

Outer Dowsing Offshore Wind

(Draft) Statement of Common Ground with Natural England

E Marine Mammals

Deadline 6

Date: April 2025

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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 D Benthic Compensation

1. The Applicant has considered ‘without prejudice’ benthic compensation options as a result of potential impacts during the construction, operation and maintenance and decommissioning phases as set out in Chapter 9 Benthic and Intertidal Ecology (document reference 6.1.9) and the Report to Inform Appropriate Assessment (document reference 7.1).
2. Benthic compensation was 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 Compensation. This is reflecting Tab D of the Natural England Risk and Issues Log.

Table 1: Marine physical processes

Ref	Applicant Position	Stakeholder Position	Status
	HRA Assessment Methodology		
NE BC 1	The Applicant has undertaken an assessment of supporting habitat for <i>S. spinulosa</i> reef within the Offshore ECC that crosses within the IDNRRB SAC and will be updating the RIAA (V5, document reference 7.1) for Deadline 6.	Natural advised that impacts on supporting habitat for Annex I <i>S. spinulosa</i> reef have not been assessed within the RIAA. Following the submission of the updated RIAA at Deadline 6, this issue is now resolved.	Agreed
	Assessment Conclusions		
NE BC 2	The Applicant maintains its position that an AEoI of the Annex I Sandbank and Annex I Reef features of the IDRBNR SAC can be excluded with the mitigation currently proposed. The Applicant's position on the points raised by NE is set out in Tab D row 3, 4 and 5 (document reference 23.2, updated at Deadline 6).	NE have concerns about the scale and significance of the potential impacts, and are unable to rule out an AEoI. The Applicant has followed the mitigation hierarchy and has proposed removeable cable protection to be used in Annex 1 sandbank and areas of supporting habitat for Annex I Sabellaria spinulosa , but NE have requested further evidence of the recoverability of the features and successful removal of the cable protection Whilst the Applicant and NE are not agreed on whether they can rule out an AEoI, there is agreement that this should not prevent the Project being granted consent, rather it is a matter if there is a derogation case required. The Applicant and NE are agreed on the appropriate measure to deliver compensation as detailed under NE BC5.	Not agreed
	Agreed Level of Compensation		
NE BC 3	The Applicant is confident they can rule out that there should be no requirement for compensation of Annex I features of the IDRBNR SAC, with the mitigation currently proposed: <ul style="list-style-type: none"> The avoidance of <i>S. spinulosa</i> reef (as identified in the pre-construction surveys) within the IDRBNR SAC, secured in Condition 13(1)(j), Part 2, Schedule 11 of the DCO); and Adopting the use of removable cable protection across all Annex I sandbank features and within areas of habitat that <i>could</i> support <i>S. spinulosa</i> reef in the future, based on guidance and advice provided by Natural England. This is secured under condition 13(1)(d), Part 2, Schedule 11 of the DCO). 	NE are not in agreement that ODOW are able to rule out AEoI on Annex 1 features of the IDRBNR SAC, so do not agree that no compensation is required. However, there is agreement that this should not prevent the Project being granted consent, rather it is a matter if there is a derogation case required. NE does not agree with the outcomes of the impact assessment and evidence to support the conclusions and the Worse Case Scenario (WCS) of lasting habitat loss/change of Annex I Sandbanks and Reef features from the placement of cable protection within Inner Dowsing Race Bank and North Ridge (IDRBNR) SAC and habitat disturbance of Annex I <i>Sabellaria spinulosa</i> reef from cable installation within IDRBNR SAC ((Risk and Issue Log annex D, ID 1). Natural England has concerns that given the inherent difficulty found by neighbouring cable installation with in installing cables to a sufficient depth within the prevailing sediment type for this predominantly mixed sediment habitat, a 20% WCS is not realistic. We consider that the WCS of cable protection required across the supporting habitat for Annex I Sabellaria spinulosa reef, should be higher somewhere between 20% and 100%. See Natural England's final position in Appendix C7 at Deadline 6.	Not agreed
NE BC 4	The Applicant has undertaken an assessment of supporting habitat for <i>S. spinulosa</i> reef within the Offshore ECC that crosses within the IDNRRB SAC. The Applicant has undertaken the assessment and hope that NE will review the updated assessment and agree the assessment is suitable.	NE requested the Applicant undertake an assessment of supporting habitat for <i>Sabellaria spinulosa</i> . In Appendix C7 at Deadline 6 Natural England has agreed with the Applicant's assessment of supporting habitat for Annex I Sabellaria spinulosa reef. However, Natural England has concerns that given the inherent difficulty found by neighbouring cable installation with in installing cables to a sufficient depth within the prevailing sediment type for this predominantly mixed sediment habitat, a 20% WCS is not realistic. We consider that the WCS of cable	Not Agreed

Commented [MB1]: The Applicant is updating the RIAA to include an assessment of supporting habitat for Annex I *S. spinulosa* reef at Deadline 6 and hopes that this resolves this issue.

