigation hierarchy in minimising the impacts; it does not secure the removal of the cable protection and nor does it avoid hindering the conservation objectives for the site to restore 'the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely'. Therefore, we continue to advise an Adverse Effect on Integrity alone cannot be excluded to the Annex I reef feature of the IDRBNR SAC." NE requested further detail of potential O&M activity and cable protection that may be deployed post construction. A condition must be secured that ensures no cable protection granted by the marine licence may be deployed within the IDRBNR SAC after the construction period has ended. Any cable protection to be installed outside of the IDRBNR SAC following completion of construction in locations where cable protection was not installed during construction must be deployed within 10 years of completion of construction, unless otherwise agreed by the MMO in writing.	Not agreed (material impact)
	Assessment Conclusions		
NE B 5	The Applicant is confident in the conclusion of no significant impact in EIA terms on <i>S. spinulosa</i> reef. The Applicant's position on the points raised by NE is set out in Tab C row 9 (document reference 23.2, updated at Deadline 6)	NE had concerns that the conclusion of 'no significant impacts in EIA terms' on <i>S. spinulosa</i> Reef is not scientifically robust and require revisiting following a more appropriate review of the data available as per our accompanying comments. NE has concerns about the conclusion that Annex I <i>S. spinulosa</i> reef will recover from cable installation activities.	Not agreed (No material impact)

Ref	Applicant Position	Stakeholder Position	Status
	<p>The Applicant maintains that the conclusions drawn within the RIAA (V5 submitted at deadline 6, document reference 7.1) are robust and support a conclusion of no AEol on the IDNRRB SAC.</p> <p>The Applicant has followed NE advice and undertaken an assessment of <i>S. spinulosa</i> supporting habitat, this was provided at Deadline 4a and it was updated at Deadline 5 to include suggestions from NE.</p>	<p>Natural England's final position at Deadline 6 : "Whilst we welcome that ODOW have committed to installing removable cable protection within areas identified as potential supporting processes and habitat for Annex 1 Sabellaria spinulosa Reef within IDRBNR SAC, and agree this demonstrates adoption of the mitigation hierarchy in minimising the impacts; it does not secure the removal of the cable protection and nor does it avoid hindering the conservation objectives for the site to restore 'the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely'. Therefore, we continue to advise an Adverse Effect on Integrity alone cannot be excluded to the Annex I reef feature of the IDRBNR SAC."</p>	
NE B 6	<p>The Applicant is confident in the conclusion of no significant impact in EIA terms on Annex 1 sandbank communities in IDRBNR SAC. The biotope 'Infralittoral muddy sand' (MB5) habitat was dominated by homogeneous fine sands and associated with the presence of sandbank features. Whilst the ecology did not distinguish these features or raise significances in relation to sensitivity the physical form of the sandbank features was given due consideration in both ES Chapter 9: Benthic and Intertidal Ecology (REP5-019) and ES Chapter 7: Marine Physical Processes (REP4a-142).</p>	<p>NE have concerns that the sandbank communities have not been attributed EUNIS/Biotope classifications and therefore it is not possible to determine the significance of impacts on Sandbank receptors and thus the conservation objectives for the IDRBNR SAC.</p> <p>As NE B 5 above, Natural England welcomes that ODOW have committed to installing removable cable protection where the export cable overlaps with the Annex I Sandbank feature. However, Natural England advises an AEol alone for Annex I Sandbank feature cannot be ruled out due to lasting habitat loss/change from any placement of cable protection and disturbance during installation of the export cable.</p>	Not agreed (No material impact)
	Mitigation		
NE B 7	<p>The Applicant has made a commitment that during boulder clearance activities, where boulders are grabbed and moved, boulders will be placed nearby in an area of similar habitat and all areas of known <i>S. spinulosa</i> reef within the Inner Dowsing, Race Bank and North Ridge SAC will be avoided; outside of the SAC, boulder placement will avoid any biogenic reef, where practicable.</p>	<p>NE requested that clarification is provided for the process for boulder clearance and repositioning within the IDRBNR SAC, and how impacts will be minimised. Following the commitment made the Applicant, NE agree that this mitigation is suitable.</p>	Agreed
NE B 8	<p>The Applicant has committed to appropriate mitigation regarding the disposal of dredged material.</p>	<p>Disposals sites for dredged material should be agreed as part of the consenting process. Natural England welcomes the Applicant's commitment that <i>"In the event that disposal of dredged sediment (associated with seabed preparation works or cable installation) is required, material will be deposited, upstream, within an area of similar sediment characteristics, in close proximity to the dredge location, in order to retain sediment within the sediment transport system."</i></p>	Agreed
NE B 9	<p>The Applicant has made a suitable commitment that within the IDRBNR SAC, areas of Annex 1 sandbank and supporting habitat for <i>S. spinulosa</i>, removeable cable protection will be used where cable protection is required.</p> <p>The Applicant cannot provide the assurance that the removable cable protection will be fully successful; however, they will work with the best available technology, continuously assessing and improving the design to maximise its effectiveness and reliability in varying conditions.</p>	<p>Natural England considers that the impacts from cable protection are likely to result in lasting change and/or loss of Annex I Sandbank feature but welcomes the commitment of removeable cable protection.</p> <p>However, Natural England advises an AEol alone for Annex I Sandbank and Annex I reef feature cannot be ruled out due to lasting habitat loss/change from any placement of cable protection and disturbance during installation of the export cable.</p> <p>NE considers that further evidence is required to provide the necessary level of assurance that the removeable cable protection will be fully successful.</p>	Not agreed (No material impact)
NE B 10	<p>The Applicant has made suitable commitments to monitor for both Annex I reef and supporting habitat for <i>S. spinulosa</i>. The Applicant will submit and updated Offshore In-Principle Monitoring Plan at Deadline 6.</p>	<p>NE requested the Applicant provide information on how they plan to define 'known' reef and supporting reef as per the micro-siting mitigation proposed in the Scour and Cable Protection Management Plan.</p> <p>Natural England has provided further advice to the IPMP in Appendix L1 at Deadline 6. We advise the IPMP needs to be updated to ensure the benthic hypothesis are updated to ensure necessary mitigation as identified though the R&I log is appropriately monitored and adaptive management appropriately secured.</p>	Agreed (subject to the Applicant's Deadline 6 submission)
NE B 11	<p>The Applicant has made a suitable commitment that that no infrastructure is installed, and no ancillary works are to be undertaken within the defined MMO Byelaw area within the SAC.</p>	<p>NE requested that the Applicant makes a commitment to include measures to avoid lasting/permanent pressures within MMO fisheries byelaw areas so that reef recovery is not hindered. This is therefore agreed.</p>	Agreed