Commented [MB2]: The Applicant is updating the RIAA to include an assessment of supporting habitat for Annex I *S. spinulosa* reef at Deadline 6 and hopes that this resolves this issue.

Ref	Applicant Position	Stakeholder Position	Status
		protection required across the supporting habitat for Annex I <i>Sabellaria spinulosa</i> reef, should be higher somewhere between 20% and 100%.	
	Compensation Measures		
NE BC 5	<p><u>Strategic Compensation - New site designation or Extension for Annex I Sandbanks and Reef:</u> The Applicant welcomes alignment with Natural England on the appropriateness of the Applicant's preferred primary measure of compensation and the confirmation through the Written Ministerial Statement and associated interim guidance that the strategic extension of Marine Protected Area will be delivered by Defra, should the Secretary of State ("SoS") deem compensation necessary for the Project.</p> <p>It is expected that, should compensation be required in relation the IDRBNR SAC, then the measure to be used would be the strategic extension of Marine Protected Areas delivered by Defra through the MRF.</p>	Natural England supports progressing strategic benthic compensation in the form of a Marine Protected Area (MPA) designation and/or extension of existing sites and the publication of guidance in regards to the Marine Recovery Fund (MRF). Natural England welcomes the Applicant's consideration of these within the Benthic Compensation Strategy. NE aim to agree the level of impact which requires compensation in order to apply to the Marine Recovery Fund (MRF). Due to potential uncertainties with the delivery mechanisms and timeframes for successful delivery of the measure, further discussions (outside of individual project contributions) are required to determine individual project contributions and compensatory ratios. However, we note the application is likely to be in the post consent phase for this project.	Not agreed (No material impact)
NE BC 6	<u>Alternative measures for Annex I Sandbanks and Reef:</u> The Applicant has removed this compensation measure.	Natural England notes this measure has been removed from the DCO (REP4a-006). We support this decision.	Agreed
NE BC 7	<u>Anthropogenic Pressure Removal – Redundant Infrastructure for Annex I Sandbanks:</u> It is expected that should compensation be required in relation the IDRBNR SAC, then the measure would be Marine Protected Area designations and/or extensions delivered by Defra. However, it should be noted that until the SoS has made their decision on any necessary compensation and detail on magnitude, cost and timing is available it is prudent for the Applicant to retain the ability to deliver other measures, even in the event there is a lack of agreement with Natural England on those measures the project is proposing to retain.	NE understand the extreme difficulties in delivering project specific benthic compensation but do not believe that there is merit in progressing and/or placing reliance upon project specific benthic compensation measures.	Not agreed (No material impact)
NE BC 8	<u>Anthropogenic Pressure Removal - Aggregates Industry Pressures for Annex I Sandbanks:</u> The Applicant must retain the ability to deliver other measures, even in the event of lack of agreement with Natural England.	NE understand the extreme difficulties in delivering project specific benthic compensation but do not believe that there is merit in progressing and/or placing reliance upon project specific benthic compensation measures.	Not agreed (No material impact)
NE BC 9	<u>Anthropogenic Pressure Removal - Marine Debris and Awareness campaign for Annex I Sandbanks and Reef:</u> The Applicant has removed this compensation measure.	Natural England notes this measure has been removed from the DCO (REP4a-006). We support this decision.	Agreed
NE BC 10	<u>Creation of Biogenic Reef:</u> The Applicant must retain the ability to deliver other measures, even in the event of lack of agreement with Natural England.	<p>Natural England is supportive of this measure for compensation to Annex I reef, however, they advise the biogenic reef seeding measure is removed from Sandbank measure.</p> <p>NE understand the extreme difficulties in delivering project specific benthic compensation but do not believe that there is merit in progressing and/or placing reliance upon project specific benthic compensation measures.</p>	Not agreed (No material impact)
NE BC 11	<u>Seagrass Habitat Creation/Restoration for Annex I Sandbanks:</u> The Applicant has removed this compensation measure	Natural England notes this measure has been removed from the DCO (REP4a-006). We support this decision.	Agreed